



MINUTES OF THE COMMON COUNCIL

**MONDAY, FEBRUARY 18, 2019, 6:00 PM
COUNCIL CHAMBERS
ROOM 203, CITY HALL**

A. ROLL CALL.

Present: Craig Stevens, Randy Scannell, Veronica Corpus-Dax, Bill Galvin, Kathy Lefebvre, John VanderLeest, Jesse Brunette, Mark Steuer, Brian Johnson, Chris Wery, Barbara Dorff
Excused: Andy Nicholson, however, he did arrive at 6:27 p.m.

B. PLEDGE OF ALLEGIANCE.

C. INVOCATION.

D. APPROVAL OF MINUTES.

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

I. Approval of the minutes of the January 15, 2019 meeting.

E. APPROVAL OF THE AGENDA.

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

F. REPORT BY THE MAYOR.

G. ANNOUNCEMENTS.

H. APPOINTMENTS.

I. Re-Appointments:

Redevelopment Authority

Gary Delveaux, 446 Stella Vista Drive, Green Bay, WI 54302

Term to expire: March 1, 2024

Matt Schueller, 1022 S. Van Buren Street, Green Bay, WI 54301

Term to expire: March 1, 2024

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

I. PUBLIC HEARINGS.

No one appeared to speak on the ordinance.

1. Planning Ordinance No. 1-19

An ordinance amending the Official Map of the the City of Green Bay to approve a Plat of right-of-way for the Erie Road.

J. ORDINANCES - SECOND READING FOR ADOPTION.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to suspend the rules to adopt the ordinances with one roll call vote. Motion carried.

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

Yes-Barbara Dorff, Bill Galvin, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Brian Johnson (Ordinance 2) Abstain-Brian Johnson (Ordinance 1) Not Present-Andy Nicholson

1. Zoning Ordinance No. 16-18

An ordinance rezoning property located at 2405 West Mason Street (Frontage Road) from Business Park (BP) District to General Commercial (C1) District.

2. Planning Ordinance No. 1-19

An ordinance amending the Official Map of the the City of Green Bay to approve a Plat of right-of-way for the Erie Road.

**K. REPORT OF THE PROTECTION & POLICY COMMITTEE (FEBRUARY 4, 2019
AND FEBRUARY 11, 2019).**

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve with the exception of Items 11, 12, 15, and 16. Motion carried.

1. To approve a resolution amending the procedure for accepting "Class B" Liquor licenses. (February 4, 2019)

2. To approve an application by Tapatio Jalisco, LLC at 1638 University Ave. for a Class "A" Beverage and a "Class A" Liquor license with a licensed premises as "store," with the approval of the proper authorities. (Previously licensed as an individual Ruben Rodriguez) (February 4, 2019)

3. To approve an application by Tapatio Jalisco, LLC at 1638 University Ave. for a "Class B" Combination License with a licensed premises as "restaurant, wait staff area, kitchen," with the approval of the proper authorities. (Previously licensed as an individual Ruben Rodriguez) (February 4, 2019)

4. To deny an appeal by Gary Wisneski regarding his reinspection fees. (February 4, 2019)

5. To approve General Ordinance No. 3-19, an ordinance amending Section 2.06(9), Green Bay Municipal Code, relating to reference to committees. (February 4, 2019)

6. To receive and place on file a request by Ald. Wery stating "review with possible action on ordinance 27.203 regulation of noise for the purpose of amending with weekend hours (New daytime :09:00-20:00)," previously discussed at the November 26, 2018 & Jan. 7, 2019 Protection & Policy meeting. (February 4, 2019)

7. To approve a request by Overtime Grill & Pub at 1423 S. Broadway to temporarily extend their

licensed premises to the parking lot for a private event June 29, subject to complaint. (February 4, 2019)

8. To approve an appeal by Rachel Anker regarding the denial of her operator's license. (February 4, 2019)

9. To deny a request by Skogen's Foodliner, Inc. at 2430 University Ave. to amend their liquor license description from "One story cement building SEP W&S Storage and checkouts" to "one story cement building, approximately 80,110 sq. ft., with separate wine and spirits storage and checkout, including designated stalls in parking lot for online grocery pickup," on the basis that there is no municipal ordinance in place to adequately regulate this type of licensed activity. (February 4, 2019)

10. To deny a request by Ultimate Mart, LLC at 1819 Main St. to amend their liquor license to read "1 story retail grocery and liquor at 1819 Main St.: including the exterior parking stalls specifically designated for the online merchandise order & pickup service and the pathway utilized to access the parking stalls," on the basis that there is no municipal ordinance in place to adequately regulate this type of licensed activity. (February 4, 2019)

11. To approve an application for a "Class B" Combination License by V3, LLC at 2056 Main St. Suite 1 with a licensed premise description as bar, walk in cooler, storage, with the approval of the proper authorities (Previously V3 Entertainment, LLC). (February 4, 2019)

Moved by Ald. Barbara Dorff, seconded by Ald. John VanderLeest refer Item 11 back to committee. Motion failed.

Yes- Barbara Dorff, Brian Johnson, John VanderLeest, Mark Steuer, No- Bill Galvin, Chris Wery, Craig Stevens, Jesse Brunette, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre Not Present- Andy Nicholson

Moved by Ald. Bill Galvin, seconded by Ald. Kathy Lefebvre to deny Item 11. Motion carried.

Yes-Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Veronica Corpus-Dax, Kathy Lefebvre No-Randy Scannell Not Present- Andy Nicholson

12. To approve an application for a "Class B" Combination license by Kavarna Café, LLC at 143 N. Broadway with a licensed premises as "kitchen, dining zones, storage cooler," with the approval of

the proper authorities. (Currently licensed as Kavarna, LLC) (February 4, 2019)

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to approve Item 12. Motion carried. Ald. Veronica Corpus-Dax abstained on Item 12.

13. To approve an application by Skaliwags High Cotton Club Limited at 121 N. Adams St. for a reserve "Class B" Combination License with a licensed premises as "restaurant, bar," with the approval of the proper authorities. (February 4, 2019)

14. To refer to staff to draft an ordinance to regulate vaping to prevent selling to minors and prohibit minors from possessing vaping paraphernalia. (February 4, 2019)

15. To receive and place on file a request by Ald. Scannell to create an ordinance regarding sober servers. (February 4, 2019)

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to amend Item 15 to send to staff a request to create an ordinance regarding sober servers to include only servers with a blood alcohol content of greater than .04% and that it would be secondarily enforced. Motion carried.

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

16. To refer to staff to amend General Ordinance No. 1-19, an ordinance creating section 29.513, Green Bay Municipal Code, relating to leaving keys in a vehicle, to reduce fine to \$50 and to provide a 2-year sunset clause. (February 4, 2019)

Moved by Ald. Randy Scannell, seconded by Ald. Bill Galvin to approve Item 16.

Moved by Ald. John VanderLeest, seconded by Ald. Andy Nicholson to amend Item 16 to also include towing fees for vehicles. Motion failed.

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

A vote was taken to approve Item 16. Motion failed.

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

A 5-minute recess was taken at 7:06 p.m.

17. To receive and place on file the Liquor Violation Report from the Police Department for January 28, 2019. (February 4, 2019)

18. To approve an application for a Class "B" Beer license for Centro Botanero La Carreta, LLC at 1742 E. Mason St. Suite 4 with a licensed premises as "dining area (storage within dining area)," with the approval of the proper authorities. (February 11, 2019)

19. To approve a request by Pepper at 114 S. Broadway to be granted an extension to issue their liquor license due to a remodel/addition (granted at the 12/4/2018 Common Council Meeting). (February 11, 2019)

20. To approve a request by Amphora Wine Bar, LLC at 131 N. Broadway to be granted extension to issue their liquor license due to a remodel/addition (granted at the 11/5/2018 Common Council Meeting). (February 11, 2019)

21. To grant a "Class B" Combination license by Code 920, Inc. at 805 Klaus St. and amend the license premise description as "behind the bar and storage room, with the approval of the proper authorities (Previously licensed as Rinconcito, LLC). (February 11, 2019)

22. To receive and place on file a request by Ald. Wery to request legal review: Should the Mayor and city staff be using city time and resources to plan a private event? (February 11, 2019)

23. To receive and place on file the Liquor Violation Report from the Police Department for February 11, 2019. (February 11, 2019)

L. REPORT OF THE PROTECTION & POLICY COMMITTEE GRANTING

OPERATOR LICENSES.

The Common Council returned from recess.

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

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

M. REPORT OF THE REDEVELOPMENT AUTHORITY (FEBRUARY 15, 2019).

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

I. To approve Initial Resolution regarding Redevelopment Exempt Facility Revenue Bond Financing for Green Bay Packaging, Inc. Project.

N. REPORT OF THE IMPROVEMENT & SERVICES COMMITTEE (FEBRUARY 13, 2019).

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

I. To hold request by Ald. Wery on future repairs/upgrades to Shawano Avenue from Ashland to Oneida.

2. To hold request by Ald. Wery that the City take ownership and/or maintenance of the drainage pond serving Hannah Street.

3. To approve request by Department of Public Works to enter into a professional service agreement with OMNNI Associates for the design of Gray Street in the amount of \$68,800.

4. To approve request by Department of Public Works, in conjunction with the Purchasing Department, for prior authorization to award a contract for the purchase of traffic signal poles to the low responsive bidder at a staff level upon receipt of bids.

5. To approve the 2019 Special Assessment factors and rates.

6. To approve the report of the Purchasing Manager:

A. To award the purchase of Half Duplex Radios and Lightning Arrestors for the SCADA System for City Lift Stations to TCIC, Inc. for \$73,800.

B. To award a sole source contract to Gridsmart Technologies for the purchase of traffic signal control equipment to be used at seven intersections on West Mason Street as part of WisDOT Safety Improvement Project in the amount of \$147,262.

7. To receive and place on file the report of award of contract RAZING BUILDINGS FOR WEBSTER AVE. RECONSTRUCTION - Group #4 to the low, responsive bidder, Best Enterprises, LLC, in the amount of \$26,900.

8. A. To hold the contract ELEVATOR MODERNIZATION GREEN BAY CITY HALL - REBID.

B. To deny the award of contract RAY NITSCHKE MEMORIAL BRIDGE HYDRAULIC REPAIRS - REBID.

C. To approve the award of contract WEST SIDE MUNICIPAL GARAGE TRENCH DRAIN REPLACEMENT to the low, responsive bidder, Martell Construction Inc., in the amount of \$28,996.50.

9. To approve the application for Concrete Sidewalk Builders License by Martell Construction, Inc.

10. To approve the applications for Tree & Brush Trimmer Licenses by the following:

A. Economy Tree Service LLC

B. Holtger Bros., Inc.

C. Nelson Tree Service LLC

D. Yesterday's Trees

O. REPORT OF THE PLAN COMMISSION (FEBRUARY 11, 2019).

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to approve with the exception of Item I. Motion carried.

Ald. Brian Johnson abstained from Items 4 and 6.

I. To authorize a Conditional Use Permit (CUP) for a shelter facility in an Office/Residential (OR) District located at 430 South Clay Street, subject to the following conditions:

- a. A maximum capacity of 46 individual residents within the shelter facility. Any increase in residents will require Plan Commission and Common Council approval.
- b. If the shelter facility use at 430 South Clay Street is discontinued, the operation is dissolved, or if the Transformation House no longer operates/manages the facility, the use shall terminate immediately. The use/operation shall not be renewed or reestablished without the Plan Commission and City Council review and approval.
- c. At the discretion of the Common Council, Plan Commission, or the Development Director a review may be required by the Plan Commission and Common Council to ensure compliance with this conditional use permit and identify any areas of concerns with the rooming & boarding house but not limited to:
 1. Police calls and other documented safety concerns.
 2. Inadequate facilities.
- d. A mandatory background check for all residents is required. Sex offenders required to register under §301.45, Wis. Stats., are prohibited from any stay at the facility.
- e. Conformance with the operating plan submitted by the applicant.
- f. Compliance with all other regulations of the Green Bay Municipal Code.
- g. A site plan be reviewed and approved by the Community Development Review Team (CDRT).
- h. Tax Parcels 14-882 and 14-876 be combined into one parcel.
- f. The facility may conduct activities to serve residents and may occasionally conduct neighborhood outreach events on site, but shall not conduct an ongoing soup kitchen.

Moved by Ald. Bill Galvin, seconded by Ald. Andy Nicholson to open the floor for discussion. Motion carried.

Moved by Ald. Mark Steuer, seconded by Ald. Randy Scannell to close the floor. Motion carried.

Moved by Ald. Bill Galvin, seconded by Ald. Andy Nicholson to refer Item I back to Plan Commission. Motion carried.

2. To authorize a Conditional Use Permit (CUP) for a minor auto repair facility at 2425 West Mason, subject to the following conditions:

- a. Inoperable or unregistered vehicles not associated with repair work shall not be stored on-site.
- b. No outdoor repair work and no outdoor storage will be permitted. All vehicle parts and tires shall be stored inside the enclosed building.
- c. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the

conditional-use permit, including standard site plan review and approval compliant with Chapter 13-1800.

d. Compliance with the submitted operating plan.

3. To authorize a Conditional Use Permit (CUP) for an adult daycare facility at 338 Hartung Street, subject to compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval.

4. To amend Zoning Ordinance (ZO) 12-18: Planned Unit Development (PUD) removing internal side yard setback requirements at the 200 Block of North Van Buren Street, subject to the draft Planned Unit Development (PUD).

5. To vacate a public walkway located near 626 Pinehurst Avenue, subject to the following condition:

a. A private walkway from the existing public walkway to the school shall exist and be maintained until such time that the public walkway is vacated.

6. To grant the variance from Sections 14-727 of the Subdivision and Platting Ordinance to allow for a land division without frontage on a public street at 2405 West Mason Street, subject to the following conditions:

a. The approval of the Variance for Proposed Lot 3 does not negate a potential future need for a Variance for Proposed Lot 1 is ZP 18-30 is not approved by Common Council.

b. With any amendment to existing dedicated roadways or Area Development Plan 21, Proposed Lot 3 shall still have dedicated or proposed street frontage OR be combined with an adjacent parcel.

c. Proposed Lot 3 shall be changed to Outlot 1 as part of the Certified Survey Map application.

