



MINUTES OF THE COMMON COUNCIL

**TUESDAY, DECEMBER 17, 2019, 6:00 PM
COUNCIL CHAMBERS
ROOM 203, CITY HALL**

A. ROLL CALL.

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

B. PLEDGE OF ALLEGIANCE.

C. INVOCATION.

The invocation was led by Alder Jesse Brunette, District 12.

I. The invocation will be presented by Alder Brunette, District 12.

D. APPROVAL OF MINUTES.

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

I. Approval of the minutes of the December 3, 2019 Common Council meeting.

E. APPROVAL OF THE AGENDA.

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

Moved by Ald. Bill Galvin, seconded by Ald. Brian Johnson to amend the agenda to take item N before item L. Motion carried.

F. REPORT BY THE MAYOR.

G. ANNOUNCEMENTS.

H. PRESENTATIONS

I. Presentation by Julia Noordyk, Water Quality and Coastal Communities Outreach Specialist, University of Wisconsin Sea Grant Institute on Green Infrastructure and Code Audit

I. APPOINTMENTS.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to confirm the appointments. Motion carried.

I. Election Officials pursuant to Section 7.30, Wis. Stats., for the 2020-2021 term.

J. PUBLIC HEARINGS.

No one appeared to speak on the resolution.

I. Resolution authorizing conditional-use approval at 520 Hubbard Street.

K. ORDINANCES - SECOND READING FOR ADOPTION.

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

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

I. General Ordinance No. 23-19

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

L. REPORT OF THE REDEVELOPMENT AUTHORITY (DECEMBER 10, 2019).

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

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1. To approve the request by DDL Holdings, LLC, to transfer real property, in accordance with Development Agreement 17-02 (Rail Yard: North).

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M. REPORT OF THE IMPROVEMENT & SERVICES COMMITTEE (DECEMBER 10, 2019).

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve with the exception of item 2. Motion carried.

1. To refer to Claims Committee the request by Ald. Dorff on behalf of Gerald Schaefer at 1608 Sonata Drive being dissatisfied with repairs done to an area on or near his property that resulted in a sprinkler head being removed.

2. To approve the request by Ald. Galvin for Department of Public Works to develop and implement a five year plan to inspect sidewalks and repair or replace them to code per the following:

- The proposed City program would target a 15-year cycle for proactive, routine inspection and repair/replacement of City sidewalks.
- The program would be capped financially, with an initial program value of \$300,000.
- The City would be partitioned off into similarly sized areas based on sidewalk coverage from our database.
- Seasonal engineering interns would complete inspections for the area targeted in the coming year (inspect in 2020 for 2021 repair/replacement).
- The cost for the engineering interns would be covered as part of the program cost.
- Using the previous year's construction costs, sidewalk inspections would continue until the financial cap is reached, at which time the program is shut off for the year.
- Any areas cut off within the geographically targeted area for a given year would become the first inspected for the following program year.
- The existing complaint-driven program would continue largely unchanged from the existing, but would likely decrease somewhat in size over time.

Moved by Ald. Randy Scannell, seconded by Ald. Bill Galvin to approve item 2. Motion carried.

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3. To hold until the January 8, 2020 Improvement and Services Committee meeting the request by Ald. Nicholson for (1) review of the Department of Public Works completion date expectations with possible action, and (2) notification to the Brown County Home Builders Association about the meeting as Department of Public Works staff will be meeting with Brown County Home Builders Association on December 12, 2019.

4. To direct Department of Public Works staff to work with existing adjacent homeowners to acquire required easements necessary for Wisconsin Public Service to install the street light on request by Ald. Nicholson to install a street light between 2050 and 2058 Jamesford Avenue.

5. To hold until the January 8, 2020 Improvement and Services Committee meeting the request by Ald. Nicholson for status update on plans to address chronic flooding in the vicinity of Main and East Mason Streets and Department of Public Works staff to report back to the Committee on feedback from designer on phasing the project.

6. To refer to staff the request by Ald. Steuer to study and report out on the feasibility of utilizing the “even-odd” residential address overnight parking scenario, as is done in Milwaukee, in order to relieve the parking problems at residences with limited parking spaces with Department of Public Works staff creating draft ordinances that allow even-odd overnight on street parking during summer months and/or year round and present at the January 8, 2020 Improvement and Services Committee meeting.

7. To approve the request by Department of Public Works to approve Amendment No. 2 for Professional Service Agreement with Ayres Associates for design contract for Haven Place and Hillcrest Drive in the amount of \$21,082.62.

8. To approve the 2020 Sanitary District rates as provided for in the Proposed 2020 Sewer Service Charges summary.

9. To approve the report of the Purchasing Assistant:

A. To award the purchase of traffic signal equipment from Cisco (\$16,035.00), Neher Electric (\$1,125.50), TAPCO (\$19,218.41), Viking Electric (\$1,447.15), and Wesco (\$33,065.28).

B. To award the purchase of traffic signals to Traffic Control Corp. in the amount of \$88,419.

10. To approve payment for the following easement:

Baird Creek Interceptor Sewer Easement at Grandview Road

Erie Road Development, LLC	\$25,725
Parcel 21-11	

11. To approve the application for Concrete Sidewalk Builder's License by Milis Flatwork pending an acceptable reference verification.

12. To hold until the January 8, 2020 Improvement and Services Committee meeting the request by Ald. Nicholson, on behalf of Tina Bunker, to have the City of Green Bay own and maintain the storm water management ponds as part of the Grandview subdivision(s).

N. REPORT OF THE PROTECTION & POLICY COMMITTEE (DECEMBER 9, 2019).

Moved by Ald. Brian Johnson, seconded by Ald. Mark Steuer to approve with the exception of items 2 and 3. Motion carried.

1. To approve a request by Harp & Eagle LTD (St. Brendan's Inn) at 234 S. Washington St. to temporarily extend their licensed premises to their parking lot on March 14 10 a.m. to 3 p.m., March 15 noon to 4 p.m. and March 17 11 a.m. to 9 p.m. for St. Patrick's Day events, subject to complaint.

2. To approve General Ordinance No. 24-19, an ordinance which would create an outright ban on coal-tar sealants, utilizing model legislation provided by advocacy groups, previously discussed at the May 8 Sustainability Commission meeting and the May 21 Common Council meeting.

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Moved by Ald. Bill Galvin, seconded by Ald. Randy Scannell to approve item 2. Motion carried.
Moved by Ald. Bill Galvin, seconded by Ald. Randy Scannell to open the floor for discussion. Motion carried.
Moved by Ald. Randy Scannell, seconded by Ald. John VanderLeest to close the floor. Motion carried.

3. To approve a resolution advocating for a state-wide ban on coal-tar sealants, which would be sent to the Wisconsin State Legislature, previously discussed at the May 8 Sustainability Commission meeting and the May 21 Common Council meeting.

Moved by Ald. Brian Johnson, seconded by Ald. Mark Steuer to receive and place on file item 3. Motion failed.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve item 3. Motion carried.

4. To receive and place on file the Liquor Violation Report for December 9, 2019.

5. To receive and place on file the Water Utility Department regarding the lead pipe removal project.

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

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

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

P. REPORT OF THE PARK COMMITTEE (DECEMBER 10, 2019).

Moved by Ald. Bill Galvin, seconded by Ald. Randy Scannell to approve with the exception of item I. Motion carried.

I. To advance to City Council without a recommendation the request to purchase a control system hardware retrofit with programming from MVR for \$51,418 for the Zippin Pippin at Bay Beach Amusement Park.

Moved by Ald. Chris Wery, seconded by Ald. Barbara Dorff to approve item I. Motion carried.

Q. REPORT OF THE PERSONNEL COMMITTEE (DECEMBER 10, 2019).

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

1. To approve the request to fill new position of Legal Assistant in the Law Department and all subsequent vacancies resulting from internal transfers.

2. To approve the request to restructure the Department of Public Works Building Maintenance Function.

3. To approve the contract between Employee Resource Center and the City of Green Bay for the employee assistance program.

4. To receive and place on file the request by Ald. Wery to discuss customer service standards and work expectations of inspectors. Investigate the addition of evening and/or weekend inspection hours.

5. To refer to staff the request by Ald. Wery to explore partnering/joining the State of Wisconsin for health insurance.

6. To approve the request to approve the collective bargaining agreement with City of Green Bay Fire Fighters Local 141, upon expiration of the current agreement for a 4-year term January 1, 2020 through December 31, 2023, subject to Fire Fighter union ratification by 12/31/2019.

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

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve item 6.

Moved by Ald. Chris Wery, seconded by Ald. Randy Scannell to go into closed session at 7:41 p.m.
Motion carried.

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

Ald. Chris Wery read the closed session language.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to return to regular order of business at 7:49 p.m. Motion carried.

The Council received an update on item 6 in closed session.

7. To approve the request for the wage agreement between the City of Green Bay and International Brotherhood of Electrical Workers (IBEW) Local 158 with a 2% general salary increase effective with the start of the pay period in which October 1, 2019 occurs.

R. REPORT OF THE ECONOMIC DEVELOPMENT AUTHORITY (DECEMBER 9, 2019).

Moved by Ald. Randy Scannell, seconded by Ald. Brian Johnson to approve with the exception of item 1. Motion carried.

1. To have staff proceed as directed as discussed in closed session regarding the I-43 wetland study and business park expansion.