7. To appoint to the Downtown Business Improvement District (BID) Board as nominated by the BID and approved by the Economic Development staff and Mayor Schmitt.

8. To amend Green Bay Municipal Code Sections 13-215, 13-1503(1)(a), 13-1507(1)(b)(7)(a), 13-1507(1)(b)(7)(b) and 13-1514 related to the Landmarks Commission.

9. To refer to staff a request by Ald. John Vander Leest, District 11, regarding the creation of an Area Development Plan.

P. REPORT OF THE FINANCE COMMITTEE (JANUARY 29, 2019).

Moved by Ald. Andy Nicholson, seconded by Ald. Barbara Dorff to approve with the exception of Item 3. Motion carried.

1. To approve action on a request by the City Assessor's office to cancel certain property taxes.

2. Approval to award a contract for Law Enforcement Tires for GBPD to the Goodyear Tire and Rubber Company for ~\$53,390.

3. To approve action on requested amendments to Claims Administration Procedure Ordinance (GBMC 7.01 et seq).

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

Moved by Ald. Chris Wery, seconded by Ald. Randy Scannell to amend Item 3 to \$10,000. Motion failed.

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

Moved by Ald. Chris Wery, seconded by Ald. Kathy Lefebvre to amend Item 3 to \$25,000. Motion carried.

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

4. To refer to Staff and bring back to a future Protection and Policy Committee meeting to create an emergency response plan for residents affected by failures in City-owned infrastructure/assets for which inadequate means exist to rectify which may or may not include ordinance changes, funding solutions or staff response time.

5. To receive and place on file 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.

6. To approve the updated Investment Policy.

7. To receive and place on file the Report of the Finance Director.

Q. REPORT OF THE PARK COMMITTEE (FEBRUARY 13, 2019).

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

1. To approve the purchase of playground equipment for East River Van Beaver Park and Fort Howard/Jefferson Park from Northland Recreation for a total cost of \$110,000 and to refer the recommendation to the Redevelopment Authority for final approval.

2. To refer the staff request to bond an additional \$570,000 for the elevator renovation project to the Finance Committee for discussion.

3. To refer the staff recommendation for the Parks, Recreation & Forestry Department's 2019 Capital Improvement Plan to the Finance Committee for discussion.

4. To approve the proposed Danz Park/School property trade with the Green Bay School District.

5. To approve the Parks, Recreation and Forestry Department policy for promoting private fundraising efforts on the Parks webpage for City Park projects.

R. REPORT OF THE PERSONNEL COMMITTEE (JANUARY 29, 2019).

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

1. To approve request from Parks, Recreation & Forestry Department to reclassify the vacant Mechanic Foreperson position to a Mechanic position.

2. To approve amendment of City of Green Bay Personnel Policy Chapter 11 Travel and Reimbursement to eliminate prior authorization for cost neutral or out-of-state travel.

3. To approve amendment of City of Green Bay Personnel Policies Chapter 17 – Safety and Chapter 22 – Dress Code to include policies for Key/Card Access Control and Employee Identification Badges.

**S. REPORT OF THE TRAFFIC, BICYCLE, AND PEDESTRIAN COMMISSION
(JANUARY 21, 2019 AND FEBRUARY 11, 2019).**

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

1. To receive and place on file the report by the Police Department of the 2018 4th quarter serious injury and fatality crashes. (January 21, 2019)

2. To eliminate Municipal Code Sec. 29.503 - Obstruction of Crossing by Trains - due to a recent Wisconsin Court of Appeals ruling upholding the regulations of the Federal Railroad Safety Act. (January 21, 2019)

3. To remove and adopt by ordinance the NO PARKING DURING SCHOOL HOURS zone on the west side of Irwin Avenue from Cass Street to a point 200 feet north of Cass Street. (January 21, 2019)

4. To remove and adopt by ordinance the 2-HOUR PARKING 7 AM TO 7 PM MONDAY THRU FRIDAY zone on the west side of N Oakland Ave from a point of 58 feet north of Shawano Avenue to a point 130 feet south of Hubbard Street. (January 21, 2019)

5. To optimize the morning arrival and afternoon school release traffic signal timings at East Mason Street and Alpine Drive using the lowest possible cycle length while maintaining the existing signal displays. (February 11, 2019)

6. To remove and adopt by ordinance the NO PARKING zone on the south side of Mather Street from a point 50 feet west of Gray Street to a point 100 feet east of Gray Street. (February 11, 2019)

7. To remove and adopt by ordinance the NO PARKING zone on the north side of Mather Street from Gray Street to Roy Avenue. (February 11, 2019)

8. To establish and adopt by ordinance a NO PARKING BIKE LANE zone on both sides of Mather Street from Gray Street to Vroman Street. (February 11, 2019)

9. To establish and adopt by ordinance a NO PARKING zone on the south side of Mather Street from a point 50 feet west of Gray St to Gray St. (February 11, 2019)

T. REPORT OF THE SUSTAINABILITY COMMISSION (JANUARY 9, 2019).

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

1. To approve the creation of the Sustainability Commission's mission.

2. To amend the Sustainability Commission's goals as needed.

3. To receive and place on file the creation of the Sustainability Commission's strategy.

4. To receive and place on file on attending a Community Listening Session hosted by community organizations.

5. To receive and place on file on creating a community outreach plan.

U. RECEIVE AND PLACE ON FILE.

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

1. Building Permit Report for January 2019.

2. Municipal Court Report for January 2019.

V. RESOLUTIONS.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to suspend the rules to adopt resolutions 1 thru 16 with one roll call vote. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to adopt resolutions 1-16 with the exception of resolution 14, which was referred back to committee.

Yes- Andy Nicholson, Barbara Dorff, Bill Galvin, Brian Johnson (Items 1-12, 15-16), Chris Wery,

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Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre Abstain-Brian Johnson (Item 13)

1. Resolution authorizing transfer of 2019 budgeted revenues between accounts.

2. Resolution to accept sidewalks and issue assessments.

3. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of asphalt resurfacing.

4. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of concrete pavement.

5. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of sanitary sewer and/or sanitary sewer laterals.

6. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for installation of storm sewer and/or storm sewer laterals.

7. Resolution approving the release of easement for the reconstruction of N. Webster Avenue from University Avenue to Radisson Street Project I.D. 4987-02-64.

8. Resolution drawing final orders to contractors for February 18, 2019.

9. Preliminary resolution declaring intent to exercise special assessment powers under Section

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66.0703, Wisconsin Statutes, for the installation of water main and water services.

10. Resolution approving a relocation order for Erie Road from Padi-Wood Lane to South City limits.

11. Resolution amending the procedure for accepting "Class B" Liquor licenses.

12. Resolution regarding vacation of a public walkway at 626 Pinehurst Avenue.

13. Resolution authorizing a variance from Section 14-727 of Subdivision and Platting, Green Bay Municipal Code, to allow for creation of a lot without frontage for a parcel located at 2405 West Mason Street.

14. Resolution authorizing conditional-use approval at 430 South Clay Street for a shelter facility.

15. Resolution authorizing conditional-use approval at 2425 West Mason Street for a minor auto facility.

16. Resolution authorizing conditional-use approval at 338 Hartung Street an adult daycare facility.

W. ORDINANCES - FIRST READING.

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to suspend the rules to advance ordinances 1-6, 8-11 to a second reading and advance Item 7 to second reading as amended. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to advance ordinances 1-6, ordinance

7 as amended, and ordinance 8-11 with Ald. Brian Johnson abstaining on ordinance 9. Motion carried.

1. General Ordinance No. 3-19

An ordinance amending Section 2.06(9), Green Bay Municipal Code, relating to reference to committees.

2. General Ordinance No. 8-19

An ordinance amending Section 9.21, Green Bay Municipal Code, relating to right-of-way excavation and occupancy.

3. General Ordinance No. 10-19

An ordinance amending Section 9.25, Green Bay Municipal Code, relating to license for sidewalk builders.

4. General Ordinance No. 7-19

An ordinance amending Section 9.20, Green Bay Municipal Code, relating to Tree and Brush Trimmer License required.

5. General Ordinance No. 9-19

An ordinance amending Section 9.24, Green Bay Municipal Code, relating to construction and repair of streets and sidewalks.

6. General Ordinance No. 6-19

An ordinance amending Section 6.35, Green Bay Municipal Code, relating to underground sprinkler systems.

7. General Ordinance No. 20-18

An ordinance amending Chapter 7, Green Bay Municipal Code, relating to claims administration.

8. General Ordinance No. 11-19

An ordinance amending Green Bay Municipal Code Sections 13-215, 13-1503(1)(a), 13-1507(1)(b)(7)(a), 13-1507(1)(b)(7)(b) and 13-1514 related to the Landmarks Commission.

9. Zoning Ordinance No. 1-19

An ordinance amending and superseding Zoning Ordinance 12-18: Planned Unit Development Located in the 200 Block of North Van Buren Street.

10. General Ordinance No. 4-19

An ordinance amending Section 29.208, Green Bay Municipal Code, relating to parking regulations.

11. General Ordinance No. 5-19

An ordinance amending Section 29.503, Green Bay Municipal Code, relating to obstruction of crossing by trains.

X. REFERRAL OF PETITIONS & COMMUNICATIONS.

Moved by Ald. Randy Scannell, seconded by Ald. Brian Johnson to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

Request by Ald. Andy Nicholson to the Mayor's Office regarding a communication from a concerned citizen on why the Mayor feels he is entitled to a party at the end of Mayor Schmitt's career.

Request by Ald. John VanderLeest to the Protection & Policy Committee stating: "Any vehicle stolen in City of Green Bay, Wisc. that the Green Bay Police Department recovers, the person owning the car or truck pays towing fee related to the vehicle. Fee paid to the City of Green Bay Police Dept. I do not recommend any fine imposed on the person whose vehicle was stolen. "

Y. ADJOURNMENT.

Moved by Ald. Kathy Lefebvre, seconded by Ald. Jesse Brunette to adjourn at 8:13 p.m. Motion carried.

Kim Wayte

Minutes of the Common Council

Green Bay Deputy 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

- Like this.
- And then, I hit six?
- You have to refresh.
- Be the details, but it came up--
- Yeah, nobody's requesting for speak yet.
- But then how do I--
- Then just go back here. And then always just hit details, that'll get you back, this'll get you where you gotta be.
- I think I'm just gonna stay on details.
- Pardon me? You're at roll call, that's where you should be. Good.
- Are we good? All right we, there's 11 of us logged in, as I said, Alderman Nicholson is running late. So, we've got a quorum. We've got a quorum, we're gonna proceed. Let's all please rise for the pledge of allegiance and 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, thank you for the opportunity to serve the people of Green Bay. You're the giver of all we possess, the source of our strength, and we're grateful. This Friday, we celebrate National Caregivers Day. Across the nation, dedicated healthcare professionals serve those who require long-term care. National Caregivers Day honors those men and women dedicated to providing these vital services. We're grateful for the many volunteers and service organizations here in Green Bay and throughout our community, who deliver a variety of services, from personal care, to medical services, with compassion and professionalism. Let all of us see each day as an invitation to work through these organizations. To give the people we serve hope, security, and faith in their future. As always, we ask you to bless all the men and women in our armed forces, especially those serving on the USS Green Bay. We ask this in your name, amen. All right, with that, I'll entertain a motion for approval of the minutes.
- So moved.
- By Alderman Scannell.

- Second.

- Seconded by Alderperson Corpus-Dax. Discussion here, see no lights on this. All in favor of that motion, please signify by saying aye.

- [Council Members] Aye.

- And those opposed, nays, aye's have it. And the minutes have been approved. I'll now entertain a motion to approve the--

- Motion to approve the agenda

- By Alderman Scannell.

- Second.

- Seconded by Alderman Stevens to approve the agenda before you. Anything here you wanna, see no lights, all in favor of that motion please signify by saying aye.

- [Council Members] Aye.

- And those opposed, nays, the ayes have it. The agenda before you has been approved.

- [Clerk] We're on to report by the mayor.

- I don't have anything written down here. There's an election tomorrow, so everybody get out and vote. Other than that, that would conclude my report.

- [Clerk] Announcements.

- Yep, I got it. Alderman Johnson, announcements.

- Thank you, Mayor. Beginning Wednesday at noon, for 24 hours the greater Green Bay Community Foundation is hosting a 24 hour online giving event. \$250,000 has been donated by the Green Bay Packers Foundation, along with a few other foundations. I think there's a total match pool of 312,000. So, for all donations made to one of 40 non-profits during that 24 hour online giving event, it will be proportionately matched by those donors. So I encourage you to get out, give big, at GreenBay.com.

- [Jim] All right, thank you. Alderman Scannell, announcements.

- Yes, Your Honor, just two--

- Mic, Randy, alderman, your--

- I'm sorry, yep, thank you, thank you. Just two and a thank you. Friday, February 22nd at 7:00 p.m., come on down for an evening of fun and laughter, backstage at the Meyer Theatre. Donations accepted and proceeds in part to benefit Freedom House Green Bay, good cause. Hors d'oeuvres by Chef Nicole Hoida, and DJ entertainment by Zaid Jazrawi. Then on the following day, Saturday,

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February 23, 8:00 a.m. to noon, get on down and shop fresh produce and local handcrafted goods at the last Winter Farmers Market presented by Bellin Health of the season, at the KI Convention Center. And, I would also like to thank everyone for all their prayers and good wishes. I had a successful radiation seed implant today. 70 tiny titanium radiated rods were implanted and I might need to fidget a little bit so I beg your indulgence, or stand up. And if you're speaking and I run to the bathroom, I'm not being rude, I'm being medical. So please forgive me, thank you.

- Medical.

- Deal, thank you. All right, do you have any announcements, Clerk?

- Nope.