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Moved by Ald. Randy Scannell, seconded by Ald. Brian Johnson to approve item 1. Motion carried.

2. To enter into a professional environmental services contract with Stantec, chosen through RFP Proposal #3199.

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3. To approve the four (4) agricultural leases for farming of the City's nine (9) parcels as presented with the new fees to take place for the 2020-2022 contract.

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S. REPORT OF THE PLAN COMMISSION (DECEMBER 16, 2019).

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

1. To rezone 2200 Nicolet Drive, Tax Parcel 21-274-2 & 2100 Nicolet Drive, Tax Parcel 21-274-4, from General Commercial (C1) to Varied Density Residential (R3).

2. To authorize a Conditional Use Permit (CUP) to establish a live-work use within a Low Density Residential (R1) district at 900 South Jackson Street, subject to compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.

T. REPORT OF THE SUSTAINABILITY COMMISSION (DECEMBER 11, 2019).

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

1. To approve the installation of the Leicht Park solar array, with EV (electric vehicle) charger. The installation is a replacement of the solar panels and inverter, and a repair of the tracker mechanism. To refer to staff to explore the installation of solar arrays at Fire Stations 4 and 5.

U. RECEIVE AND PLACE ON FILE.

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

1. Municipal Court Report for November 2019.

2. Building Permit Report for November 2019.

V. RESOLUTIONS.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to suspend the rules and adopt resolutions 1 through 4 with one roll call vote. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to adopt resolutions 1 through 4. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson (Resolutions 2, 3, 4), Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre,
No- Brian Johnson (Resolution 1)

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1. Resolution advocating for a state-wide ban on coal-tar sealants, which would be sent to the Wisconsin State Legislature.

2. Resolution authorizing conditional-use approval at 520 Hubbard Street.

3. Resolution approving the sale, transfer, or conveyance of property subject to a continuing guaranty pursuant to Development Agreement 17-02: Rail Yard: North

4. Resolution approving Baird Creek interceptor sewer easement at Grandview Road.

W. ORDINANCES - FIRST READING.

Moved by Ald. Brian Johnson, seconded by Ald. Randy Scannell to suspend the rules to advance ordinances 1 and 2 to a second reading. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to advance ordinances 1 and 2 to a second reading. Motion carried.

1. General Ordinance No. 24-19

An ordinance which would create an outright ban on coal-tar sealants, utilizing model legislation provided by advocacy groups.

2.

Zoning Ordinance No. 16-19

An Ordinance rezoning property located at 2100 Nicolet Drive and 2200 Nicolet from General Commercial (C1) to Varied Density Residential (R3) District.

X. REFERRAL OF PETITIONS & COMMUNICATIONS.

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

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A request by Ald. Barbara Dorff to the Finance Committee to appeal the 2018 increased tax bill for 2884 Sussex Road for Todd Bardouche. The City made an error on the 2018 and 2019 taxes. The homeowner brought this to the attention of the City, but because he built the home, he thought he was only undercharged for 2019.

A request by Ald. Chris Wery to the Improvement & Services Committee, Planning Commission regarding an appeal by Mike & Karen Alberts, 1801 S. Ridge, to the designation and approved uses of their parcels 1-1423-A-1 and 1-1423-A-9 on Ridge Rd.

A request by Ald. Chris Wery to the Improvement & Services Committee regarding an appeal by Bob Koury, 302 Oak, to the reinspection fees on his property.

Y. ADJOURNMENT.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to adjourn at 7:55 p.m. Motion carried.

Kris A. Teske
Green Bay City Clerk

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

VERBATIM MINUTES

- Everybody in?

- Yes.

- I call to order the meeting of the Common Council for Tuesday, December 17th, 2019. Clerk.

- [Kris] I I are present, your honor, with Alder Nicholson excused.

- We have a quorum, and we'll proceed. Please rise for the Pledge of Allegiance and remain standing for the Invocation offered by Alder Brunette.

- [All] 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.

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- Thank you, Mayor, if I could ask to speak at the podium.

- [Eric] Absolutely.

- Thank you for the opportunity to lead the Invocation, Mayor. It's one that I wrote, it shouldn't take any longer than 35 to 45 minutes, so get comfortable.

- [Eric] That's perfect, we don't have anywhere to be.

- It's a little wordy, but I hope it's well received. Please bow your heads if you'd like. Father, our Common Council meets today during this season of Christmas, a time in which peace, love, joy, compassion, hope, and faith are held sacred in many hearts and minds. Throughout our city we bear witness to the tremendous power people of faith, but also those without faith, but of good will, possess in providing charitable works and extending mercy, love, and care to those in need. We are thankful. We pray for peace and understanding between all people for all times, not just during the Christmas season. We come before you with a spirit of gratitude. Thank you for our abundant blessings. Thank you for life itself, for good health, for family, and for friendship. Thank you for the ability to be involved in useful work and for the honor of bearing appropriate responsibilities. We recognize that serving in a position of civil leadership comes with the duty to do what is right and just, not only for those we represent, but also the greater community. On behalf of those assembled here, I humbly pray for our mayor, fellow city council members, and for our municipal judge. Let it be, we pray, that those in leadership possess the wisdom to govern amid the conflicting interests and issues of our time, and cultivate the ability to work together in harmony, even when there is honest disagreement or differences between people. We thank and appreciate all of our dedicated city employees who work hard to provide needed municipal services to our community. We hope they feel our gratitude for the necessary work they complete, which unfortunately sometimes goes unnoticed and unappreciated. We pray that a hand of protection be placed on our public works employees, our police officers, firefighters, paramedics, and all other first responders who selflessly serve all children, women, and men, without hesitation. Please keep them safe and provide their families peace of mind as their loved ones are on duty completing the often dangerous work for which they have been called. Finally, for those in this room today, and throughout our city, who may not feel warmth this Christmas season, perhaps due to poor health, loneliness, financial concerns, hunger, or any other personal struggle, we pray that they are reconciled to their past, with a certain measure of peace, that they feel a sense of joy in the present, but also realize eternal hope for a brighter future. Open our eyes to their struggles, and through our words and actions and faith and good will, let us work together to build a wonderful future for all people of Green Bay and beyond, pleasing to you, amen.

- [Eric] Thank you, Alder. Approval of the minutes.

- [Barb] So moved.

- [Veronica] Second.

- [Eric] A motion by Alder from the 1st, second by Alder from the 2nd, to approve the minutes. Any corrections that need to be made? Seeing no requests, all in favor please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it, the minutes have been approved. Approval of the agenda.

- [Randy] So moved.

- [Kathy] Second.

- [Eric] Moved by Alder from the 7th, seconded by Alder from the 6th.

- [Bill] I'd like to make a change.

- [Eric] Yes, Alder from the 4th.

- Thank you, your honor. I'd like to move N up in front of L. N as in Nora up in front of L.

- [Randy] Which, what's on L?

- [Mark] So that would be--

- [Brian] Second.

- [Mark] Protection and Policy?

- Protection and Policy.

- [Mark] Yeah, I just mentioned that.

- [Eric] All right, a motion was made by Alder from the 4th and seconded by Alder from the 9th I believe? All in favor please signify by saying aye.

- [All] Aye.

- Opposed nay. The ayes have it, with that change made to the agenda. Onto the Report by the Mayor. Just a couple of quick items here, one sort of housekeeping related. We have distributed to Alders the schedule for our council meetings for the upcoming year. This is an informational item, not something that is voted on here at our council, but just wanted to let your know that that has been provided to you all if you haven't seen it. I think Chief of Staff Jeffries has provided a paper copy to you as well. A rationale has been provided, which is required, has been provided to the Clerk's Office. So if you have any questions about that, please, you can talk to me or the Clerk or our Chief of Staff with those questions. And then just a quick note on an event coming up. As you all know we have the New Year's Rockin' Eve every year on the 31st, thanks to U.S. Bank who is the primary sponsor there, I just wanted to highlight that, for you and your families, for Alders and community members. Really appreciate the family friendliness of that event and the fact that it's been going on for so many years here. I would encourage people to check out what's going on, hop on Facebook or the website and get more details. But a ton of different events. YMCA downtown, and other community partners are very supportive of that effort, so thankful to them, and again, encouraging you all to take part. And that concludes my report. Onto Announcements. Alder from the 9th.

- Thank you, Mayor, I just wanted to take an opportunity, I know the Department of Community and Economic Development, specifically neighborhood associations, Green Bay Neighborhoods, hosted their annual Christmas party/meeting the other week. And in particular I'd like to recognize Tank Park Neighborhood Association who is the recipient of the Phoenix Award. They were one of two neighborhood associations that were resurrected in my district this past year. That was one of my priorities is to attempt to resurrect all of them. So I want to just give a shout out to Will Peters from City staff who has been very hard at work on that,

and again, Lily, and Ann, and Crystal, and some of the others with Tank Park Neighborhood Association for their recognition and the hard work that they're doing. Thank you.

- [Eric] Thanks, Alder. Alder from the 6th.