- Okay, we can proceed.

- [Clerk] Appointments, re-appointments, Redevelopment Authority, Gary Delveaux and Matt Schueller.

- Motion.

- Move to approve.

- All right, there's a motion by Alderperson Dorff, seconded by Alderperson Corpus-Dax. Discussion here, seeing none, all in favor, please signify by saying aye.

- [Council Members] Aye.

- And those opposed nays, ayes have it and those appointments have been approved, okay.

- [Clerk] Public hearings, planning ordinance I-19, an ordinance amending the official map of the City of Green Bay to approve a plat of right-a-way for the Erie Road.

- All right, so now we're on to a public hearing, and the public can come and speak. And this is the specific item of planning ordinance I-19 and as stated by the clerk, amending the official map on the plat of right-a-way for Erie Road. Anybody here tonight who wants to comment or speak to that? This item, anyone wishing to be heard? Anyone wishing to be heard? All right, we'll let the record show no one came forward.

- [Clerk] Ordinances, second reading for adoption, you may under suspension of the rules take up times one and two--

- Move to suspend.

- [Clerk] With a roll call vote.

- Second.

- All right, there's a motion by Alderman Scannell, seconded by Alderperson Dorff, to suspend the rules for that purpose. All in favor of suspension, please signify by saying aye.
- [Council Members] Aye.
- And those opposed nays, ayes have it, the rules are suspended.
- Motion to adopt.
- There's a motion to adopt--
- Second.
- By Alderman Scannell, second by Alderman Steuer. And, if you'd use the board on this. This is zoning ordinance 16-18 and 1-19. Okay, and those ordinances pass on a vote of 10 to one. So, oops.
- Mr. Mayor. I used the recorder as abstained on item one and yes as item two.
- [Jim] Okay, all right, and those, that's noted by the clerk. Ready?
- [Clerk] Report of the Protection and Policy Committee, February 4, 2019,
- Motion to adopt.
- [Clerk] and February 11, 2019.
- All right, so there's a motion by Alderman Scannell, second by Alderman Stevens to approve the report of the Protection and Policy Committee. And those were for the meetings held on February 4th and February 11th. Any items, this is report K, are there any items under this report you wish to handle separately?
- 16.
- Number 12.
- [Alderman] Number 11.
- Okay, hang on you guys. We're good. 16 is Mr. VanderLeest, is Alderman VanderLeest. I'm sorry.
- 11.
- Number 12.
- Just tight. Alderperson Dax. Did you? Okay, I've got two, Alderman Galvin, did you?
- [Bill] Number 11.
- Number 11. There was one other, there's 11, 12, and 16.

- 15.

- 15 by us.

- And 15 by Alderman Scannell. Okay, so we have a motion and a second to approve report K, which is the report of the Protection and Policy Committee. All items, with the exception of 11, 12, 15, and 16. All right, all in favor of that motion, please signify by saying aye.

- [Council Members] Aye.

- And those opposed, nays, ayes have it. All items have been approved with the exception of those four. So let's begin with item 11. What are your wishes regarding item 11?

- [Randy] Let's just approve.

- [Barb] Second.

- So we have a motion by Alderman Scannell, second by Alderperson Dorff, to approve item 11. Alderman Galvin, you pulled that, hang on.

- Thank you, Your Honor. I was at the Protection and Policy Committee meeting when this item was brought forth. Mr. McLeod is applying to transfer a liquor license for an establishment on Main Street. I think in all that was going on at that meeting I think some things were overlooked and I just would like to say that, this council has a responsibility to all the citizens of our community, and that is, when we're granting these licenses we need to look at past history, if it's there, of the applicants, and I think we need to look at that hard when recommendations are made from staff for either approval or denial, and why they're making those motions. Mr. McLeod has a rather checkered past with various police departments, from owning taverns in the past and also from his own personal issues. He wrote a letter when he was initially denied, in which he made various claims, which some are fabricated and false. And I think if any of you were hiring someone to run a business, or interviewing someone to take over a business or something, if they were to refer to items in their past and they were to lie to you about that, even if it was a minor issue, where does that go to show you to the character of the type of person that we're dealing with? Mr. McLeod said in his letter that over 20 years ago he had an issue with, he was in possession of illegal drugs. And actually it was 12 years ago. And he said he had some Tylenol, and actually what he had was Vicodin, for which he did not have a prescription for. But he lied about it in his letter to the Protection and Policy Committee. He said he had some other personal issues with his former partner, which they ran a bar together. And those issues though, affected that business and the dealings with the police, tying up city services while he and his partner hashed out their personal issues in a public forum, at the bar. He's been arrested several times for driving while intoxicated, the last was in 2017. He's had 19 interactions with law enforcement, and in almost every one of those, he was intoxicated. Now, we have an individual that wants to run the tavern. He's in charge of dispensing alcohol, it's a drug, basically, but it's legal, it's acceptable within our society, our culture. But we want the people that are dispensing that to be responsible and to be accountable. Some of his past convictions include obstructing an officer, evading arrest, and again, intoxicated when these things occurred. Now we granted him the license, but I'm making a motion to deny it. And I think if we're gonna have people operating businesses within the City of Green Bay, and those businesses are affecting the citizens, either directly, in how he's operating it, or indirectly if he's

drawing police services away from other parts of the city where they're really needed. I think we have to take things like that into consideration. And so, I'm making a motion to deny it.

- [Jim] All right, Alderman Galvin is making a motion to amend item 11 to deny, and that was seconded by Alderperson Lefebvre so, this is, we're not doing the vote, this is on that motion, to just change that word, we're still gonna vote on it. But I still need to get this approved by the council to change that word so, the motion is seconded to change the word from approved to denied, all in favor of that motion, please signify by saying aye.

- [Council Members] Aye.

- [Jim] And those opposed, nay, that's fine. So the motion on the floor is to deny. And we can speak to that now, Alderman Scannell.

- Thank you, Your Honor, I support of granting the license we did vet this I thought pretty well at the committee and we voted unanimously to go on with it. Several good points were brought up, we were concerned. We did, I think, investigate this pretty closely. The issues, a lot of the issues that he had were one, he said it was his partners that were the problem, and we tended to believe that because since that time he has been running an establishment on his own and there have been no problems with the police. So that gave that credence. We did not go deeply into some of the false information provided in his letter because we thought that if it had been reported accurately, it was still over a dozen years ago, and we would have discounted it as being something that was a youthful indiscretion and no longer relevant because it's so old. So we really didn't dive into just how that discrepancy happened because we were trying to be economical with our time and if, whatever the reason, if it had been reported accurately, we probably would not have taken it into consideration. So we did kinda vet this pretty closely, and he showed up, an owner of the establishment that he's gonna be running showed up and vouched for him. So, there was a lot that currently is going well for him and we wished him well, and so I still support giving him the license, thank you.

- [Jim] All right, thank you. Any other lights on this? I don't, you see her?

- [Kathy] I pushed that. No, it didn't.

- [Jim] Pam, do you have that Alderperson Lefebvre?

- [Pam] I don't believe.

- [Jim] No.

- [Man] What about?

- [Jim] Okay, I'm not seeing any of this. Can you make sure that that's done right.

- Should I just withdraw it--

- It's not showing up.

- [Kathy] and then do it again?

- Yeah.
- Show up now?
- She...
- [Jim] It's still not.
- I did it twice then.
- What was that? What was the order?
- So it's being started
- Dorff, Davis, Steuer.
- once you speak into it.
- [Jim] All right, so we'll go to Alderperson Dorff first, I'm sorry. The motion on the floor is to deny.
- Okay, I'm wondering if it's appropriate at this point to make a motion to refer back to committee, because I think that there should be the opportunity for the person to be heard again. All the members of the committee weren't at the committee that evening, so would that take precedence?
- It would.
- Okay, then I--
- But, then--
- But, would could also talk about this first, what would you?
- [Jim] You have the floor. I was just saying that if you make a motion to refer this back to committee, I'm gonna need a second.
- Oh, okay.
- [Jim] So, you wanna make that motion?
- Yeah, I would make that motion based on if we're gonna have a longer discussion about this, I think we should have that discussion at committee and not here, so I'd like to make a motion to refer back to committee.
- [Jim] A motion, is there a second to that?
- [John] I'll second it.

- [Jim] All right, that's seconded by Alderman VanderLeest. So this is on referral. Do you still wanna speak?
- [John] No.
- [Jim] Anything else you wanna say on that, Alderperson Dorff?
- [Barb] No.
- All right, Alderman Scannell, and then I'll get to you, Alderperson Lefebvre.
- Okay, I'm against referral back. He did appear at the committee. I can't imagine what else he would say. I don't know what else we would do at the committee. If he were here to speak for the entire council, which we made clear is a possibility, that council might pull this item and you might wanna be here to speak to the entire council. I think that might benefit him, but to come back to committee, I don't know what we would do differently. He's already spoke, we're not gonna hear anything differently. I don't know that it's profitable to send this back to committee, thank you.
- [Jim] All right, thank you. I'm gonna go to Alderperson Lefebvre and Steuer. Alderperson Lefebvre.
- Okay, mine is a clarification. Okay, say the council approves this tonight and then there are some problems with him, maybe he's caught drunk driving, whatever, what happens then? What's the process that will happen to that license? Will it be pulled right away? Because that's the thing we have to look at. There could be a big issue that happens and that we approved it, and we can't take it away right away, or?
- [Jim] Two things, so there's motion on the floor to refer this back, but let me have the attorney answer your question.
- Sure, okay.
- The only way to get the license away from them once it's been granted is to do a revocation. That is a lengthy process. So, it's not impossible to do, it's something that is done as standard practice in a number of municipalities. But, it is a lengthy process and there's a lot more involved with it.
- [Kathy] Okay, so it could take months?
- Yes.
- [Kathy] Okay.
- [Jim] You good? Alderman Steuer. This is on referral.
- Thank you, Your Honor. I guess I wanted to ask Alder Scannell, when we had that meeting, do you remember offhand what the police and the law said? They'd disapproved it initially, right?
- [Randy] They initially they?

- The disproved it, or disapprove.
- [Jim] Do you wanna hear from the police chief? Do you want me to address--
- Well I guess, here's the question.
- Alderman Scannell, you wanna talk to the attorney? Tell me how you wanna proceed here.
- The question I have, I need to talk to the police chief on this because yeah, chief, Alderman Galvin brought up some points here and I guess the question I have is that, a lot of time our committee with listen to our law department, and the police, as far as the information that they have. And, was the information that Alder Galvin just presented, was that presented at all before? Was everything there?
- Yeah, it's my understanding sir, we had that information. I think Alder Galvin articulated it very well, and our recommendation as a department was that we not grant this.
- [Mark] Okay, I just wanted to make sure that we're on the same page on that, so, all right, that's all I have.
- Didn't know you had the kids with you. Hey guys, how was Lion King, I heard it was awesome. All right, back to regular business. Okay, that is all I see for lights. This is on referral, so there's a motion and a second to refer this item back, and I'm gonna have you use the board on this. A yes vote would send this back to the committee, and no vote would keep it here. Okay, so that motion fails on a vote of four to seven. So we're gonna go back to, right?
- Yep.
- Okay, well the original motion on the floor, which is to deny, so you can hit your lights again and I'll re-cue you.
- [Man] One denial denies an addendum.
- I'll get, I'll run the meeting, I got three more. Yes, a yes vote would deny, but we'll wait for that. Alderman Galvin, you have the floor. This is on the motion to deny.
- Thank you and, Randy, with all due respect, you think a lot of these incidents happened in the past, and he's shown some steps to correct that. If you even look at the letter he wrote to the committee. He was married in 2013, after that he's been arrested twice for domestic charges, in which he was intoxicated. He met another young lady that he seemed to have a relationship with. They open up another tavern. And it was mostly in 20-7 and 2018 that they ran that tavern. And it was during an argument with her that he became intoxicated at the tavern, left and was stopped for drunk driving in 2017, with a BAC 2 1/2 times the legal limit. Again, we could say 12 years ago for the drug conviction, even 12 years ago, he feels a need to lie about it to the committee. And then these other convictions were in the much more recent past. And I'm all about people trying to get themselves going but I just don't think that, again, it's our responsibility. We're the ones that have to answer to the people if there's issues with this place, and I just, I'm not willing to take that risk at this time. Thank you.
- [Jim] All right, thank you. Alderman Wery.

- Thank you, Mr. Mayor, I know we've talked a lot about drunk driving and how to curtail that as I community, and a state, and we talked about sober serving and some of the issues of trying to do with that, and this one, before Alder Galvin brought it up, had a lot of red flags in it. And for me, that was the big one. He's 45 right now, a mere two years ago he had an OWI. Before that, he had two before that, and it always seemed like, in his letter described when things became tough, when it was stressful, well, owning a bar in Green Bay I imagine's not gonna be a non-stressful thing. I just wait for the next stressful things to happen and some errors to happen, and guess what? We're the ones who approved it, and too many red flags for me, I'm gonna vote no, thanks.

- That part you're gonna vote yes, 'cause a yes denies it. Right. So, I don't have any other lights on so, the motion on the floor is to deny. So a yes vote, denies the license, a no vote would approve the license. Are you good?

- [Clerk] Just for clarification, the no vote would not actually approve it. Still have to take a vote to approve it.

- Okay, all right, but a yes vote would deny it.

- [Clerk] Yes.

- All right. Nicholson's not here. Okay, so that motion is approved. One, two, three, four, on a vote, okay, 10 to one. So, the license is not granted. All right, let's continue. We are on to item 12. Item 12 is to approve an application Class B for Kavarnas. What are your wishes for item 12?

- [Randy] Motion to approve.

- By Alderman Scannell, seconded by Alderperson Lefebvre. Alderperson Corpus-Dax, you had pulled this.

- I just wanted to be noted as abstaining because I work part time at Kavarna.

- All right, so with that, there's a motion and second to approve item 12. All in favor please signify by saying aye.

- [Council Members] Aye.