- Yes Mayor, thank you. I would also like to give a shout out to the East Shore Drive Neighborhood Association. They received the Communication Award from the Neighborhood Leadership Council. What they did is they put out on the, we have our Open Door, and it was the fire that happened on Wisconsin Avenue when the little child died, and we put out a request for funds, and we raised over, I think it was over \$2,000.00 from the neighborhoods, from one end to the other, people gave to help the family. So that was one thing that we did. And then also, I got to apologize, I rushed tonight and I forgot to bring, I had made Christmas cards for all the Alders, for the Mayor, and the staff, and all the staff people here, their department heads and staff. So I will drop them off. I'll put the Alders in their mailboxes, they can get them whenever, and then I'll drop off for all the department heads and everything 'cause I think they do a really good job in this city, and unfortunately, I did not win the lottery, so I can't give them a bonus. If ever I do, maybe, but I just wanted to thank them for all their service and everything. And then, the last thing, I did send, I did give everybody a sheet on the sidewalk cafe ordinances. I just want everybody to read A. And I contacted the Wisconsin Municipalities Association, they have a question on it, and I also, let's see, I had some other people I had to check with, but I also have to do one more thing, I have to check with the Brown County Health Department, I believe they're the ones who give out the restaurant licenses. And this is in regards to Titledown Tobacco. And I don't believe they meet this ordinance. And so I will have to, after I find out, to make sure they do not have a valid restaurant license, I will put a communication into Alder Scannell's committee, Protection and Policy, 'cause that was advised it has to go back to the committee and then come back to the full board. So I will be doing that, I just wanted everybody to read this and be aware that this is coming up. Okay, thank you.

- [Eric] Thanks Alder. Any other announcements? Alder from the 8th.

- Thank you, Mr. Mayor. First, Merry Christmas, Mr. Mayor and Council. My comments would be, I guess, under announcements here, since it really wasn't an agenda item, is the council meeting schedule. I've talked on this numerous times. 24 times a year if we met twice a month would be the max we could meet, and when I've seen this, we used to take maybe July off, maybe December, January, something like that. And now it's down to seven months out of the year we meet once. So those months, if somebody has an item and it's important to them, no matter what it is, if they're appealing, or a liquor license, development, if they put it in let's say the day after a council meeting, they have to wait a full month to get it done, and that's, talk about the wheels of bureaucracy. I just think if you could maybe look at and see if we can put some of these back, because we're only meeting, I think, 16 times next year, that's not very many. So just my two cents, thanks.

- [Eric] Appreciate that Alder, thank you. Alder from the 10th.

- Thank you, your honor. Just piggybacking on what Alder Brunette said at the Invocation, I'd just like to wish everybody a Merry Christmas, Happy Holiday. And for all your families and friends, that they're all safe in this great time. My daughter's coming home from Germany for 10 days, so I'm looking forward to that. And just have a blessed and safe holiday season. Thank you.

- [Eric] Thank you, Alder. Any other announcements? Alder from the 7th. Everybody pressing their buttons tonight?

- I've got mine pressed.

- [Eric] Okay, sounds good.

- Randy pushes buttons alright.

- Just to one and all, Merry Christmas, Happy Holidays, and ho ho ho.

- [Kathy] Oo, wow, short and sweet.

- [Eric] Thank you, any other announcements? All right, with that we are onto presentations. So I would invite Julia Noordyk to the podium. She's the Water Quality and Coastal Communities Outreach Specialist at the University of Wisconsin Sea Grant Institute, and she's going to present us with some information on Green Infrastructure and the Code Audit, which is ongoing here in the City of Green Bay. Julia.

- Thank you. Excuse me, sorry, it went to sleep, hold on a second. Okay, great, well thank you so much for having me tonight. Sure. I'm going to talk to you briefly. So my name's Julia Noordyk. I work for the for the University of Wisconsin Sea Grant. I'm an Outreach Specialist for Water Quality in Coastal Communities. And I am also on the Sustainability Commission. And so tonight I'm going to talk to you, I'm going to give you an overview and a brief background about a project coming up with the city that we're working on related to green infrastructure and codes and ordinances. Celestine just handed out a postcard. You also received the link to the audit workbook tool in your pre-meeting documents, I'm assuming. So you can download it. I do have some physical copies too if you're interested. But you probably want to love code language if you are. But please, if you would like to see one, the physical, I can give those out too, actually. Okay, so what we're gonna, let's see, I'm gonna jump right in and talk a little bit about stormwater and why this is an important project for the Sustainability Commission and the city. So traditionally we have, our stormwater, when it snows and the snow melts or it rains, it goes down into the gutter, and then it goes down into the storm drain, and this is our

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gray infrastructure system, it goes into the stormwater sewer system, and then eventually it goes into our nearest body of water, a creek, a river, or even the lake, specifically. And why this can be a problem is it picks up all sorts of things on its way to a river. So there's a lot of this, this is visible, this is all the dirt and grime that's coming off our streets and our parking lots and our roadways. But there's a lot that's going in there that's also we just can't see. And so this is picking up things from like our dust, the brake dust, which is copper, so we have a lot of heavy metals. We have bacteria, we have lots of chemicals. I think this evening we're gonna talk about polycyclic aromatic hydrocarbons, the PAHs, tonight. Those are things that are going into our water bodies. And so stormwater goes into our water bodies untreated. And we know that Lake Michigan and the Bay of Green Bay is one of our greatest resource natural assets here. So we want to think about ways that we can help protect them. So those are traditional gray infrastructure, and we definitely need gray infrastructure in our city systems. But there's also newer and new ways to think about our stormwater rather than just as a waste product and trying to get it off the land into the stormwater sewer, away from the property, it's green infrastructure. Green infrastructure is using natural hydrological processes to manage our stormwater on the site where it falls. So where that raindrop hits the ground or where the snow melts is we want to keep that water and infiltrate it into the ground or retain it and let it evaporate and the plants take it up. I put this picture on here, this was formerly a brownfield site in Milwaukee in the Menomonee Valley near the Brewers Stadium, or the, yes, Miller Park. I should know that, Miller Park. And they redeveloped it as a sustainable economic development area. It houses 14 large businesses, 1,400 employees at this point, but all the hard surfaces in the parking and parking lots, it all drains into this treatment stormwater wetland system here, and then eventually goes to Menomonee Valley. They integrated walking trails, and this is a Hank Aaron State Trail. So it really became part of a community asset in using those natural cycles to improve and reduce water pollution. Some of the things we consider green infrastructure. I include rainwater harvesting. So most people are most familiar with rain barrels at their house, but we can also use larger systems, like cisterns. These are from the 35th Avenue viaduct in the Menomonee Valley. There's two of these and they capture 68,000 gallons of stormwater every year from that highway. We also have rain gardens and bioretention. In Green Bay we typically call them our bioinfiltration systems, they're kind of like what they sound like, they're depressions in the ground, and they collect the stormwater and allow it to infiltrate into the ground or evaporate into the air or the plants take it up. So this one is actually locally, this is Sisters of St. Francis of the Holy Cross on Nicolet Drive, this is their rain garden. This is also at St. Mary's Hospital down the street, and this is coming off a parking lot. So you can see that when it's raining the sediments and stuff are collecting in that forebay before they go into the garden, and so this is infiltrating into the ground rather than going into the stormwater system. We also have bioswales, so these are more linear features that convey the water, so you can imagine down the street, so the planted area is what would be planted. I just showed this as a good example of how it would be constructed. It's to slow the water down. So that's really important for thinking about quantity in flooding areas too, we want to slow the water down rather than conveying it really fast into our stormwater systems. Permeable pavements and pavers, there is a lot of technology around this stuff. It's where rather than, you can see the traditional paved asphalt is in the upper piece, and then the permeable stuff, so it infiltrates the rainwater, and you can see that that water's not sticking on the ground. Here is an example of a permeable alleyway. So there's all different types of pavers and pavement and asphalts that are permeable. Locally here, if you want to check one out is at the Brown County Ashwaubenon Branch, this is a product called PaveDrain, and they have just selected a small strategic area around their storm drain to install this. We have, in denser urban areas, we have planter boxes and things that we can put on sides of the building, and so forth like that. So this captures all the rain water coming off the roof. Green roofs and walls, thinking about aesthetics, and how can we use that rain water coming off our roofs as a resource. This is a green roof. So the medium is put down on top of the roof. It comes with various benefits that include energy efficiency for buildings that have them on there. Does anyone recognize where this one is?

- [Mark] St. Mary's?

- [Julia] No, this is not St. Mary's.

- [Randy] Oh!

- [Julia] No. St. Mary's was my first cover picture.

- [Mark] Well, they have that.

- [Julia] This is the City Hall of De Pere, okay. So, I just put that in. But St Mary's does have a wonderful green roof that's publicly available, and I do highly encourage you to visit it. And they use it as a public health benefit too. Stormwater trees, so these are specifically designed trees to allow root systems underneath the sidewalks and roads. So more root systems, healthier trees, and they soak up a lot more rain water and snow melt than a traditional street tree would, and they last a lot longer so your arborist is gonna be much happier. Thinking about replacing turf grass with deep rooted or native plants. So this is a house that has completely replaced their lawn with these. And here's another example just locally too. The Sisters of St. Francis of the Holy Cross also have, they just have a dedicated trail mode, but most of their property is under native and deep rooted vegetation. And these are really powerful 'cause it really soaks in that water into the ground rather than having it run to the local storm system. Another thing to think about too in terms of green infrastructure, bigger landscapes. So restoring floodplains and wetlands. This is outside of Ann Arbor. This is an 81 acre park. What you're seeing is actually, I'm standing on a walking trail at this point, but it also functions as a stormwater detention basin and also reduces the pollution going into the creek by 25%. So really something that functions as both a stormwater management tool but also a really nice community asset. So why do codes and ordinances matter for green infrastructure? Well, as you know, being council members that codes and ordinances really dictate a lot of our community services here. The design and standards for road widths, things that impact public safety and health, the maintenance of public and private property, and codes and ordinance even set forth the structure for government processes and procedures and decision-making. So most, a lot across the country, a lot of our codes and ordinances were developed at a time when the impact of local land-use and development was not understood on our water resources. So they're very outdated. We have found examples of how to hook up your horse properly downtown, or different parking ratios for men's and women's department stores. So needless to say that our codes really do need updating to deal with our current stormwater management problems currently. And also the absence of the words green infrastructure, or these types of practices within the codes and ordinances can really be a barrier too. So if City staff is interpreting processes and procedures to determine site planning, for example, if it's not even mentioned, it's not going to be considered by developers or potentially within City staff. So do codes and ordinances actually really matter for water quality? So we understand that it is kind of ambiguous, so what we set out to do is also kind of demonstrate the impact of codes and ordinances on water quality. So this is an example, this is for the folks who are the planners who love that code language, this is an example of a code ordinance change within a community that would allow permeable surfacing in driveways and alleyways. And it just requires that they, it's upon review and approval by the village engineer. And you can see that, this small alleyway captures 25,000 square feet of drainage area, and you see the significant runoff pollution reductions that come from this area. This is another example using just, encouraging the use of natives and deep-rooted plants in lawn areas and limiting the total percent of the site of a turf grass. So this is a 1.74 acre site, a commercial site, and if you just replaced the grass alone with native vegetation, you would reduce the volume of pollution by 74% in the actual total suspended solids, the dirt, and the grime by 64%. That is a significant amount, and that's without adding

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other stormwater best practices. And then the last one I'll share with you is enabling shared parking. So a lot of our problems come from lots of parking and there have been many studies to show updated parking ratios, and then also upped when demand is needed. So this is a code that's really important to look at in terms of reducing those hard, impervious surfaces that contribute all that stormwater runoff. And so in this case, this is allowing the applicant to submit a parking analysis and plan to the Plan Commission for approval, and really doing an analysis of what the demand is for parking at a specific area. And this is also just the pollution reduction is just for the impervious surface reduction alone and once you add in potential bioretention or other types of stormwater management, that reduction goes up over 50%. So I really want to point out that this isn't about more cost or regulation at all. A lot of times when places get redeveloped and developed parking lot landscaping in this example is required. Somebody is spending money on these things to do with them. We know water does not run uphill, and so there is alternatives that we just can think really a lot smarter about when we're making land use decisions and things that are being required as part of development to begin with. So this is an example of a small bioswale or bioretention cell for a parking lot, and it really does make a difference. Simple things within the codes and ordinances can make big impacts on our water quality and quantity issues, and they really do add up. And so the Mayor's Office submitted a grant to the Great Lakes Commission for a Green Infrastructure Champions Grant, and they received \$15,000.00 to do a code audit. And so I'm gonna talk to you a little bit about the code audit, and the code audit is to really analyze the codes and ordinances here in Green Bay and to look for barriers to implementing green infrastructure practices, and then also look for opportunities to reduce and improve water quality. So for example, some of those things that we mentioned earlier. What makes this audit really unique is it's about the community. It's a no judgment approach. We understand that codes and ordinances and communities are really unique themselves, and so this really takes a look at what Green Bay wants and what their goals are. We look at things like what are our natural assets here? What do we care about protecting as a resource? What are our hazards, how do we deal with them? Where can codes and ordinances improve some of our hazards areas for the future? What's our community identity and character? Are there already green type initiatives that are going on that really would benefit from green infrastructure implementation and practices, and be advocates for this kind of project? What are stormwater permit needs and pollution limits here? We definitely have them, so hopefully we can work on identifying codes that actually help with our permits. What are our current and future development needs? In built-out areas we might be focusing more on those planter areas, enabling shared parking, permeable materials, and things like that. Maybe in areas that we're looking for future development, that are open, we think about subdivision standards, road widths, cul-de-sac widths, and things like that. Where can we save hard surfaces. So I'll just end with this is very much a community-based approach, and there's no model ordinance. So this is gonna be a really comprehensive audit. At the end of the audit the consultant will have a list of recommendations, and I have identified the barriers. And then it's kind of up to the city, their staff, and all the people that were engaged in the project to move forward and decide what codes and ordinances should be amended. So with that I will thank you again, and I'll take any questions you have. So thank you.

- [Eric] Thanks so much for that presentation. Any questions from the Council?

- [Mark] It was very good.

- [Eric] Questions? Great. Well thanks so much for, yes, Alder from the 1st.

- I just want to say thank you. It was a really good presentation. I enjoyed it, I was thinking right away about how, we don't have a lot of boulevards in Green Bay, but what if in our boulevards, we just didn't have all that cut grass, we had some native grasses and things, oh, I'm sorry.

- [Eric] It's all right.

- Whoa. Is everyone awake? What if, in our boulevards, we planted native grasses and then we wouldn't have to cut them, and we, you know, it's just got me thinking of all kinds of things we could do for sustainability. So, just thank you so much for putting this together. It was very interesting.

- [Julia] Thank you, it's a very exciting project.

- [Eric] Yes, Alder from the 6th.

- I know Julia, and she always does an excellent presentation. She's very knowledgeable, and I thank her for coming. But I also want to say, and I have a huge lot, and we planted trees, we lost 21 elms, we replanted, not 21, but we replanted trees because we know the value of the trees. And my yard does drain very well. We have a lot of swales, big ones, big dips in it, drains very well. And I've also taken out a lot of grass, and I think I'm gonna do more, take more grass out. My husband likes grass, but no, I'm not going to, I'm going to take more grass out. Thank you.

- [Eric] Thanks, Alder. Any further questions? Alder from the 10th.

- Thank you, your honor. Very nice presentation, Julia. I would just ask, I just wanted to know if you had a PDF of that?

- [Julia] Yeah.

- I didn't see it on here, did you?

- [Brian] It was emailed to us.

- Was it emailed?

- Yeah.

- Thank you.

- And then the postcard has the website where you can find it and download it there.

- [Mark] That's fine, thank you.

- Does anybody want a physical copy?

- All right, any other questions? Very good, thanks so much for the presentation. And thanks for your service on Sustainability Commission. Thanks for all your expertise you've offered to our office, really appreciate all the work.

- [Julia] My pleasure, thank you.

- You bet.

- [Julia] Happy holidays.

- Same to you. And we are onto Appointments.

- [Randy] Motion to approve.

- Motion made by Alder from the 7th.

- [Craig] Second.

- Second by Alder from the 5th to confirm the appointment of election officials pursuant to section 7.30 Wisconsin Statutes for the 2020-2021 term. All in favor please signify by saying aye.

- [All] Aye.

- Opposed nay. The ayes have it, and that item has been approved. Onto Public Hearings. We have one item for Public Hearings. Is there anyone here who would like to speak to this item? Anyone here who would like to speak to this item? Is there anyone here who would like to speak to this item? Seeing no speakers we'll close the Public Hearing. Clerk, please let the record reflect that no one appeared speak to this item. And now we're onto Ordinances, Second Reading for Adoption.

- [Randy] Motion to adopt.

- [Brian] Second.

- Motion made by Alder from the 7th, second by Alder from the 9th to adopt item K I. Please use the board.

- [Mark] It's not coming up.

- [Man] Sorry about that .

- I think it's up now.

- [Mark] Yeah.

- [Randy] It won't save again.

- [Kathy] Yeah, same here.

- [Randy] It went away, I'm not sure if it saved it or not.

- We got eight, there we go.

- [Mark] Did that pass?

- Yeah, they did, they showed up right at the last minute. Do it again?

- [Kathy] Yes.

- He did.

- He said aye.

- Oh.

- [Eric] That passes I I-0. So now we are onto item N. Report of the Protection and Policy Committee.

- [Brian] Move to approve.

- [Eric] A motion made by Alder from the 9th.

- [Mark] Second.

- [Eric] Second by Alder from the 10th to approve Report N with is a Report of the Protection and Policy Committee from the meeting on December 9, 2019. Any items under this report you wish to handle separately?

- [Bill] Item two.

- [Eric] Two.

- [Randy] Three.

- Items two and three will be handled separately. Hearing none others, all in favor of the remainder of that report, please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it. The report has been approved with the exception of items two and three. On item two, Alder from the 4th.

- Thank you, your honor. I'd like to open the floor for--

- [Randy] Approve before we open the floor?

- What's that?

- [Randy] Do something before we open the floor.

- Oh yeah, motion to approve.

- [Randy] Well, yeah, second. Do we hear from Director Grenier what his concerns were?

- Okay, I wasn't aware he wanted to speak.

- [Randy] That's why, yeah, I was gonna .

- Okay.

- [Eric] Director Grenier.

- We took at a look at the processes and the materials that we're using within the Department of Public Works. And we don't think this is gonna have any negative impact on our operations. From the Public Works perspective, we definitely strongly endorse this action and feel that reduction of the polynuclear aromatic hydrocarbons in the environment would be a good thing. So DPW is on board with this.

- [Eric] Thanks, Director.