- And those opposed, nay, noting the abstention of Alderperson Corpus-Dax. We are now on to item 15. Item 15 is to receive and place on file a request by Alderman Scannell to create an ordinance regarding sober servers. What're your wishes regarding this item? There's a motion by Alderman Steuer.

- [Bill] Second.

- Second by Alderperson Galvin, to approve item 15. Alderman Scannell, you had pulled that.

- Yes, thank you, Your Honor. All I'm asking for is that we send this back to committee. Well, I'm sorry, we send this to staff to write up a law that we can then go over committee and council, and to

keep this discussion going. I think this is a valid discussion to have. I myself do not know if ultimately, when all is said and done, I will support this because I don't believe you can force people, we need to have a public discussion and get the majority of people onboard. If the minority is not on board, I think this law's gonna be pretty useless. But I definitely think it's worth discussing, it's worth pursuing, and I would ask that we, I'm making a motion to send this to legal with the idea of finding servers with a blood alcohol content of .04%, and that this would be enforced, I'm not exactly sure what the language would be--

- [Jim] Why don't you just make a motion to amend this to send to staff to create an ordinance regarding this, and you can hash out the ordinance when it comes back. I mean, do you want all the details tonight? .04 and hours, and--

- Well I--

- I mean, it's up to you guys, but I just--

- Well I just wanna give staff some instruction on what to put in it so that--

- Okay, all right.

- And just one more thing, and that the language would be that this would be secondarily enforced. That we wouldn't be doing raids to do just to see if servers are sober. Okay and that would be, and then report that to committee.

- [Jim] So, I wanna get a motion for--

- So it's to sent to staff--

- [Jim] You're gonna amend this. There's a motion by Alderman Scannell to amend item 15 to send to staff a request to create an ordinance regarding sober servers, to include, tell me that three things you want in there.

- Only servers with a blood alcohol content of greater than .04%, and that this would be secondarily enforced.

- [Jim] Okay.

- And then report it to committee and, I might even hold it in committee for awhile to make sure we get enough public support. I really think this is the discussion we should be having. I know these issues of alcohol and sobriety have come up many times at committee and at council. I don't know why we don't wanna fully vet this out.

- [Jim] Okay, let me get this on the floor before we--

- Yep, so that's all I have to say.

- Okay, so there's a motion by Alderman Scannell to amend item 15 to send to staff to include only servers of .04 and secondarily. Is there a second on that?

- I'll second.
- I'll second.
- [Jim] All right, and that's seconded by--
- All right, thank you, Your Honor.
- [Jim] Do you have anything else you wanna say about that?
- No, that was it, thank you.
- [Jim] Okay, so we've got the motion on the floor. Anybody else wanna speak to this?
- [Alderman] I've got my thing on the--
- [Jim] Hang on, I've got Alderperson Dorff. Alderperson Dorff.
- Thank you, yes, I think we need more discussion on this. I think that it was a good discussion but an incomplete discussion and more research should be done. So I'm glad to see that it's gonna go to staff and that there'll be some research done and we'll talk more about it before we decide, thank you.
- [Jim] Alderman VanderLeest, I do not have your light on but I'm happy to recognize you.
- Thank you, Mayor. We did talk about this at committee. The Tavern League was there. We talked to the Green Bay Police Department and they didn't feel it was an issue. There's not 10 or 12 or 15 or 20 citations, or the problem doesn't seem to be there. The Tavern League people got up and spoke about how they run their businesses, and they just feel it's more regulation. And I think the Tavern League is doing a good job as far as, they offer the people ride homes that need a ride if they're intoxicated and they got the resources that they're using for that. And, I just feel that, I won't support this type of ordinance at this time. There doesn't seem to be a problem in the community. The police chief said it wasn't a big problem. And I just think it's more policing and more, how would I say it, big brother watching over very closely, and I think they're doin' a good job, the Tavern League are at this time, and that's my thoughts. Thank you.
- All right, thank you. Alderman Wery.
- Thank you, Mr. Mayor. I'm in favor of sending this back. I think we should look at this at committee more in depth and we can hash it out there. I think there's some merits to the proposal. The Wisconsin Alcohol Policy Project is a very good document that I hope is used at committee. They show some of the efforts that were done around the state and in other states, and what can be done. I think we can find some middle ground here that can address that big monster that we've been talking about even on the previous issue, so, anything we can do to help it, and try and preserve some of the freedoms, obviously that's important, but it's a controlled substance and we have every right to put controls on it, thanks.

- [Jim] All right, thank you. All right, so we have a motion and a second.

- [Alderman] Mayor, I'm trying to hit mine, it won't go off.
- [Jim] Hm?
- Try to speak.
- Johnson and Nicholson both.
- [Jim] Yeah, I don't see it on there. Okay.
- [Alderman] I can hear.
- [Jim] All right, Alderman Nicholson.
- Thanks Mayor, did I hear right that the chief said there isn't a problem? Is that what VanderLeest said?
- [Jim] That is what Alderman VanderLeest thought he said.
- Okay, well if there's no problem, then why are we looking at it?
- [Jim] Are you asking me?
- Well, you're the chairman.
- I am.
- I'd like to go through you to--
- [Jim] Why don't you ask the chief.
- Okay, if there is no problem, what I heard, why are we lookin' at it?
- [Jim] So Chief, that whole sober server ordinance, the motion is to send this to staff to look at creating a policy, your comments?
- Yeah, the question came up whether there were problems that the police department was having with intoxicated servers. And it's not something that we've been focusing on. Certainly in the time that I've been there, or before that, we don't get radio calls of intoxicated servers working behind the bars, things of that nature. I think the idea behind the ordinance is do we wanna have servers that could be intoxicated and maybe not using good judgment when they're at work. And that's kinda where the ordinance was going, my understanding, but as far as us getting radio calls or having calls for service of intoxicated servers, we really don't get that.
- Okay, so it doesn't look like there is a problem, doesn't look like we're accumulating numerous calls. That's what it sounds like to me, is that the answer? Okay, well then why aren't we looking at every little thing in the City of Green Bay? I could create some list, hundred to 200 items we could

look at. There's sometimes where the government should stay out of private business. If there's a problem, I guess the owner of the establishment would take care of it. And if it creates to be a larger problem, the police will be intervening. I'm receiving information that it isn't a problem so why are we looking at it? I guess that's what I'm asking, thank you, and Chief, you did answer it, thank you.

- [Jim] We'll go to Alderman Johnson next.

- Thank you, Mayor. Just two points, and I think one is, Alder Scannell you included on your motion, the fact that we would not be proactive with just popping into places and kind of testing people. And if we're not getting complaints about it and we're not going to do that, I wonder, it seems to me that the purpose of it is only punitive when there's an issue that comes up. And so, I guess I tend to agree with Alder Nicholson here, that to me is a solution that's trying to find a problem. We've used that term here frequently, and so I am gonna vote to deny this going back to committee. I don't necessarily wanna argue the points of this so much to say that if the purpose of this is to problem solve an epidemic in our community, which is we have an alcohol problem, I would much rather see a comprehensive approach to how we do that because it's been stated today that there doesn't seem to be a problem. I've seen research on this that other communities that have this ordinance, they haven't been able to determine its affect, or that it's had any type of impact. In which case then, rather than starting to infringe on people's rights to own their business and manage their business the way that they see fit, I'd rather have us address the problem wholistically. And at that time I think I'd be willing to have a healthy debate around the merits of that proposal along with others to control the epidemic within our community.

- [Jim] All right, thank you. For clarification, the motion isn't to refer this back, this motion to send this to staff to draft an ordinance.

- Oh yeah, I'm sorry--

- Okay.

- And I would still vote no to that.

- [Jim] All right, fine. Do you just wanna turn your lights off? Did you wanna speak again, Alderman Nicholson or Alderman Wery? And I've got some other lights comin' up here. We'll go to Alderperson Lefebvre.

- I concur with the last alderman that have spoken that I don't think this is a problem. If the chief felt it was a problem then I can something doing but it doesn't do anything. It's like, I don't know, it's again, it's an overreach of government telling, if the Tavern League is doing their job like they should be and then we start gettin' problems with servers that are intoxicated, we get the calls, then I think we need to do something. But, I think we're wasting our time on this and I think it just, I'm gonna vote no on the referral and I would also vote no on this ordinance, thank you.

- [Jim] All right, thank you. Alderman Steuer.

- Thank you, Your Honor. We did speak on this at length at committee and I think I voted in favor of not putting this forward. I think one of the things that came forward with the Brown County Tavern League representation, they stated that it seemed like another piece of preemptive legislation. That

we're anticipating an issue. I know that alcohol has been an issue in our community for some time but I think with the testifying at that committee, I really felt comfortable with the Brown County Tavern League saying that we do take care of our own and if there is an issue, as Alder Nicholson said, that the police will step in. So, I will concur with Alder VanderLeest and Nicholson on this, thank you.

- All right, thank you. We'll go to Alderman Scannell.

- Yes, I was hoping to avoid this kind of debate on the floor, and that we could hash this out in committee. This is a wholistic approach. The wholistic approach is, there are taverns in our community that as a part of their business model, their employees drink. What other business allows employees to drink on the job? And, though the police do not have this specifically picked out, I was hopin' we could get some more details from them if we gave them the time, where, when they do get calls, how many of them involve servers that have been drunk? And how much can we determine that that was the source of the problems for the call? That the police were called for something else, but if you look at it, part of the problem is, the server is intoxicated and that may have been the cause of all what came forward, that it resulted in a police call. So, this is a wholistic approach, it's looking at, if we take a point of how are you gonna address alcohol in our community? There's prohibition, there are dry cities. I don't think that's a good way to go, I don't think that's practical, but there is, and we have made strides with this in our society with responsible drinking. So that's my wholistic approach, responsible drinking. Is it responsible for employees to be drinking while they're working? I know of no other business that allows that as part of their business model. Certainly I wanna have further discussion on this. Well, I really didn't want to get into all this, but when someone comes to us for a license, they have to sit down with the police and make out a business plan as part of their application. And part of that plan is sober servers. So we expect new applicants to follow that policy. We have no enforcement for anybody else because they've been grandfathered in, they're not coming before us for any license. It just seems to me that we maybe wanna level the whole playing field, get everyone doing what is considered best practice by many businesses. Many businesses already do this 'cause they consider it best practice. Well, maybe it should be for everybody. And I would, I don't really wanna go into this on the floor here, but it seems to be unavoidable. I really wish we could send this back to committee and have this discussion there with many others on this issue, I think it's worth having, thank you.

- [Jim] Thank you, and again, it's your motion, it's to send it to staff to create an ordinance.

- That's right, I'm sorry.

- [Jim] All right, I just wanna be clear what you guys are votin' on.

- But it goes on to committee.

- [Jim] Well of course it will. All right, Alderman Galvin.

- Thank you, Your Honor. I have experiences with alcohol like none of you have had unless you either were a cop or ran a tavern. I've found servers passed out on the floor with the patrons serving themselves over the top of the bar. We've had servers that were intoxicated and serving people that were falling down drunk. And there's no ordinance against that, they leave it up to each community. Alcohol is a problem in our society, but it's an accepted part of our culture and I think we have to look at the fact that since we've started the Bar Tavern Plans, many years ago, every new bar plan

that's drawn up we require sober servers. Some of your best businesses out there require sober servers. And what they find with sober serving, profits go up, problems go down. Wausau did a study, and over half of their disturbances, during that study, over half of the disturbances, the servers were intoxicated. And they were also uncooperative and belligerent with police during that investigation. These are the things we have to think about. Is there a problem? Are people complaining, hey, my server was drunk? No, we're not getting those kind of complaints. Are we getting those complaints when the servers are intoxicated? Well we have one right here. We just denied his license. He was working at a tavern, his BAC was .22. Now how cognizant would he be if he was over-serving someone else and allowing them to get in a car and drive away that night? Is that what we want in our community? I don't think so. I think we want taverns to be run responsibly and know that the people who are going there are drinking responsibly and they're not gonna be putting other citizens and themselves at risk. And I think this at least deserves a look. There's a lot of research and study out there that we haven't even started to look at. A lot of it's done by UW-Madison, and it's out there for us to read and to sift through. England has done a huge workup on this because they've had so many problems with intoxicated people, and the problems it brings. When I was on the police department and I was community police captain, I did a study on police calls for service in downtown Green Bay, a six square block area. Friday night, 10:00 to Saturday morning, and Saturday night 10:00 to Sunday morning at 4:00 a.m., 80% of our police officers were in a six square block area of Green Bay, every weekend, 80%. That left 20% to patrol the whole rest of the city and solve any problems out there. So, will having sober servers completely solve all our drinking problems, no. But we have to take steps, it's part of the puzzle and we have to put these pieces together to try and make this a community that isn't looked on as the drunkest city in the United States, thank you.

- [Jim] All right, thank you. Just, in defense of the downtown, that was awhile ago.

- Well, true.

- [Jim] Alderman Brunette, right.

- Thank you, thank you--

- Okay, Alderman Brunette, go ahead.

- Yes, thank you, Mayor. It's a good discussion and good points all the way around, I'm in support of the sending it back to staff and from there going before the committee again. I like Alderman Scannell's idea that this would be a secondary enforcement, that we're not gonna necessarily send police in to search for this on its own, but if our police go there and notice some other violations or things that just aren't right or legal, then they can cite people who violate this law if it ever gets to that point. So I'm in favor of that and Alder Galvin is correct, this is a piece of the puzzle. We have a lot of work to do in this community to keep people safe from people who drink alcohol to excess and it's a good idea to continue it on. I don't mean this as a disrespect to the Tavern League but we gotta remember that they're an interest group that's looking out for the interest, I mean, I understand they're claiming to be in the best interest of the community as a whole, but they're also called the Tavern League, so they're also doing what's in the best interest of taverns, so we definitely should receive what they offer, but definitely don't take that on its own, that we should use their input to override what's best for the entire city and everyone that we serve. So I'm in favor of sending this to staff and I look forward to another good discussion at the committee level.

- [Jim] All right, thank you, Alderman. Alderman Wery.