- [Mark] So do you want to open it?

- [Bill] Motion to open the floor.

- [Randy] Second.

- [Eric] Motion made by Alder for the 4th, seconded by Alder for the 7th to open the floor. All in favor please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The floor is open. And just please state your name and address.

- Good evening, Council Members. My name is John Richards. I work with Lakeshore Natural Resources Partnership and Clean Wisconsin. My address is 1700 North Farwell Avenue in Milwaukee.

- And good evening, everyone. I'm Jim Kettler, I'm the Director of Projects at the Lakeshore Natural Resources Partnership. And my address is 7003 Cedarview Road in Cleveland, Wisconsin.

- We'll give a brief presentation tonight, and then would be happy to answer any questions that you have. We're asking you to consider a ban on coal-tar sealants and high PAH sealants. Sealants are typically used to cover driveways and parking lots, more of a decorative feature than anything else. But these products have a very, very negative impact on our environment. They release a chemical called polycyclic aromatic hydrocarbons, and I gotta be honest with you, before I started working on this project, I didn't know what that was. But I've come to look at the research and found out that PAHs are similar to PCBs and DDTs. And what the U.S. Geological Survey has found is as the level of PCBs and DDTs has dropped in waterways around the country, the levels of PAHs has definitely gone up in waterways around the country, and that's true in Wisconsin, and it's true here in Green Bay. Clean Wisconsin did a series of tests on the waterways in Green Bay, and at nine sample sites they found PAH levels at at least worrisome levels. So what that tells you is that people are using coal-tar sealant in the City of Green Bay, it's already impacting your waterways, and we're asking you to take action on that tonight. The significance of PAHs is that they can be very cancerous, especially for children. I handed out a packet to you with a number of scientific studies, one of those studies shows that people who have a lifelong exposure to parking lots and driveways with high PAH coal-tar sealant applied to them, have a cancer risk that is 38 times higher than average. Another study shows that for children, that rate is 14 times higher than average. And so it's a very serious health concern that can be easily corrected. Another item that I have in the packet that I handed out to you this evening is a list of alternative products that can be used for sealant after you pass this ban. If you look, the standard that we're asking you to pass is a ban on coal-tar sealants of 0.1% of concentration in the product. So everything that you see above that mark is allowed, and you'll see a number of named products that are available today that would be allowed to be used. As you heard from Director Grenier, the City of Green Bay doesn't use these any more, and what we're finding as we've gone around Wisconsin is that most communities are like Green Bay in that the DPWs have

stopped using this product a long time ago, and you'll hear tonight from some people who work in the private sector who will talk about their experience with coal-tar sealant and will urge you to take this action tonight. And with that I'll turn it over to Jim.

- Just to let you know that we've been working on this issue for the last couple of years and started it in Port Washington with them passing an ordinance in the early part of 2018. Sheboygan, Manitowoc, Sturgeon Bay have all passed this ordinance.

- Plymouth.

- And Plymouth just recently, indeed. And Sturgeon Bay, in fact just recently. And we want to bring a couple of folks up that will I think provide some compelling testimonials. Folks that actually work in the industry. And with that I'd like to introduce Pat, who runs his own sealant business, and he has given up on coal-tar based sealants a number of years ago. And so I'll turn it over to Pat.

- [Eric] Thank you. Sir, if you could just state your full name and your address for us.

- Okay, my name's Patrick Dejardin. Address E783 Town Hall Road, it's in Luxemburg. To start, my business has been around for about 30 years. It's a family business, I'm getting it from my father. He has stopped using coal-tar products for the last 12 years. When I first started working with my dad, I had to use coal-tar for only one year, thankfully. In that year, as an applicator that is using this product you are susceptible to chemical burns. You're susceptible to like pain in the eyes because it's very caustic in the air, and especially during application. So at that time, seeing as I was taking over the business, my dad wanted to try to find an alternative product, so we started switching. And 12 years ago we did finally make it. And since then the products have nothing but improved. So as an applicator, to get rid of cold-tar it was easy for us then and it's even easier to do now because it's been, like I said, nothing but improved in their formulas. In terms of cost or anything like that that would have an impact on us as contractors, it is very minimal, we're talking 5%, 10% at most, and it's less than the cost of a gallon of gas for a gallon of sealer, so you can do a lot with it. And I've done numerous parking lots, high-traffic, low-traffic, houses, residential, I've done work in Green Bay, Shawano, Manitowoc, Sheboygan, I've done it everywhere. The alternatives perform just as well. There is no real reason from a contractor's perspective that I myself would want it around, and there's other contractors in the field that, in their respective cities like Manitowoc when we were down there, and up in Sturgeon Bay and that, but those who have made the switch, there's no regrets. 12 years ago, 13 years ago, making the switch was a little harder because the products weren't performing. It was coming off of driveways after you apply it, people don't like that. And one last thing, recently, I don't know if any of you remember this last summer, there was radio ads, there was TV newscasts of people getting ripped off in regards to the asphalt industry, like elderly people getting charged \$3,000.00 for a driveway that's the length of this room, which is absolutely absurd. From a contractor's standpoint, everybody that rips people off uses coal-tar because it is that 5%, 10% cheaper, and when they're ripping people off they're not in it to give anybody any extras, if you want to look at it like that. So from a contractor's point of view, all these people that are going around, and they're taking advantage of elderly, and they have unregistered businesses, they just have a couple buckets in

the back of their truck, so on and so forth, by enacting a coal-tar ban you're cutting out the unlicensed, uninsured, I guess the bad seeds of the business, and the professionals, which there are plenty of us, I can promise you that, there's, will be having more business and will be putting money back into the state because a lot of these people that do come and rip you off, they're not from around here. We've seen Illinois license plates, Nevada license plates, Indiana license plates, and they're all using coal-tar. So in that regards, I think banning coal-tar is pretty much a straight no-brainer at this point in time. Thank you.

- [Eric] Thank you.

- Thank you, Pat. And I'd also like to introduce John Richards, who's a retailer of different products. John.

- Thank you.

- You bet.

- It's actually John Schneider, but that's okay.

- John Schneider.

- But that's no problem.

- I introduced you.

- Yes, so I operate in--

- [Eric] Sir, if you could just state your address as well too.

- Yes, 6674 Covered Bridge Trail in Sun Prairie. I have a business, a manufacturing facility in Necedah, Wisconsin. We've been manufacturing an asphalt emulsion which is one of the products that is replacing the coal-tar product. Our product has 0.0 PAHs, so polycyclic aromatic hydrocarbons do not exist in our product. Pat actually uses another product that is not ours, but it's another one that has, I believe, 0.0 or very close to it. So there are products out in the marketplace that do replace coal-tar and at a very high level. And Pat's right, back 12, 15 years ago, the emulsions that were on the market, the asphalt emulsions that were used as sealants were really in their infancy, they were just kind of developing, and they didn't actually perform as well as they do today, and the people that were applying them were very used to applying coal-tar, and there is a difference, a little bit of manipulation that may be a bit different and able to, if you do it, if you understand the product that you're laying down you're able to get great results. At that time people weren't really understanding the product, so a combination of not as quality a product and applicators not having as much education on the product caused for failures, and I think that's one of the reasons why it's been a bit of a slow adapter in some states where they haven't banned coal-tar. We have seen great strides with our contractors throughout the State of Wisconsin and Minnesota. Minnesota's a state which has banned coal-tar entirely. And those sealcoaters that are in those areas, those applicators, have come to love the asphalt emulsions. They do not burn your skin, Pat had mentioned that, that it's a very caustic substance, and in fact the PAH levels in coal-tar are about 70,000 to 100,000 parts per million. If you think about asphalt itself, asphalt does have a little bit of coal-tar or PAH, and it's 1.5 parts per million, so basically non-existent. But 70,000 to 100,000 parts per million. There's not another product that's really used on a wide scale throughout this nation, throughout the world, that has that sort of a high concentration of coal tar, not to mention, people who are spreading this product over hundreds, millions of square feet of pavement. And in fact there was a couple of photos that I saw in the presentation that showed a black runoff going in there, and that is a lot of times coal-tar. And that runoff is then going in the waterways. And one of the reasons why coal-tar and PAHs are so problematic is they're very persistent, they just never go away. They're sitting in the waterways, they're sitting in the air, they just constantly are there. If you're ingesting them, they're very hard to get rid of, and so that's one of the reasons why they're very carcinogenic. I have to say there are some counterpoints that people say about coal-tar that it is less expensive, and in fact it is, and Pat made a great point about the people who are using coal-tar have a tendency to be the ones who may be a little bit less than scrupulous. You can actually put more water in a coal-tar product and have it still stick for a short period of time, and somebody doesn't know until you're gone, until they're gone, that was not properly applied, and bye-bye, and they've left that job and somebody's just been stolen from. So it's usually somewhere between, and as he was saying, it could be as low as 1% to 8% on the additional cost for an asphalt emulsion. The reality is, even asphalt pavers do not recommend coal-tar being put on pavement because it dries the pavement out, it actually causes nano-cracking in the pavement much faster than asphalt emulsion does. And asphalt emulsion has polymers in it. It allows the asphalt to be moisturized, and it retains its moisture, and it actually prolongs the life further than what you see with coal-tar. So we're actually getting contractors to use this product who do not have coal-tar bans, and they're finding that it benefits their business. So you're just taking a great step in the environmental direction and the safety of your constituents in your area. There is a science that's behind the coal-tar initiative, and it's the people who are backing and selling coal-tar still. But they're growing ever more quiet because they realize that the argument for keeping this product around is just not a safe one, and liability is starting to raise for municipalities. There's lawsuits in Minnesota that I've come across that are suing the coal-tar industry for removing the high PAHs that are in some of their waterways, whether they're in retention ponds or otherwise, 'cause that's where they have a tendency to collect. And now that this is coming out it's very likely that over the next five to 10 years we're gonna start seeing potential lawsuits on, whether it's cities and municipalities for not taking action and protecting their citizens, so it is something to be aware of, that now that we know that this exists, that it could potentially become a bigger problem than what we see now as far as a legal and liability concern. And it is indisputable that the PAHs in sealants is linked to other PAHs in general, and that PAHs are highly known carcinogens, so I always say to people, there are other sealants that have a lower rate of PAHs in them that are not coal-tar, that are hybrids, but I always tell clients as they're making the choice between one or another, do you want some cancer or some carcinogens in your sealant, or would you like none? Because there are products out there like ours, like the one that Jay's is using, that do not have any PAHs in them, and actually in the end can protect your municipality and your constituents even

better. And I think your initiative to go to 0.1% is a very responsible one for both your community and your constituents. If you have any questions for me I'd be happy to answer them.

- [Eric] All right. Thanks so much for your testimony, gentlemen. Alder from the 10th.

- [Mark] Thank you, your honor.

- [Eric] Just one second, Mr. Richards.

- I just have one thing to wrap up, and that's about enforcement, because that comes up in every community that we've been engaged in. And although this ordinance before you tonight has a financial penalty, we believe that the best and most lasting way to carry out the goals of this ordinance is to achieve voluntary compliance and marketplace compliance. And so we will work with the City of Green Bay and anybody who the Mayor designates to make sure that we get word out to your constituents and to the people who apply sealant products around here to let them know that the City of Green Bay has passed a ban on coal-tar sealants. And we hope and expect that most people will obey the law once they know about it, and we will certainly work with you on that.

- [Eric] Great, thank you. Alder from the 10th.

- Thank you, your honor. This might be for all of you, and I was at committee with and listened to John when you gave your presentation, it was very, very thorough. I just remember, you mentioned that Minnesota had banned it. And the State of Wisconsin as far as you know, it has not been banned at the state level.

- It has not been banned at the state level. I know that they are working at that. It was a bit slow going for the last couple of years, and I think they do have some interest at the state level now, but like anything at the state level, it's a little bit harder to move that ball down the road. I think you probably have a better answer for that than I would.

- Yeah, and that kind of goes to the resolution that we're asking you to pass tonight to urge the legislature to pass a ban on coal-tar sealant. But we know that our focus is on communities along the Lake Michigan coastline to make sure that, and the Lake Michigan watershed, to make sure that, certainly the larger communities have passed a ban on coal-tar sealant regardless of what the legislature does, and if the legislature does what we hope they do, that's all the better. But in the meantime, cities along the Lake Michigan coastline and the watershed need to act.

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- [Mark] Well, I think that's a good point that you mentioned the lakeshore communities, and I'm just wondering how difficult initially this was, just going after local communities to do this rather than the state, but that helped--

- Yeah, I think they were able to move the ball a little quicker with the municipalities. One of the other things is, and we talked about this as they were expanding their reach, that it's the 80 20 rule, and these other communities, communities of Milwaukee and Dane County, here in Green Bay, we can get 80% of the asphalt with less than 20% of the cities, and once people start making the switch, a lot of the applicators have 6,000, 8,000 gallon tanks in their yard, and they're not gonna fill it up with coal-tar and then come fill it up with asphalt emulsion. Once they decide that this is the switch and that they're gonna be working in these municipalities, most of the sealants are gonna turn over to an asphalt emulsion fairly quickly, because there's just no sense in going back and forth.

- [Mark] Is there any way to find out how many of these businesses do this already in Wisconsin? Is there any kind of handle on that?

- When you say do this, you mean lay down--

- [Mark] Applicate, these applicators.

- Unfortunately there's no licensing for this, and it's something that we've advocated for. We're looking to start a program where we actually are registering people who put on our sealant so that they're a certified applicator because it can make a difference, but I think Pat's kind of alluded to that. But I do think it would be a great licensing thing for the State. I think licensing sealcoaters, it is a large industry. It's not small potatoes, but it's not regulated like the asphalt business itself, like roadways, and they don't have the same specifications. Sometimes with large municipal projects they will have mil thickness specifications on application, but it's very infrequent.

- [Mark] Well thank you for your testimony. That's all.

- [Eric] Any other questions? Alder from the 11th.

- Thank you. I was wondering if you have addressed any of the distributors? Have you talked to any of the distributors that are actually selling this product? What is their input as far as their thoughts on the environmental problem that they're creating?

- So I talk to many distributors throughout the state. Certainly some do not want to make the switch. There's certainly applicators out there that love coal-tar. For the most part, those applicators are people who have been in business for a long time, are kind of ingrained in what they do, and I can't fault them for where they want to be with their business. But I think it's fairly consistent that they see this coming, and most of them have started to either make a move from coal-tar to a less of a coal-tar product, a hybrid per se, where it's got 1.5% as opposed to 0.1%, and so they're starting to make the shift. I also think that a lot of the applicators that are out there that are also distributing who have not been forced down this road, again, they've seen this coming, and they're prepared for it to some degree. The cost of switching isn't really, it's a very nominal cost, you're basically talking about tips and changing the air pressure in your rigs. So it's not a high cost switchover. And we talked a little bit about this in the last meeting, doing this in the wintertime it's kind of a nice thing because they don't have coal-tar in their tanks right now that they have to worry about. These tanks are typically cleaned out here in the wintertime, and they can kind of refill and be ready for the season next year.

- [John] Okay, thank you very much.

- [Eric] Thank you, Alder.

- I should also mention though, that most of the box stores no longer carry it. So Menards, Home Depot, Fleet Farm, no longer carry it as well.

- [John] Thank you.

- [Eric] Alder from the 12th.

- Thank you, gentlemen, for your presentation. How many suppliers in the Green Bay area are you familiar with that sell alternatives to coal-tar?

- [Pat] I know there's one, I'm one.

- There is another supplier, there's two suppliers that I know of that sell a lower grade of coal-tar, or a low coal-tar type product. But I don't know, in Green Bay, there's not really a lot of distributors in this area, period. There are some in Appleton in the Fox Valley that do. There's quite a bit in the Milwaukee region that do. Dane County has a few, but again, most of the people who are using this product and distributing it, if it's not on a retail, Menards basis, which almost every one of those, I don't know that they sell any coal-tar in True Value, Menards, Home Depot, any of those, they've stopped selling this product quite a while ago. But the gentlemen who are using this product with a 6,000 gallon tank, and they're using coal-tar or they're using some other substitute, and I would say a third of the state, is probably reasonable, that have made the switch already in areas where they're not banned. And I think it's a testament to how great the product is starting to become, where these people are actually making the switch before they're forced to make the switch.

- [Jesse] Okay, throughout the state, though, I guess what I'm looking to prevent, I think it's all a good idea, don't get me wrong, but what I'm looking to prevent is that enacting an ordinance and then, for folks in the area that want to seal their driveway and pavement that there's not enough suppliers to provide alternatives to.

- So the manufacturing piece is here already. All the manufacturers that manufacture coal-tar in the region also manufacture asphalt emulsion. So the supply is there, they're buying this from one of the suppliers already that has it available, all they really need to do is switch the material, and they would have a tank filled as soon as the season starts. So it wouldn't be a supply issue. You would support with that?

- No, you'd be able to get anything you need already.

- [Jesse] Is the cost of the alternative substantially higher than the existing?

- No, we were saying it's anywhere from 1% to 8%. There are premium products that you can add, you can put additives in it, make it more costly, and make it more powerful, and make it a longer-lasting sealant. But the baseline just like cold-tar is usually 1% to 8%. And then you're moving that onto a square footage of, you get 50 square feet per gallon, so the cost to the end-consumer could be even less.

- [Jesse] Okay, thank you.

- [Eric] Alder from the 9th.

- [Brian] Thank you, Mayor. So my question is similar to Alder Brunette's but on the reverse end of the spectrum, and the concern that I have, and I would just like you to speak to it, is stores, especially small stores, that might carry coal-tar, and we've imposed a ban and now we've left them with inventory that they can't do anything with. So is that a concern, or could you please speak to that.

- I do not know of any retail outlets that are selling coal-tar anymore and haven't for sometime. I could be mistaken, it could be there. This isn't a statewide ban yet, and certainly in your area you're not banning coal-tar sales, you're just saying you can't put it down in Green Bay, so potentially that could stop some sales here in Green Bay. I would be surprised, I mean--

- We are actually are banning sales, yes.

- Oh.

- [Brian] That's what I thought to be the case.

- But what we found in our surveys around the state and too we've done surveys in Green Bay, this is borne out that, as Jim mentioned, the big box stores aren't carrying it anymore. When we've gone to the more locally owned Ace Hardware stores or anything like that, what we've found around the state is that they aren't carrying it either. So I'm really not aware of any retailer, in the communities that we've been in, and we've been in a bunch of them so far, we haven't run into any problem where after we enacted an ordinance, some retailer says, well I have all this stock on hand, what am I gonna do with it? That just has not come up.