- Thank you, Mr. Mayor, I'm glad Alder Galvin brought up the Wausau because I was going to mention that. It was former police chief Jeff Hardel, he's the one who estimated that when his officers responded to problems at bars, there were impaired servers half the time and he believed that that's what led to some of the problems at the bar. Now I also don't believe that people call the police to report that their bartender's a little bit tipsy. That's probably why we don't get calls on that, I mean, if you're gettin' served and you're happy, who's gonna call the police on that, that's just not a call you get. But I do believe when you're going there for a secondary, for a main issue, that is a secondary effect and we can use this ordinance that way. I don't know why we aren't using every tool available to us to combat drunk driving, if this is one small piece, so be it, it's one small piece, but that's how you build a big pyramid. So let's allow committee to do some further work on this, thanks.

- [Jim] All right, thank you. Last light I have is Alderman Steuer.

- Thank you, Your Honor, I just testified on how I felt about this and after listening to Alder Galvin and Alder Brunette, I feel that it should go back. I appreciate the insights here. And I do appreciate what Alder Brunette said, it is the Tavern League, they do represent themselves. But, I don't think it's gonna hurt anybody to have it sent back and discuss it, so I'm willing to go that route, thank you.

- [Jim] All right, thank you. Yeah, yeah. Can you make sure that that's working. I don't see that. Alderman Johnson I have your light on, I'll recognize you next. All right, I got it now.

- I just wanna emphasize I guess, one point. I'm not opposed to talking about this issue long term but there's been an analogy throw out here that it's one piece of the puzzle. But you can't assemble the puzzle if you don't have all the pieces. And that's the piece that I'm most concerned about. We're saying again that this is going to be something that's going to deter this issue in our community but, and Alder Scannell you said this is wholistic. I'm not sure how one issue is wholistic. We need to talk about, before we start taking away privileges or rights that are currently experienced by people in our community, we need to understand the impact and that is the discussion we're not having. I'm willing to sacrifice this item short term for us to have a long-term picture on what it's going to take to address this epidemic in our community. So when I vote no to this, I want you to understand that it's not to say this shouldn't come back again in the future, but I really wanna see us taking a look at everything that needs to be addressed. I know that are a couple of organizations in our community that tackle this issue, and to my knowledge none of them have brought this up as a solution. I suspect it's because nowhere it's been proven to deter those issues in their communities. We're not even talking, and perhaps this is what you want out of this issue, but we're not even talking about what it's meant to do. What are the metrics? What are the benchmarks that we're going after, and how it'll impact our community. So, again, I'm gonna vote no to this but it's not that I don't think we shouldn't talk about it again, but I think we need to talk about it in context with a lot of other things that are gonna help address this issue.

- [Jim] All right, thank you. To be clear, the motion on the floor is to send this to staff, okay, just to be, great. Alderperson Lefebvre, and then Alderman VanderLeest I'll get to you, go ahead.

- Okay, this is one reason why, and Alderman Scannell didn't want this discussed here, but I think it's important that it was discussed here because we're hearing from different people who have different perspectives on this issue. And that's why I'm gonna change my vote to refer it because I think maybe

it is a good thing to discuss it, to find out what's goin' on, and maybe we're not gettin' the full picture from the police because maybe that wasn't the reason they were at the bar and they didn't realize, maybe the server was drunk and didn't realize. There's so many things that this involves. So, I'm gonna change my vote for referring it back.

- [Jim] All right, thank you. Alderman VanderLeest.

- Thank you, Mayor, at committee we did vote to receive and place on file. I don't think the city staff should be doing any extra work until we actually vet it. To have 'em draft up anything, I think it's a lot of extra, we should discuss it before we do any, if we're gonna wanna discuss it some more we should discuss it, and not have city staff drawing anything up at this time. I think the city staff has enough to do right now, and thank you.

- [Jim] All right, thank you. You're pushing the envelope on this one 'cause it's two times on an issue and I think--

- Well just quick.

- [Jim] Okay.

- [Randy] It's a quick one.

- [Jim] Well.

- I just wanted to say that I did not think this up on my own, this came forward, I've been having discussions with groups who are concerned about looking at the whole issue and we will be coming forward with more things. You don't get the whole pie at once, it just doesn't work that way. We look at doing what we can when we can. This is one step that they asked to bring forward as a very small low-hanging fruit, so to speak, and so a wholistic approach is being looked at, other steps we can follow are being looked at. As we get more together on those, those'll be coming forward, so, thank you.

- [Jim] All right, thank you. And Alderman Brunette.

- Yes, thank you, Mayor, one point that I forgot to mention was that I look at this as an opportunity to collect data on an issue that some people say is a problem, other people say it's not a problem. We have no idea unless we have some sort of data. So if we push forward on something and a good ordinance or law is created after referring to staff and then committee, and implemented, and then the police secondary enforce this and realize 10 or 20 or 30 bars throughout the community have servers that are intoxicated, then we realize, then we have data to really further this issue. So, without it, we're just going on, it's not a problem. Well, how do we know it's not a problem? We need to collect some sort of data. And we could actually do something good while we collect that data. So, I'm still in favor of referring to staff, thank you.

- [Jim] So, we're gonna vote. The motion on the floor is to item 15, is to amend this to send to staff to create an ordinance regarding sober servers to include greater than .04 and as a secondary measure.

- [Man] Can you say ordinance?

- Oh yeah, I already said that.

- So a yes vote--

- I'm sorry.

- Sends this to staff, a no vote keeps it here. All right, so that passes on a vote of seven to five, am I right? All right, so that, you will see that again. Thank you, we are now onto item 16. Item 16 is refer to staff on amended General Ordinance of 1-19, an ordinance creating a section relating to leaving keys in a vehicle. So what do you wanna do with, this is, the motion's to refer to staff. So the motion by Alderman Scannell.

- [Randy] Sure thing.

- [Bill] Seconded.

- Second by Alderman Galvin. Alderman VanderLeest I think you pulled this.

- [John] Thank you, Mayor.

- Again, this is to refer this to staff.

- Okay, we did have some discussion on this and I did do some checking in the community and the sentiment that came back was that people don't wanna have a fine if they have their car stolen. And we talked about, at committee we talked about if their car's stolen and the Green Bay Police Department retrieves their car that they should pay the towing fees. That was what I got back from different people in the local area, in my district. And they thought that they didn't care to have a fine, but they would be happy to pay for their towing fees to get their car back. And I think that's where this should go. And I make a motion that we do not give 'em a fine, but we give 'em the, pay the towing fees to get their car back, that would be my motion.

- [Jim] Mr. VanderLeest I just--

- I don't really wanna return it back to staff. But we can, but I feel that--

- [Jim] Well I think that staff was gonna create an ordinance, and then that was gonna go back to the committee and they were going to amend the ordinance. So they would just come back with an ordinance, which was reducing the fine to \$50 and a two year sunset. Would you like to add something to that, or do you wanna--

- I would--

- It sounds like we should do the ordinance tonight 'cause you don't have anything to vote on right now.

- Okay.

- [Jim] So the motion on the floor's to refer this to staff.
- My input would be that we can return it to staff but not to try to collect the fine. Have the staff enact the towing fees back to the person if the Green Bay Police Department retrieves their car that they would pay the towing fees.
- [Randy] The tow and fine is different.
- At present time, the Green Bay police are paying the fine and the citizens are not.
- Right, I respect that.
- According to the chief.
- [Man] Thank you.
- That'd be my input on that--
- [Randy] A point of clarification.
- [Jim] Okay, quickly, what? I think he's onto something.
- The problem with that is that we cannot just fine, that would be a separate communication, it's a separate issue, 'cause we would not be talking about just cars with keys left in them, we'd be talking about every stolen vehicle, which is a much broader and really different subject. If you--
- Not really. He wants this added to this ordinance.
- Right, but it's impossible to enforce unless we make it every stolen vehicle. We talked about that at committee. So, it really needs to be its own communication that we're going to enforce a towing fee for every stolen vehicle.
- [Jim] Okay, we all agree this is gonna be referred to staff to be amended. Alderman VanderLeest just wants add in that they pay for the towing of vehicles. You're saying we can't enforce that, which I think is his job to decide that but I wanna hear from
- But that's--
- our city attorney, hang on, hang on.
- There has to be a rational basis in order to discriminate against entities that are similarly situated. We can look into it further, as to whether or not that's something that we could do. But generally, you don't want to treat like people differently.
- [Randy] Right, and if I may, I don't wanna speak for, if the chief posed, he's here.
- [Jim] Yeah, he's here. Kids are gone.

- Do you wanna speak for yourself, or should I pipe up for you?
- [Jim] Well, we'll let the chief speak for himself.
- Okay, let him, yeah.
- [Jim] Chief, on the towing of vehicles?
- So if we were to impose a towing fee for everybody it would be 25 bucks or 50 bucks per car. That would be for everybody whose car gets stolen, regardless of the circumstances. It'd be hard for us to discriminate if we could say, your keys were in it, I would imagine people would start saying, well my keys weren't in it, I don't know how it got stolen, even if we do find the keys in the car, hanging from the ignition. They would say, well, I don't know how he got those keys, he must've taken 'em from somewhere. So, I think we'll get a lot of people not reporting exactly the circumstances of how their car was stolen. But, we can work on that in committee and I can have our guys work with the city attorney to see if we can come up with something that is reasonable and report it back to the committee.
- [Jim] Yeah, I think it's fine that we study this, Alderman VanderLeest, I would, yeah, I'm okay with that motion to add this to the direction of staff.
- It would be for any car that would be stolen in the city of Green Bay.
- [Jim] We're not talkin' about that. We are just, this ordinance is strictly for leaving your keys in the vehicle. That's what they're drafting right now. If you wanna put in a different ordinance to fine people for towed vehicles, that would be a communication I'll take later in the meeting.
- [John] Okay.
- [Jim] So, we're just, I wanna be clear, I wanna be with you on this one. So right now we're just drafting an ordinance for leaving your keys in the vehicle. Do you want this to be part of that? Or do you just want them to draft an ordinance and come back to the committee?
- [John] Well, my thoughts are that we try to retrieve the towing fees back to the City of Green Bay-
-
- [Jim] From all vehicles.
- From all vehicles.
- Let's just do that later tonight, let's just go with this keys in the vehicle thing as a, and I'll put--
- [John] But I think on this part of the ordinance, I think that they should pay the towing fees to get their car back, but not a fine. On this part of the ordinance that we're talking about right now. In other words, if we're gonna separate it out, then I would say that, I would add the part that no fine, but that--

- [Jim] All right, we're gonna hash it out later. I'm gonna just allow that, so the, hang on, so the motion, item 16, is to send this to staff to reduce the fine to \$50, provide a two year sunset, and add a towing fee for vehicles.
- [John] That's in there right now but I--
- [Jim] No, it's not, you just added it so, I just wanna get a second to adding that portion to this ordinance. Anybody wanna--
- Second.
- [Jim] Okay, all right, let me move on. So your motion on the floor is to add a towing charge to this ordinance.
- [John] That's correct.
- [Jim] Okay, thanks. Speak, I don't see your light. Alderman Wery.
- Thank you, Mr. Mayor. Thank you, Mr. Mayor, I'm just going to speak to this once. I know there's an amendment, but I'm opposed to referring it back with whatever the amendment is. The number of stolen vehicles with keys in the car has been on a downward slope for the past 10 years. Seems like it's resolving itself. I have zero interest in fining somebody for leaving their keys in their car. So, no matter what we amend it to, I'm not gonna refer it back, that's my vote.
- All right, I don't see any other lights. We're gonna vote on the amendment. We're gonna use the board. Item 16's to refer this right to staff to create, to amend our municipal code for leaving keys in the vehicle. And Alderman VanderLeest wants to amend this to include towing fees. So, a yes vote would amend it, a no vote wouldn't. Great. Alderman Nicholson.
- [Andy] She had a question there, for the mayor, is this a vote to send it all back?
- [Woman] Can we just send...
- [Andy] I'm a little lost.
- [Jim] No, it's to amend it, and then we will adopt as amended.
- Is it just for, okay.
- [Jim] He wants to add the towing fee. It's just the amendment, we're gonna vote to adopt as amended.
- [Andy] Okay, that would change my--
- [Jim] You didn't vote yet. I don't have you registered.
- Oh, okay.

- Do you wanna clear the board and do this, right, I'm right on this? Okay you guys, we are voting on amending item 16 to add including towing fees. There was a motion and a second to amend item 16. If that passes or doesn't, we're still gonna vote to adopt as amended, or not as amended. You good? Keeping you awake there, you okay? You got it? I only have three of you guys voted. We cleared the board, so just vote. Yes vote amends it, a no vote doesn't. Do you wanna clear it one more time?
- [Man] That might've been the problem.
- It's busted. So what happens if we start over?
- [Clerk] Do you want me to cancel it one more time?
- Cancel it, we're gonna do it one more time. Sorry. There's a motion and a second to amend item 16 to include towing fees. A yes vote adds towing fees, a no vote doesn't. Whether this gets referred to staff or not is gonna be the next vote, got it? I'm not getting any lights on this thing.
- [Man] It didn't come up, it didn't come up.
- [Clerk] Nothing's come up.
- Pam, hang on. Your license has been approved. Skaliwags is here, their license was approved.
- [Woman] Scrap the
- [Clerk] We've done that, that's what we did.
- That's what we did. So that's why we have the employee of the year here.
- [Man] Woo-hoo!
- [Man] No pressure, no pressure.
- No pressure. Oh no, you're right.
- [Man] I was just kidding.
- But he's right.
- [Man] Let's just stay without the board again.
- We bought a new voting system for those of you interested in this, and we're, right, we used to put our heads down and raise our hand. Okay, we got two votes in, we need 10 more of you to vote.
- [Alderman] The board's not on the screen.
- What?
- [Man] Raise of hand show.

- Raise our hands.
- Raise our hands.
- [Clerk] I've tried to reset it a couple times.
- Okay, that's not it for tonight, this is just this one vote.
- [Clerk] Yeah.
- Okay so,
- [Man] No secret.
- The amendment, yeah, so much for, you're right, that was last year's employee of the year. So, those in favor of amending this to include the towing fees, can you just by show of hands, raise your hand if you wanna do this? One, two, all right, so that's gonna fail on a vote of, those opposed, raise your hands so I got it for the record. 10 to two, all right. So we're back to the original motion, item 16, which is to refer this whole thing to staff. Can we vote on this? Item 16 is presented. Mike, Pam, here we go, all right, vote.
- [Man] That's the old vote.
- Yeah, that was the old vote. A lotta red.
- [Man] We can probably do this one as well as that.
- This is to refer to staff, just, I'm not doin' the rest of the night on. Are you good?
- [Clerk] Just two are showing up.
- What do you wanna do?
- [Clerk] I haven't sent you.
- Huh?
- [Clerk] I literally haven't sent you.
- All right, Mike says we don't, we're gonna take a little break right after this vote. So, item 16 is to refer to staff this ordinance, it's presented here in general. All in favor, signify by saying aye.
- [Council Members] Aye.
- And those opposed, nay.
- [Council Members] Nay.

- Show of hands, who wants to refer this to staff?
- [Alderman] Can it be recorded?
- Yep, we will.
- Thank you.
- One, two, one, two, three, four, five. Okay, so that fails on a vote then of five to seven, seven to five. All right, while we readjust this, that's the end of that report. We're gonna go right on to M, can we just take a five minute break? And I just want to, you guys approved the license for Skaliwags, and we're delighted you're coming downtown. We're excited, we love your restaurant and we're looking forward to this, so thanks.
- [Woman] No, it got, it failed. The amendment failed, and then it went back to refer to staff and that failed as well. I don't know what was happening. It, she went to cancel and only two of 'em were showing up. So they had to For, for the--
- [Woman] Yeah, this last number.
- [Woman] All I know is it was five to seven. The other
- [Man] You got four guesses.
- [Woman] No, there's Sorry I didn't get you a cab in town. No, I didn't catch in all. I need to use the bathroom.
- [Man] Right next to my hundred dollar bills.
- [Man] Yeah, and then you gave it back, right?
- [Man] Under those, man.
- [Man] If I don't get over there four or five times a week, I'm not feelin' so good.
- [Man] Yep, no I found that out last year. I took about like six months off, and I just started jogging and I could tell
- [Jim] Okay, let me, resume.
- [Randy] Is there any other crazy?
- All right so, we're gonna continue. We're gonna test this system again when we need a roll call vote. But right now we are on the report L, which is a report of the protection and policy committee.
- Motion to approve.

- So there's a motion by Alderman Scannell, second by Alderman Crag Stevens, to approve the report of the protection and policy committee, report L. Any names under this report you wish to abstain from or handle separately? Hearing none, all in favor, please signify by saying, aye.

- [Council Members] Aye.

- And those opposed, nay, the ayes have it, report L has been approved. What are your wishes regarding the report of the redevelopment authority.

- Motion to approve.

- There's a motion by Alderman Scannell, second by Alderman Johnson, to improve report M, which is the report of the redevelopment authority, and that was for the meeting of February 15th. Anyone wish to speak to this item? So we have a motion and a second. All in favor of report M please signify by saying aye.

- [Council Members] Aye.

- And those opposed to the nays, the ayes have it, report M has been approved. We're now onto report N, which is report of the improvement and service committee.

- Motion to approve.

- There's a motion by Alderman Scannell, second by Alderman Lefebvre, to approve report of the improvement and service committee for the meeting held on February 13th. Any items on this report you wish to handle separately? Hearing none, all in favor, please signify by saying aye.

- [Council Members] Aye.

- And those opposed, nays, the ayes have it and that report, all eight items, 10 items, have been approved. We're now on to report O, the report of the plan commission.

- [Randy] Motion to approve.

- There's a motion by Alderman Scannell.

- [Chris] Second.

- Second by Alderman Wery to approve report O, which is the report of the plan commission for the meeting held on February 11th. Any items under this report you wish to handle separately?

- [Alderman] Number one.

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

- [Council Members] Aye.

- Those opposed, nay, the ayes have it, Alderman.
- [Brian] I do report as abstaining items four and six.
- Okay, all right, with that abstention, so items two through nine have been approved, noting the abstention by Alderman Johnson. So we're on to item one of the report of the Plan Commission. There's a motion by Alderman Scannell.
- [Bill] Second.
- Second by Alderman Galvin. Did you wanna speak to that, Bill?
- [Bill] I'm sorry.
- Did you wanna speak to that?
- [Bill] Yes.
- Okay, Alderman Galvin. So again, item one, what we're discussing right now for the council and for those in attendance here is to authorize the conditional use permit for the property located at 430 South Clay Street. Alderman Galvin, you have the floor.
- Thank you, Your Honor. This has been a very controversial proposal for the neighborhood. This is the old Santa Maria Nursing Home. It's roughly 90, 95 years old. It's been there for quite a time. The area, the neighborhood is a real strong neighborhood. It's made a lot of strides recently, there's been a lot of Habitat for Humanity homes put up. Neighbor Works has been very big in that area. We have a lot of young families, and we have a lot of people that have lived there a long time. There's some people I've talked to have been there for over 50 years. And during that time, Santa Maria has been there. And they hardly knew it was there. Occasionally maybe a rescue squad call, that kind of thing. Families visiting loved ones. It closed down, the owners have moved on, and it's been sold to Reverend Reacco who wants to open up the Transformation House. He reached out to me, I sat down with him for a couple of hours one day. The two of us talked about his plans for it. He wants to have a dry facility and he wants to help men who have had problems in their lives get back on their feet and be productive citizens again in our society and contribute. And I don't find any fault with that, I think it's commendable. We do have problems with people getting out of incarceration, people that have homeless issues, and as a community we have to be willing and able to support everybody to do the best that they can. My concerns come from the constituents. This thing has been moving kind of on a fast track for them. Now, Reverend Reacco did have one outreach night for the citizens to come, and a few did, and they liked what they heard. But some weren't able to make it. I wasn't able to make it, it was scheduled on a night when we had city council. And many of the residents either weren't aware of it or they weren't able to make it. And they're very concerned. There's an administrator at the parochial school across the street who's concerned. There's people in the apartment complex that are concerned about issues there. And because of the zoning and that, he's gonna have to get a conditional use permit, and the city's able to set some parameters within that but legally if he fulfills all of that then we have to grant it, and I understand that. But my purpose here for pulling this is because I wanna make sure we can put all the checks in place that will make those residents, if this moves forward and it does open, that all those residents feel safe, they're secure, and that they know that if any problem does pop up it'll be handled immediately and taken care of. And

that if it does become a problem site, that there's some things in place that the CUP could be reviewed and possibly rescinded. But I want whatever's there to be successful. Understand in the best world possible I'd love to see that place rehabbed into condos or apartments, paying taxes and that helping out the community and our city that way. But, that's not gonna happen and so it looks like moving forward that the planning commission granted the CUP but it did have all the things in place I would like to see. And I was told that we either have to place 'em within the CUP, or Reverend Reacco has to agree to put 'em in his operating plan. And we can hold him accountable to either one. And some of what I'm looking for, or maybe before we get that, I know there's a lot of people here that would like to talk. And this might be the time to open the floor for interested parties to speak.

- So moved.

- [Jim] All right, so there's a motion by Alderman Galvin, second by Alderman Nicholson to suspend the rules to hear from interested parties. All in favor of that motion, please signify by saying aye.

- [Council Members] Aye.

- And those opposed, nay. So, for those of you here tonight, and thanks for waiting, I know I talked to some of you earlier and guess I thought that was gonna go a little bit quicker but here we are discussing the report of the Plan Commission. And this is for the conditional use permit for 430 South Clay Street. As the alderman explained, this would be something that needs to be approved by this body. So, if there's anyone who wants to speak to that, if you'd keep your comments to three minutes we'd appreciate that. If you just wanna come to the podium here and if you have some thoughts to share with this body, we're happy to take your comments. So, anyone from the public can stand up and say, I like it, I don't like it, or this is what I'm concerned about and we'll take that all into consideration before we vote. So if you could state your name and address please. Hang on one second.

- I don't know if I need this, I'm pretty loud. Thomas Bevierly, served 24 years, seven months, 11 days, didn't count it much more than that, in the Navy. I've met you several times before, I know a lot of the people here, I've seen ya. But then I've worked with Pastor Reacco, helping him get young men trained, ready for the workforce. That's what I do, I'm a global career facilitator. You know that means, I help people, I'm a career coach. So being a life coach and career coach, I've seen a lot of success stories. I did plan and I do have a series of things that I'll help him do there, which is career services, getting them back in workplace. I work at the job center, but I'm willing to do it on a volunteer basis because I know he's got a successful model, and I trust him. So, that's all I got. I can add more, but I think that's plenty for tonight.

- [Jim] All right, thanks for being here. Anyone else wish to comment on this 430 Clay Street, sir.

- Thank you for this chance to address you. My name is Larry Fry, I live directly across the street from the facility. I also have a, I'm a business owner on Broadway. But I have a real concern about this property. This is a substantial change in our neighborhood. First change that we've seen, that I've seen in the 32 years that I've lived there. One of my concerns is that, in addition to the nursing home and the parking lots, three properties, three residential properties adjacent to the nursing home were purchased but there were no plans on the conditional use permit for the use of those properties. And so, therefore, there are no conditions put on those properties. So we have no idea what the future plans of those are, whether those will remain on the tax rolls, whether they're gonna be used

commercially, but if it's the property of Transformation House that should be also included on their conditional use permit. There were a lot of neighbors that expressed concern about why this property was purchased well in advance of having the permits in place. It just didn't seem like a wise business decision. And at the planning commission meeting, I don't believe that there was any discussion about the possible affects of property values and the negative incentive for improvement of properties because of those values. Most of us first learned about this on January 15th, got our first information, that's just seven weeks ago, and have had very little time to react. There's been really spotty poor communication between Transformation House and the neighborhoods. Many, many of the neighbors never did find out about the open house or were not able to come. It was just not well publicized. Some of the neighbors found out about this just one week before the planning commission. We've had to do a lot research on our own, a lot of the changes have been just clouded in obfuscation, we just, there are many, many questions that we have that have not been answered, and that's our big concern. But I'm primarily concerned about those three properties that were not included in the conditional use permit.

- All right, thank you, Larry.

- Thank you.

- Mayor, can you--

- Yep.

- [Andy] Can they take questions?

- [Jim] Sure, if you have some then.

- [Andy] I got a question.

- [Jim] Larry, do you wanna answer, Alderman Nicholson had a question for you.

- Yes, sir.

- So, the property was purchased when did you say?

- [Larry] I have no idea, that's one of our questions.

- Okay.

- [Larry] We found out the nursing home was closing and our last patients were in November.

- November.

- Our first notification of what was going in there was at our meeting on January 15th, the open house.

- Okay, and interesting because through my experience most of time, I think all the time, with an issue to this standard, or to this, when they want a conditional use permit for, what clients were they again? What type of people?
- Do you have a question for--
- Yeah, I'm just trying to find, what it is a homeless shelter, is that what they're trying to, pardon?
- This is a neighbor who lives across the street.
- Transitional housing. The experience I've had is that they purchase the property first, and then it's hard for the city to say no to 'em because they already bought it. And that is a trend.
- Yeah, it's like it's easier to ask forgiveness than permission.
- Right, and that's a trend. That's why it's very difficult to say no. I've seen this for 17 years.
- Not for the neighbors.
- 17 years, and didn't the aldermen know about this at the time, Bill?
- I don't know, this is clouded in obfuscation.
- [Andy] Okay, well I'm just stating that, and you weren't notified, that's another trend. They don't wanna notify the neighbors, it's sad. I'm sorry, I'm sorry to hear this once again in the city of Green Bay, thank you.
- Thank you.
- Unbelievable.
- [Jim] Anybody else wanna speak to this item? If you wanna make a comment, we're gonna debate it once we hear from the public.
- Hi, my name is Julie Sigmund, I live at 445 South Webster Street, Webster Avenue. I'm been in touch with Alderman Galvin in regards to just worrying about the safety of my family. We have had several incidences already, even being on the corner of Webster and Chicago, we are very visible but yet, very vulnerable I think. At this point, I don't even let my daughter go outside, just because I'm afraid of what's to come. So all I ask is that you guys close your eyes, picture your neighborhood, your family, how this will affect your everyday life. Thank you.
- [Jim] Thanks for being here. Come on, you can queue up right behind the podium, either one of you, well anyone.
- Hi.
- Hi.

- My name is Mary Schroeder, I live in the neighborhood also. And just one thing that I wanted to bring up is that pastor talked about police calls at his last homeless shelter. He said that he had, he thought, five. I have a list here six pages long. Those are the police calls from his last homeless shelter.

- [Jim] All right, thank you.