- [Brian] What is the shelf life of that product?

- Of coal-tar?

- [Brian] Yes.

- I don't know.

- Probably a long time, I guess. Yeah.

- Okay. Okay, and even from your experience and you have distributors of coal-tar, they usually go by a region as opposed to just, hey, I'm in Green Bay, and I'm distributing exclusively in Green Bay. It's usually someone who has a much broader footprint, so that if we did ban it in Green Bay, that they still have other communities they could distribute their product to?

- [John R.] They could, until the state passed the ban.

- Right, right.

- And again, they wouldn't have any product on hand because most, if not all, I don't know anybody who's storing these things inside. So in wintertime these things freeze and they're getting rid of the waste prior to it freezing out for the most part. There may be somebody who's got some, but for the most part, people who are selling this material are not keeping it in storage over the winter.

- [Brian] So it's not an inventoried product, it's more of like a just-in-time kind of process.

- Correct, it's more of a just-in-time.

- [Brian] Okay, thank you.

- [Eric] Thank you, Alder. Alder from the 12th. For a second time.

- Yes, thank you, Mr. Mayor. Y'all seem like fine gentleman, so I'm going to word out my question so I don't mean to, I don't mean to come off as being offensive or to question your character or ethics, but if I'm Mr. Coal-tar and I believe in that product, and I see individuals here who in one level would benefit from alternatives, economically, business would benefit from the sale and distribution of alternatives to coal-tar. I know it's difficult than that, you seem to be very passionate and knowledgeable of the alternatives and the coal-tar, so I understand that when things like this come up before the public, and policy's enacted or changed or amended, obviously you have people who are experts in the field who are very passionate. And so I guess if I were to play the Devil's Advocate and be very much aligned with the coal-tar industry, which I am not, the

criticism we could have would be that, well, you're hearing from people who are going to benefit. How do we get around that?

- [John R.] Can I just address that?

- Yes.

- And in fact that's a fair question. Clean Wisconsin and Lakeshore Natural Resources Partnership really started this campaign a couple of years ago because we were concerned about the environmental and public health impacts of this. As you see in the materials I handed out to you, the American Medical Association has sided with us because of the significant public health concern. Children's Hospital in Milwaukee has sided with us because of the health concerns to children. Ascension Wisconsin, another statewide healthcare system has written in support of these bans in Wisconsin for the public health concerns. But I think for all of us who care about Lake Michigan and the Bay of Green Bay and the waters leading into them, who all of us know, grew up with hearing about PCBs and DDTs and know how bad that was, and know as a society, it took us a couple of generations to figure out that those things were bad, and it wasn't because people were evil, and they were spreading a product they thought was bad. It's 'cause we just didn't know. But now we have an increasingly large body of peer-reviewed evidence in legitimate scientific journals showing how toxic PAHs are, how they are contaminating our waterways, and how coal-tar sealant is by far and away the leading contributing factor. And so we brought these gentlemen here tonight just to answer a number of technical questions that are beyond our expertise 'cause they're in it everyday, and they can talk in some detail about the day-to-day work with these different products. But there's a much, there is also a really important public health and environmental discussion that we're having and certainly, in this part of the state, about an environmental hazard that we've recognized and how we can address it.

- [Jesse] Thank you.

- Thanks.

- Can I speak a little bit? Sorry I came late.

- [Eric] Sir, if you'd like to say your name and your address.

- Sure, my name's Andrew Waterman, and I live on 1222 Hastings Street, and I'm a Green Bay public school teacher, and I work with three and four year old Head Start kids so I'm interested about the playgrounds that I

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play on. And so, I mean, I don't know anything about the stuff about this, but I do know about how my students play on the playground. And so I'm wondering if we can test our playgrounds, or if we can cover them up as well. But I don't want to make a big panic thing either, I'm really more interested in having this banned so it doesn't go on new playgrounds, like Head Start will be building a new parking lot and playground over at Jefferson School this year. I work at the Head Start Learning Center that just got remodeled that used to be the extension office. So anyway, that's what I'm really interested in, is having the ban for that reason. Thank you.

- [Eric] Thank you, sir. Any further questions from Alders? I'll entertain a motion to close the floor.

- [Randy] Motion to close the floor.

- Second.

- Second.

- [Eric] Motion to close the floor by Alder from the 7th, second by Alder from the 11th to close the floor. All in favor please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it. And we have a motion and a second to adopt here. Any further discussion on the item? Alder from the 9th.

- Thank you, Mayor. Director Grenier, just a couple of questions for you because I feel like you would be the in-house, resident expert on some of this stuff. So the scientific stuff that's contained in there, for example the 0.1% PAH that was brought up, do you know what that means and is that the right number?

- I don't know if it's the right number, if it's something that's in a published document we're going to have to assume that it was properly tested. I'm not the expert on coal-tar, but I've got about 29 years worth of experience dealing with polycyclic aromatic hydrocarbons, so I can speak pretty in-depth about PAH. The asphalt based driveway, and primarily what these folks have been talking about have been asphalt, for lack of a better term, parking lot type sealants, okay. The stuff is also used in built-up roofing compounds and things like
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that, so there's a little bit more to it than just the wide open spaces that people park on, although that is the highest volume that's utilized. One of the things that has been referenced in the documents that I've seen tonight are the asphalt emulsions, and I personally have been using SS-1h emulsions for well in excess of 20 years, and they work fantastic. So again, from our end of things, and how we see things at DPW, this is really not a concern because we haven't used these types of materials in a long time. I was a little concerned that there may be some of this stuff in the crack sealant, but our crack sealants are a combination of rubber silicone and asphalt based type thing, so we're good on that respect. The table data that I've seen so far, it seems to make sense. Again I can't independently verify the accuracy, but what they're portraying to you does seem to be in the ballpark. I don't think that's out of the order, or I would not question the data they put together, let's put it that way.

- Okay, and then you've been careful to note that DPW doesn't have an objection to this, I don't know if that's intentional or otherwise, but specifically my question is, from the private sector, are you aware of companies within the city that currently use this product?

- I'm not personally aware of them, and there wasn't any intent by me saying DPW, I'm strictly looking at things that are under my control. I have anecdotally heard, again, in the roofing industry that there are folks who have used this in built-up asphalt type, or composite type roofing systems in the past. Coal-tar's been around for a long time. So it's kind of ubiquitous. And again, we support, we think it's the right move to be taking the action to move away from them. There are alternatives on the market which are much safer for the, there are alternatives on the market which are much safer for the environment, much safer for human health and welfare. Again, that's why we are in strong support of a move away from coal-tar based.

- Okay, and so when we look at, and I'm not trying to necessarily debate that particular point, which I think is a very important one because sometimes you make decisions that cost more, but it's for the good of the community. But it's just one of those things that I do want to have a transparent discussion about, and specifically when we do subcontract work that uses whatever product, do you think or do you perceive that there would possibly be an increase in cost from subcontractors through the elimination of this product? Do you kind of foresee that happening? Or do you feel that most of the subcontractors we use are already using the alternative product?

- Boy, I would really like to think that most people are already using these.

- [Brian] I presume that if we make this change that would be dictated in the specifications?

- Absolutely, that's a real easy thing for us to do is simply add the language indicating that coal-tar based components are prohibited within the City of Green Bay and on our contracts, so that's real easy for us.

- [Brian] Okay, and do we do any level of inspection right now to determine if somebody, or would we, because if we ban this, would we have any type of inspection process to determine if somebody is using coal-tar?

- On our projects, we would. I think, at a staff level, we're gonna have to have a little bit more discussion as to how the enforcement on private projects is going to go. But one of the things that we require from contractors on public construction contracts, they are required to turn in submittals on all materials that are incorporated into the work, and for us to do a search on either coal-tar containing or PAH loading on those types of materials that are being incorporated in the construction is very easy for us to do.

- [Brian] Okay, and then actually, I did have one last question, that's for Legal. Do we have Legal here? Sorry, Vanessa, you're--

- [Vanessa] Very short.

- When I'm looking under the penalties, it's not very clear to me, but it basically says there's penalties for a daily offense. What constitutes a daily offense when it comes to the use of this product? If somebody is using it, do they have to remove it? And is it a daily offense for every day that they don't remove it or do they just have to stop using the product? I guess I'm trying to understand that. So, homeowner comes in, redoes their driveway with this sealant, do they have to take it out?

- Yes, so generally the way we enforce these is if the problem is that you've used it, then the fact that it has continued to exist is the what is ultimately problematic. And so the citations are based on the fact that it continues to exist at any point in time. And so every day that it continues to stay in that state, similar to an inspections issue, if you haven't repainted your house even though you were supposed to, they'll come back and cite you for the same thing because you're allowing it to exist in that state.

- Okay, so when I'm reading this language then, let me see, each day of violation shall constitute a separate offense. In your legal opinion does that adequately describe the explanation you just gave me? I just want to be sure that we've got language in there that sufficiently protects the city.

- [Vanessa] Yes.

- Okay, that's all I have for questions. I do support this ordinance.

- [Eric] Thanks, Alder. Any further discussion? Alder from the 6th.

- I definitely support this as where I think the gentleman that came up and talked about the children, and people have to be aware that children are much more susceptible to all these pollutants and carcinogen, I can't say it--

- Carcinogens.