- Good evening, Pastor Reacco, the director of the Transformation House. In 2012, January the 1st, we opened up the Transformation House at 436 South Jefferson. There was concerns about the Transformation House then, but the neighbors really didn't know we was even in the neighborhood. We hold a very high standard for the guys there, and it's a no-nonsense, matter of fact, law enforcement was welcome into our facility at any time. I believe there was one fight in the six years. It lasted about 30 seconds. There was officers comin' there to look for people. They have officers come outside there, but it wasn't about disturbance, or I might've had someone who didn't wanna follow the rules and the officer would come and escort them out of the facility. But as far as hanging outside, doing any type of disturbance, there wasn't none. The men at the Transformation House, when they come in, they have to be ready to change their life around. And one of the core requirements is for them to find work, employment. I give 'em, if they wasn't workin', I give 'em one week to find employment. And 95%, even more, maybe more, found work within the week, matter fact they had two jobs. So it was all about accountability, stability, it's all about structure. All the guys had to shave and dress well everyday. They had to, all of 'em had chores, they had to do community service, if they didn't have a GED they had to work on it. There's case manager and counselors every week, there's budget counseling. We did all kind of things to help the men get to where they need to get. So, in the 680 guys that we had housed in the six years, we have over 80% from homeless to independent living. The property that's over at 430 South Clay, that was a real rough neighborhood. Webster, really rough, at the Mexican store, all that area, the apartments right there, a lot of drug traffic. About the heaviest in Green Bay, I think. When we moved over there, I seen guys out in the parking lot hanging out, and I said, we're gonna have to work with this neighborhood. So that's what we do, we try to work with guys and recondition, help them to get back in the community and be productive. So we like to work with the neighborhood, just like we did at 436 South Jefferson. Every year we do a feed the homeless barbecue for the neighborhood, free barbecue. We're always doing something, working with the guys. So when they come in there, they comin' out with a whole different type of mentality. So, they gettin' back with their families, they're gettin' back connected with their children. They being productive. But over here at 430 South Clay Street, when we began to purchase the property, I did speak to, upstairs to Paul Nuemeyer and them about the purchase, and then when we did purchase it and try to move forward to the program, he said, "This is what you gotta do. "you gotta give a certain amount of days, "a couple weeks out, to send letters "through the whole neighborhood." We did that, matter of fact, he told me to do 200 feet, I did 500 feet, I went everywhere. When I went around to the apartments, I'm lookin' in there, and there's about six, seven guys, alcoholics, sitting there in the library, they all hangin' out. These the same guys was comin' to the soup kitchen. It was probably the same guy was hanging out at her house down there, but we don't have guys hangin' out. There's a curfew, all the guys there in the Transformation House, they're busy doing what they gotta do.

- [Jim] Okay, I just wanna be sensitive to everyone's time so this is your request.

- Yes.

- For 46 units--
- 430.
- [Jim] At 430 but it's for 46 units.
- Right, yes.
- We're addressing that tonight, so, they've read it, you got the packet, and I just, there's a few questions that we have.
- Okay.
- The lights on, so I just wanna kinda take that before we debate this. So why don't we start with Alderman Steuer.
- Thank you, Your Honor. Pastor Reacco, thanks for coming in. I don't think we have any question about the purpose of your group and what you're trying to do. And you're to be commended for that. So we understand that. But I guess what I wanted to know is when did you purchase the building, what date?
- [Reacco] We purchased the building January the 1st.
- Okay. Another question or two, do you feel that you gave that neighbors enough notice in order for them to weigh in on this?
- [Reacco] Yes, yes, I believe so.
- Okay, and when was that listening session? That was January 15th?
- [Reacco] Yes.
- Okay. I just wanted, Alder Nicholson kinda raised this too, and I was just wondering, when you purchased this building, did you think that the conditional use permit would be approved without any resistance from the neighborhood?
- Well, every time we come in front, there's always some type of resistance.
- [Mark] Right.
- Yeah.
- But I'm just saying that, I don't know if it's so much a trend, but that can happen sometimes where something is purchased and the assumption is that things will go through, but there's always that chance that there'll be resistance so, just so you're aware of that, so. Okay, that's all I have for now.
- All right, thank you. All right, alderman, thank you, alderman, Alderman Scannell do you have questions for the pastor?

- Yep, I've worked with Pastor Reacco with the Transformational House on Jefferson, and I'd just like to ask, with this new facility, the community outreach, that's an ongoing process, correct? I mean, that's part of your model and so this isn't the end of it. I mean if people came to you, you would show 'em the facility, they'd meet the clients and so on.

- Yes.

- So, I appreciate very much everyone's concern, I think it's great that people are concerned about their community and coming forward about a big change in their community. But, I know Pastor Reacco runs a great program, and that once people get more familiar with it, they'll appreciate it and just as we did on Jefferson Street, as you mentioned, there were concerns, he had open houses, we had meetings, and people in that area are pleased with what he does. So I just wanted to make sure that everyone hears from you that this community outreach isn't over.

- [Reacco] That's right.

- Okay, thank you.

- I need a show of hands here. Who else, questions for Pastor Reacco? Anybody else? All right, thank you for being here tonight. Anyone else wishing to speak to this item? This is again, this is the conditional use permit, rezoning if you will, of 430 Clay Street. Just gonna ask a couple more times, anybody else wish to speak to this? Anyone else, very good, it's okay, come on. So was I.

- Hi, my name's Conardo Johnson, I'm the assistant director of Transformation House and also one of the case managers. I just wanted to say that the program is very transparent as far as with the neighbors and the community and everything, and I'd like to say, as far as the property at 430 South Clay, as you've heard actually from a couple of neighbors and also at the planning commission about how there are some homeless already in the neighborhood, and one of 'em actually said, well right now I don't allow my kids to go outside because of a certain element in that neighborhood, that's where the Transformation House comes in, that's what we do it try to come to those type of areas to help clean up that area and to bring those men that is looked up as an element, quote, unquote, that they can start to be more suitable for some of the things that you look for in the community, to be more productive parts of the community. They come through the program, then out there they're sober-minded, they're no longer on drugs or anything like that. A lot of 'em have to go back to school, get their degrees, working full time jobs, now they become renters or leasers or buy a home and all those things, and the funds from all that comes back to the community. So, that's all I wanted to speak on.

- [Jim] All right, thanks, thank you. All right, anyone else, anyone else, anyone else? All right.

- Motion to

- [Jim] All right, there's a motion by Alderman Steuer, second by Alderman Scannell, to return to regular order. All in favor of that motion, please signify by saying aye.

- [Council Members] Aye.

- And those opposed, nays, ayes have it, so we're back in regular session. I'm gonna go back to Alderman Galvin, you had the floor.

- Thank you, Mr. Mayor. So, going on, I was given that list of police calls for service at the old Transformation House. It's 140 calls for service, but 20 reports. When the department makes out a report that means something happened that required pen and paper. It could be an arrest, it may have been a traffic accident. Don't know. And looking at many of these, they're listed as disturbances animal calls, miscellaneous, traffic stops. So, I got a copy of all those calls and I'm going through 'em to see how many actually really apply to the Transformation House. If a police officer pulls a car over, looks up, and he sees he's in front of 436 South Jefferson, he calls out and it shows up on that list and it has nothing to do with Transformation House. So, what I'm gonna be asking for is for this to go back to the planning commission. I have concerns, in that, if it shows that there's a lack of proper management, I think, and that's why we have all these police calls, then that is concerning for the neighbors. And I think the planning commission should consider that. I also have a question about the parking. I received an email today saying that there's some property disputes over who owns what property there. And if the one side is right, Transformation House would have 12 parking spots. If you have 46 individuals and employees working there, that's not enough parking, if they have cars. And where are they gonna go? Can't have 'em parking on the street. I don't know of any lots nearby where they could go to so these are all issues I think that have to be re-examined. At the same time I would ask that either in the CUP or in his operating plan, that they, I know they're gonna do background checks, I know they're gonna be doing random testing for drugs and alcohol, all commendable, but I'd like the background checks to be conducted such as they are at St. Johns, where they have a relationship with the department and it's done on a daily basis. That there be landscaping, proper outdoor lighting, and security cameras that are recorded so that if there ever is a dispute or complaint by a neighbor, by accessing that video we can determine if it's a valid complaint or not. And, once again, it'll either support what they're doing, or it'll help us realize that they're not doing what they said they would do, one way or the other. And then I've got some other questions for 'em, and I'd have to sit down with the pastor and go over his operation plan, which I didn't get until just recently. So, I'm asking for this to be sent back to the planning commission until we can get some answers for some of these concerns. Again, my main thrust here is that if this does go forward I want the neighbors to rest easy at night, knowing that the city has done everything they can in working with the Transformation House to make this a successful project, thank you.

- [Jim] So the alderman made a motion to refer this back to the plan commission.

- Second.

- [Jim] And that's what we're gonna discuss right now is referral. So, there's a motion and a second to refer this item back. You guys, we're having some problems with the board here so I don't wanna be school teacher, but you're gonna have to raise your hand and I'll recognize you or just say you wanna speak to that, Alderman Scannell.

- Thank you, Your Honor.

- On referral.

- On referral, yep, and some of the reasons you want to refer I can appreciate. I can assure you though that the police calls, the department does not have an issue with this facility, having worked

with them for the past five years. They are on Jefferson Street, right across from the St. John's homeless shelter, so there are a number of issues around that area, but this facility is really well done, the programs are really well done. So I can assure you of that. The rest of your concerns, I think it's good that we take the time to make sure the neighborhood feels comfortable with this. This gives Pastor Reacco a little more time to do some outreach. This gives you some time to go over some of those other concerns. I would ask Doc about the three houses, they are not part of the operation correct, they are still on the tax rolls? The three houses, Doc. Doc, doc.

- The guy did, right, he asked about are those included with this--

- Right, so there's three houses that were contemplated, I think as part of this purchase. They're not a part of this conditional use permit. The applicant, the property owner, owns that Santa Maria complex, those three houses. Depending on the use will depend on how those get regulated. If the property owner chooses to rent those out to a single family, a household, they are entitled to do that in that district and so they can do that just like any other property owner rents out a house. If they are to use those either as a boarding house, where you have multiple unrelated individuals, and/or part of the transitional living facility, that would require either coming back to planning commission and council to amend the conditional use permit. It'll also require a higher level of code enforcement in terms of the structure and things that would have to be done in the house if it's to be used basically differently than a single-family use.

- [Randy] Okay, then I would ask that when this goes back to planning, we include those three houses to find out just exactly the intent and what needs to be done with them, if anything.

- All right.

- All right, thank you.

- [Jim] On referral, Alderperson Lefebvre.

- I think it's a good idea to maybe bring it back and to discuss it a little bit more. We shouldn't rush into things. But I also wanna point out what Alder Galvin had mentioned, that he would've preferred it be done into apartments or condos. Well, with that idea, there'd be nobody on staff policing that unit, you wouldn't know who you'd get in there and I'm sorry, there're apartment buildings where have a lot of problems with people. So, I'm thinking what pastor's trying to do here is actually a step up from just having it turned into apartments or condos, thank you.

- Thank you. Anybody else wanna speak on referral? All right, with that we have a motion and second to refer this matter back to the plan commission. All in favor, please signify by saying aye.

- [Council Members] Aye.

- And those opposed, nays, ayes have it. So, this item, and thanks for hanging in there tonight, it's gonna get referred back to the plan commission and discussed, the aldermen, and I would encourage the neighbors to go. I don't agree with you Pastor, that that's a bad neighborhood, I think that's a pretty cool neighborhood and I just, I just think we gotta be sensitive to those people, and anyway, this'll be referred back to the plan commission, which meets next Monday. When are you guys, huh?

- Monday at six.
- Monday, 6:00 p.m. up in 604. Okay, let's move on here. We're now on to report P, which is the report of the finance committee--
- So moved.
- There's a motion by Alderman Nicholson, second by Alderperson Dorff to approve report P, the report of the finance committee, and that was for their meeting held on January 29th. Any items in this report you wish to handle separately?
- [Randy] Number three.
- Item three. Was that you, who pulled that? Was that you, Randy, who pulled that? Okay, hearing none others, all in favor of the remainder of that report please signify by saying aye.
- [Woman] Aye.
- Okay, we gotta get this, okay, there's a motion and second to approve the report of the finance committee, items one, two, four, five, six, and seven. All in favor of that motion, please signify by saying aye.
- [Council Members] Aye.
- And those opposed nays, ayes have it. All items have been approved with the exception of item three. What're your wishes regarding item three?
- Motion to approve.
- Second.
- Motion to approve by Alderman Scannell, seconded by Alderman Steuer. Alderman Wery.
- Thank you, Mr. Mayor, just to set the table. Right now, all claims over 5,000 to the maximum of 50,000 for non-automobile claims go through committee and to council, correct? So under 5,000, the committee gets final say. It's my belief that this is a drastic change to that claims administration process. It's raising it from 5,000 to 50,000. And, it removes the review and voting duties from this council entirely. If you look at other cities and villages, some have no minimum, I think Ashwaubenon has none, everything goes before their village board. Some cities are like that as well. A lot other cities still have 5,000 or 10,000 with maybe a few being 25,000. I think Milwaukee might be 25,000. So, I firmly believe we're abdicating our duty and growing the power of an unelected bureaucracy and that's concerning, I think we should keep that ability, that oversight with us. So my motion would be to actually, to change this to double the amount to 10,000 instead of the 50,000. So however you want to word that in there, the maximum would be 10,000.
- [Jim] So we have a motion Alderman Wery to amend this claims procedure to \$10,000.
- Right.

- Second.

- [Jim] All right, then seconded by Alderman Scannell. Do you want to say anything else?

- I would, actually, I listened to the committee meeting, and so I heard the discussions and I heard attorney Chavez when asked, why 50,000? Her quote was, "Really, we're just "picking a number at this point." So, I'm picking another number that I think is more reasonable, thanks. I'm just using the quote from the meeting.

- Okay, I wasn't there, but that is when our insurance kicks in.

- I have it right from the meeting.

- All right. All right, so there's a motion and second, so this claims committee, that would mean anything over 10,000 would come back here. You just wanna raise your hands, I'm sorry about this board.

- Is it working?

- Yep.

- It is.

- No, I haven't. All right, Alderperson Dorff, it is working.

- Thank you, Your Honor. Alder Wery I had wished would've come to the meeting the couple times that we'd held it. But there was a lot more to the discussion than just one quote from attorney Chavez. I think what we talked about at length is that mostly it's the claims that are denied that cause consternation. Mostly, that is where the problems have come in, where we've talked about, wow, it's unfortunate that certain claims have to be denied, that the insurance doesn't cover it, or that it's an act of God or whatever. And so claims being approved really hasn't been an issue at all. And I would really like to ask attorney Chavez to talk a little bit more about why the 50,000 and give that explanation to everyone at council, thank you.

- [Jim] All right, attorney Chavez.

- Sure, so the reason we went with \$50,000 is because it reflects what the current limit is for claims other than automobiles, as Alderman Wery suggested. The reason we chose that number is because, unlike a lot of these municipalities, we actually have a claims committee that addresses this. We are expanding under this proposed ordinance, the number of people, the number of staff who are participating in that. So a lot of these municipalities that have a much smaller number, they have either just their city attorney, or a risk manager who's making these decisions. So, having one person with that authority is really where that comes in. The second component of it is, when we first brought this forward, we were looking at increasing the number to follow with inflation. So, \$10,000 doesn't even get us to the inflation component 'cause I think this was enacted in the 90s. And so, we're still looking at much, at a smaller number than we originally had if we go with 10,000. In addition to that, if we are pulling five people's time, I don't think that it's really worth everybody's

time to sit in a meeting and go through this process to bring it to you guys. We're doing all this work, we're wasting a lot of staff time when that's something that we could disband the committee for and bring this to you guys to make those determinations. The last component of this is that we are getting a lot of claims where the items are just much more expensive. So now cars, any time you have a truck, like these super duty vehicles, if we break a mirror, which happens a lot, we're looking at like 2,500 just to replace the mirror because they've got a lot more components to them this time. So what we're trying to do is make sure that any time we're going through this process, we are looking at just one, liability. We look exclusively, we don't look at the political issues behind it, we look exclusively at what the law says and we apply it to those, make a determination as to whether or not it's something that will be approved, or I'm sorry, that would be subject to immunity or not. Anything that would be subject to immunity, we deny. Anything that isn't, that's when we make those recommendations to settle. And beyond that, so we have five people from the city. It's also including our insurance adjuster. So there's a lot of people who are actually putting their hands on this, it's not just me making the decisions randomly.

- [Jim] Alderperson Dorff, anything else?

- No, thank you.

- [Jim] Are there any other lights? This isn't the--

- [Man] Nobody's light's flashing.

- [Jim] Yeah, I just, do you see his light? Okay, I don't see it, I'm sorry. I'm happy to recognize you, uh.

- Thank you, I'll be short.

- Alderman Nicholson.

- Just a question for the city attorney. What other cities have dollar amounts? I mean like Appleton, Oshkosh, Milwaukee, Madison, Racine, Kenosha, roughly?

- [Vanessa] We reached out to our insurer, to find out what they're seeing, and it's all over the board. Some people, as Alderman Wery stated, don't have any authority for their city attorneys, others give their city attorney 10,000, 25,000. There are some that form committees that include several people, and then those ones have full authority to settle any claim up to the 250,000 mark.

- Like Racine, they're pretty equivalent to our population. What does Racine have?

- [Vanessa] I'm not 100% sure, but I'm pretty sure the city attorney's told me that he handles all the claims.

- Okay, and then, Appleton?

- [Vanessa] I do not know Appleton.

- Okay.

- They are not covered by Citmic.
- Thank you. Go ahead, chair.
- All right. So we have a, why does under speakers it say Mike Ronick?
- [Mike] I was testing it.
- Okay.
- [Mike] I use it, I can't speak without it.
- You got a claim, Mike? 'Cause we're gonna have one against you pretty soon. No, I'm just kidding. All right, so you were just testing the system, all right. I was, that was a joke, I love Mike.
- We do too.
- Okay.
- [Man] Was that a question?
- All right, there's a line item three on the report of the finance committee, and there's a motion by Alderman Wery to move this to 5,000 to 10,000, which would be the authority of the claims committee. Okay, use the board to vote on this.
- [Man] Moving it from five to 10?
- Yeah it was.
- 15 to 10.
- 15.
- No, it wasn't. Look, hey wait, I, someone called me chair before, let's keep that in mind. Am I right?
- [Alderman] It was originally five, proposed was 50.
- And that was seconded.
- [Alderman] But wasn't it 10 to 50?
- Not 10 to 50.
- [Alderman] 10,000.
- [Alderman] 10.

- Right, here, not 10 to 50, no, no, no. So this claims, right, we get claims all the time and we, they come to you but Vanessa has the authority to settle them under \$5,000. And as Alderman Nicholson just said, there's communities that have 25, 50, 50's when our insurance kicks in. So, she said look, at \$50,000 that would come to the city council. Alderman Wery is saying, I think that should be 10,000 before it comes back. It's kind of an efficiency thing, we did this in 1990, and I know who made the motion in 1990 that everything comes here. Even with inflation, we thought it should be a little bit higher, but that's what's on the table. I need you to understand this. This is kind of important.

- [Man] It is.

- So, we're looking to have the claims committee, which is a committee made up of Vanessa, risk management, Joe are you on there?

- Finance.

- You're on there, finance. To settle these claims and then everything comes back here after 5,000 or 10,000. So, are you clear on that? So the motion is for 10,000. We had recommended at the finance committee, 50,000. Yeah, go ahead, this is important.

- So the way that I'm understanding it is right now, Vanessa can settle these at 5,000 or less by herself.

- [Vanessa] No, the claims committee.

- So there still is a committee.

- Correct.

- So the only thing that's changing with the proposal that we have in front of us is to go from, notwithstanding Alderman Wery's amendment, but is to go from 5,000 to 50,000.

- Right.

- There're a few additional changes, including adding two more people to the claims committee, so it would go from three people to five people.

- And that's the clarification point that I wanna get, because we're amending the proposal that's in front of us so we'd be, with the amendment, going to 10,000 and still adding two more people.

- [Vanessa] Correct.

- Which, okay, I just wanted to be clear on that.

- [Jim] Is everybody else clear on it, 'cause we're gonna vote on this. So, you're right, it's to approve the amendments to the claims administration procedure. And that would be increasing the claims committee from three to five, so you get more voices on that. And we had also at finance committee talked about, or they had talked about going from 5,000 to 50,000. Alderman Wery wants to amend that to cap it at 10,000, so that's what's on the floor right now.

- [Randy] So yes caps it at 10?
- [Jim] A yes, really, to be Robert's Rules about it, a yes vote reduces it from 50,000 to 10,000. Um-hmm. Yep, are we good? Go ahead and vote.
- Did you vote?
- I voted.
- [Jim] VanderLeest, Mr. Wery.
- [Alderman] The computer's not working, I vote yes.
- [Jim] Okay, Alderman Wery.
- [Alderman] Yes, yes.
- Yeah, I got you. Who is that again, oh Craig. How would you like to vote on this? One, two, three four, five, six, seven. All right, so that motion fails on a vote of seven to five, or five to seven. So we're back to the original motion, and that's to approve the amendments to the claims committee. Can you use the board on this, please. I don't see one.
- [Man] Welcome to this community.
- Yeah, I believe him, I just don't see it. Alderman Wery.
- [Randy] I was just saying, my thing just popped up.
- Okay.
- Thank you, Mr. Mayor. I would make a motion then to make it 25,000. I believe that equals Milwaukee and quintuples what we have right now, so the motion would be for 25.
- [Kathy] Second.
- [Jim] Motion by Alderman Wery, and that's seconded by Alderperson Lefebvre to change the dollar amount from 50,000 down to 25,000.
- I think it's important that we not remove a citizen's right to appeal to us, their elected body. I think that's no small thing, thanks.
- Okay, we'll use the board on this. This amendment would go from 50,000 to 25,000. I can't control this, how the system
- [Man] Oh man. You do? I'll vote for ya.
- You talking about this?

- [Man] No, no, higher, yeah, higher, higher.
- [Alderman] You pressed the wrong one. Randy pressed the wrong one. Randy hit the wrong button.
- [Alderman] Mayor, mine'll be a voice vote, yes.
- [Alderman] Did you vote? I didn't ask for that.
- [Alderman] Only speak when spoken to.
- Alderman Wery, if you could vote on this.
- [Chris] I, yes.
- Okay. So that approves this motion by a vote of seven to five. For the record, I'm gonna to adopt this again, as amended, okay, just for the books, so.
- [Chris] So moved.
- [Jim] All right, the motion by Alderman Wery,
- Second.
- Second by Alderman Scannell, to adopt item three as amended. All in favor, please signify by saying aye.
- [Council Members] Aye.
- And those opposed, nay, okay. So, we're gonna move on to report Q, which is the report of the park committee.
- So moved.
- All right, there's a motion by Alderman Nicholson,
- Second.
- Seconded by Alderman Scannell to approve the report of the park committee for the meeting held on February 13th. Any items in this report you wish to handle separately? Hearing none, all in favor of that report, please signify by saying aye.
- [Council Members] Aye.
- And those opposed, nays, the ayes have it. Report Q has been approved. We'll move on to now report R, the report of--

- Motion to approve.
- The personnel committee. There's a motion by Alderman Scannell, seconded by Alderperson Kathy Lefebvre to approve the report of the personnel committee that was for the meeting held on January 29th. Any items in this report you wish to handle separately? Hearing none, all in favor of that report, please signify by saying aye.
- [Council Members] Aye.
- And those opposed, nays, the ayes have it. Let's move on to report S, the report of the traffic, bicycle and pedestrian
- Motion to approve.
- commission meeting.
- Second.
- There's a motion by Alderman Scannell, seconded by Alderman Craig Stevens to approve the report of the commission for the meeting held on January 21st. Are there any items in this report you wish to handle separately? Hearing none, all in favor of that report, please signify by saying aye.
- [Council Members] Aye.
- And those opposed, nays, the ayes have it. All nine items in report Q, S, have been approved. Okay, we're now on to the report of the sustainability commission.
- Motion to approve.
- There's a motion by Alderman Scannell, second by Alderperson Dorff, to approve report T, the report of the sustainability commission for their meeting held on January 9th. Any items in this report you wish to handle separately? Hearing none, all in favor of that report, please signify by saying, aye.
- [Council Members] Aye.
- And those opposed, nays, the ayes have it, report T has been approved. We'll now take up item U, which is to receive and place on file two reports, the building permit report of January 2019, and the municipal courts report.
- So moved.
- There's a motion by Alderman Scannell.
- [Craig] Second.
- Second by Alderman Craig Stevens, to receive and place on file these two reports, any discussion here? All in favor of that motion, please signify by saying aye.

- [Council Members] Aye.
- And those opposed, nay, the ayes have it. We're now onto report V, which are the resolutions. You can suspend the rules.
- Move to suspend.
- Second.
- There's a motion by Alderman Scannell, second by Alderperson Dorff to suspend the rules under report V to take items one through 16 under one roll call vote. All in favor of suspending the rules for that purpose, please signify by saying aye.
- [Council Members] Aye.
- And those opposed, nays, the ayes have it so the rules are now suspended.
- Motion.
- What are your wishes regarding these resolutions?
- [Randy] To adopt.
- Motion to adopt by Alderman Scannell, second by Alderman Steuer, and if you'd please use the board. These are resolutions V, one through 16.
- [Man] I'd say that's a good question.
- Okay.
- [Randy] Is 14 pulled already, for the Shelton?
- [Man] No, none of 'em got pulled.
- [Alderman] I pull 14.
- Oh yeah, I didn't do that. 14 was referred back so, look, I don't wanna go backwards on this, but it's resolutions one through 16 under one roll call vote with the exception of 14, which has been referred back. So that's what we're voting on is resolutions one through 16, with the exception of 14, which has already been handled.
- [Man] Am I in the right spot?
- [Brian] Mr. Mayor?
- Yeah.
- [Brian] If I could be recorded as abstaining on 13.

- Okay, so those resolutions passed unanimously with the notation of Alderman Johnson abstaining on 13, and of 14 being handled separately. All right, so we're on to W, which are ordinances first reading. Before we adopt, this is one through seven. Let's note right now that general ordinance 20-18 is amended to \$25,000. Right, we already talked about that, we voted on it. So, entertain a motion to advance.

- [Alderman] For one through seven?

- One through seven?

- [Woman] There's 11.

- [Woman] There's 11.

- I mean one through 11.

- 11. Okay, motion to suspend.

- Motion by Alderman Scannell.

- [Chris] Second.

- Second by Alderman Wery to suspend the rules so we can take these all under one roll, under one vote. All in favor of suspension, please signify by saying aye.

- [Council Members] Aye.

- Those opposed, nays, and I'll entertain a motion to advance to the second reading.

- Motion to advance.

- By Alderman Scannell, second by Alderman Stevens. This is one through 11. All in favor of advancement, please signify by saying aye.

- [Council Members] Aye.

- And those opposed, nay, again, noting item seven was adjusted to \$25,000.

- [Brian] Mr. Mayor, if you could also note an abstention on item nine.

- Okay, I'll note that. All right, we're on to item X, which are referrals of petitions and communications. Start with Alderman Nicholson.

- Thanks, Mayor. Thank you, Mayor. Received communication from a concerned citizen on why the mayor is entitled to a party at the end of his career. I don't know where that would go.

- [Randy] That's not city business.

- Well, gentleman asked me to do it.
- [Randy] That's not city business.
- [Jim] Yeah, send it to my office, I'll take care of it.
- All right.
- [Jim] All right, anything else? Okay, Alderman VanderLeest.
- Thank you, Mayor. Via communication, any vehicle that is stolen in the City of Green Bay that the Green Bay Police Department recovers, the person owning the car or truck pays the towing fee related to the vehicle. Fees paid to the City of Green Bay Police Department. I do not recommend any fines be imposed on a person whose vehicle was stolen in the City of Green Bay. Give this to--
- [Jim] You want that to go to protection and policy? Or you want that to go to finance?
- [Woman] Protection and policy.
- [Jim] Okay, so that's gonna be referred to protection and policy.
- Okay, thank you.
- Okay, clerk do you have any late communications?
- [Clerk] No, I do not.
- All right, so with that, I'll entertain a motion to be--
- Motion to refer.
- Motion for Alderman Scannell seconded by Alderman Johnson to refer all late petitions and communications to the proper authority. All in favor, please signify by saying aye.
- [Council Members] Aye.
- And those opposed, nay. With that I will--
- Motion to adjourn.
- Entertain a motion to adjourn by Alderperson Lefebvre, seconded by Alderman Brunette. All in favor, please signify by saying aye.
- [Council Members] Aye.
- All opposed, nays. All right Andy, tell Zim I'll call him tomorrow, okay?