- Cancer-causing agents.

- There you go.

- And any of these are chemicals, they're so much more susceptible to it, and that's why we ban the lead, PCBs, asbestos, we've had so many that we've banned. And they were cheap, they were a lot cheaper to use than the alternatives, but we banned them because of the adverse health things. So I definitely support this.

- [Eric] All right, thanks, Alder. Alder from the 7th.

- Thank you, your honor. I just want to thank everyone that came and spoke on this. I know they came and spoke at our committee, and some of them have come a long way, and it's really appreciated. I think your knowledge and your input has been great. It helped me a lot, even though I was already on board. I'm just 10 feet higher more on board with all the knowledge you shared with me, it's really helpful, and I really want to thank you.

- [Eric] Thanks, Alder. Alder from the 12th.

- Thank you, Mayor. Yes, I agree with Alder Scannell completely, which doesn't always happen. But the gentleman really presented something of great value, and I'm just so very grateful that people and organizations are moving forward on these sort of things. 20, 30, even 10, maybe five years ago, there wasn't a push, we were not as knowledgeable of these sorts of things, or perhaps we didn't have the courage to move forward.

And so I'm very grateful. I know a lot of people who are affected by different sorts of cancers and ailments, and if we can identify something that is known to cause such things, and we could properly eliminate that and not only that, but also know that there are alternatives, I think is a very good thing. And then we can also further look at things like herbicides and pesticides, things that are destroying wildlife and getting into our water supply and our food supply. So thank you for everyone who were involved in this process. And I am an enthusiastic yes on this ordinance. Thank you.

- [Eric] Thank you, Alder. And with that, Alder from the 10th.

- Thank you, your honor. I had the privilege of being at the meeting as well, and heard the entire presentation and as well as tonight's. So kudos to you for traveling all this distance. I concur, I feel it's a slam dunk. So thank you for all your research on this. Many times with us Alders we need a little time sometimes to vet these things and look things over. We don't have a tremendous amount of time, but I think with your presentation and with the Alders speaking to this, I think it's a great, great thing, so thank you. I'm in support.

- [Eric] Thank you, Alder. So we have the motion on the floor and a second. All in favor please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it, and the motion is adopted. Thank you to our guests for attending as well. Now onto item three.

- [Brian] Move to receive and place on file.

- [Eric] A motion has been made to receive and place on file by Alder from the 9th.

- [Mark] Second.

- [Eric] Seconded by Alder from the 10th. Discussion, Alder.

- Thank you, Mayor. The reason I made the motion that I did on this particular item really has nothing to do with the merits of the discussion that we just had. In fact I think the discussion we just had was a very important one, and in particular, while I said that I supported the creation of the ordinance, I think it really has to do with, obviously, public health concerns, it has to do with, I think we have very minimal risk in that particular situation with the impact to the business community and to city taxpayers. So again, when I look at the creation of the resolution for a statewide ban, my primary objection or concerns about this is advocating for a state change without the knowledge of state needs. And I think that's ultimately why I oppose the resolution. I think we've supported resolutions here that directly impact the residents in Green Bay who we are elected to represent. We can support resolutions that advocate to bring support back to our community. But this one does neither of those, and we've sent the message by creating the ordinance that the City of Green Bay supports a ban on this. We've sent that message, we've created the ordinance, of course we have to go through a couple of public hearings yet, but the passage today, I think, already achieves what this resolution is intended to do. Approving this resolution asserts that we are statewide experts on this issue, and I think there's a very dangerous precedent to be set when the City of Green Bay lends its name to support public interests. Public interests are not a bad thing. In fact, most cases it's a very important thing. But I think we have to take a look at how does it positively impact the residents of the City of Green Bay, and as I said, because we've already made the decision to ban this locally, I think we've sent that message. I personally feel ill-equipped to decide, in the absence of that state knowledge, in terms of what's best for the State of Wisconsin. Our jurisdiction is the City of Green Bay, and that is who I am elected to represent. It is for that reason, again, that I feel like this is an issue that's better taken up by state elected officials.

- [Eric] Thank you, Alder. Alder from the 7th.

- Thank you. Well I support this, and I couldn't disagree more. Our state reps, I do question some of their actions sometimes, but I do believe they're not idiots, they're smart, they know what they're doing. This is a non-binding resolution, it forces them to do nothing. It tells them this is an issue, this is a concern, this still affects us. We've taken care of Green Bay, but we're surrounded by communities that haven't passed this. Waterways know no geographic boundaries. This is something that still concerns us. This is still something good for us if the state takes this on. And I believe when the state takes in on they will do their due diligence, just as we've done ours, and they will act responsibly. I think to throw in our two cents to get their motor moving is well worth our two cents. And this still affects us. As I said, surrounding communities have not passed an ordinance, we don't know if they will pass an ordinance. Waterways know no municipal boundaries. And so this is something that still concerns me as a Green Bay citizen and as a Wisconsinite, I might move, and I would like to know that my state is taking care of these. There's no reason to have these carcinogens in our environment, there's just no argument that holds it up. As we've heard, the industry is changing kind of on its own. It certainly would be nice to give it a nudge to make that transition complete. I think locally, definitely, and as a state it would also be very positive for us as Green Bayites. So I support sending this onto the state. And I don't know if we need to open the floor and hear from those who spoke, if they would like to throw in their two cents on this, we've heard from them on the ordinance. They did mention the resolution a little. I don't know if there's more they need to say or would like to say.

- [Barb] Perhaps the Alders could talk first.

- [Eric] Alder from the 1st.
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- Certainly, yep.

- Thank you. I definitely support sending this resolution to the state legislation. I think that our opinions are very important and I think they're important to the legislators that represent us at the state level. I do care about the quality of the water. I have grandchildren. This planet is for the future, it's not just for us to use. And so I want to make sure that the State of Wisconsin is supporting the best legislation to ensure that carcinogens are kept out of our waterways, and that people are safer. I think this would be a very valuable resolution to send to the state, so I will vote against receive and place on file. Thank you.

- [Eric] Thank you, Alder. Alder from the 6th.

- I also will support this resolution. I believe as Alder Scannell and Alder Dorff had mentioned, this is very important to let our state legislators know our opinions, and I think as a city we have more clout than if individually people would contact our legislators and they do listen to us as a collective group of people. I think we have a little bit more clout. And I would definitely support this. And I thank the other two Alders for their discussion. Thank you.

- [Eric] Thank you, Alder. Alder from the 12th.

- Yes, thank you, Mayor. The motion is to receive and place on file, so I think we need to be clear on what we'd be voting for. I just am a little concerned with the inconsistency in the language, at the top of the document, it's resolution in support of state legislation regulating, and then at the very bottom the action line, now therefore be it resolved that the Common Council of Green Bay, you know, so on and so forth, urges the governor and state legislature to enact legislation banning. So on the the heading of the resolution it says we're in support of legislation regulating, and I think it's a little different than banning. So whatever the Council decides, these resolutions, we've voted on these in the past, we've forwarded them onto state government, federal government. Whether they're effective, change opinion, who knows? They don't hurt, obviously, if we're all in agreement. But that's the one thing I would ask a little consistency in, so whoever drafted that, if I don't know if the City Attorney's Office did, but why is that a little different?

- [Eric] Is that a question?

- Yeah, if you could, Mayor?

- [Eric] Attorney Chavez.

- It's probably just wording that was picked. So I'm not sure if it was pulled from prior ordinances. I didn't actually, I wasn't the person who drafted it, but I imagine it was just a typo. But either way, regulating it and banning it, banning it would have the effect of regulating it.

- [Jesse] Thank you.

- [Eric] Thank you, Alder. Further discussion? The motion before us is to receive and place on file. All in favor please signify by saying aye.

- [Brian] Aye.

- [Eric] Opposed nay.

- [All] Nay.

- [Eric] Motion fails.

- [Randy] Motion to approve.

- [Barb] Second.

- [Eric] Motion made by Alder from the 7th, seconded by Alder from the 1st to approve. All in favor of the motion please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay.

- [Brian] Nay.

- [Eric] The ayes have it, and the motion is adopted. We are now back to... Item L. Report of the Redevelopment Authority.

- [Randy] Motion to approve.

- [Barb] Second.

- [Eric] Motion made by Alder from the 7th, seconded by Alder from the 1st to approve Report L, which is Report of the Redevelopment Authority from the meeting on December 10, 2019. All in favor please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it, the item has been adopted. To item M, Report of the Improvement and Services Committee.

- [Randy] Motion to approve.

- [Barb] Second.

- [Eric] Motion made by Alder from the 7th, seconded by Alder from the 1st to approve Report M, Report of the I and S Committee, December 10, 2019. What was the item to be held separately, Alder?

- [Brian] Two.

- [Eric] Two. Any other items? Item two will be handled separately. Hearing none others, all in favor of approving the remainder of that report please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it, the report has been approved with the exception of item two.

- [Randy] Move to approve.

- [Bill] Second.

- [Eric] Motion made by Alder from the 7th, seconded by Alder from the 4th, item was pulled by Alder from the 9th.

- Thank you, Mayor. Director Grenier, and I'm just trying to stretch my memory on this, if this was the action that we took at committee, but it says within the item here to approve, to develop, and implement a five year plan. My recollection, and you can certainly correct me if I'm wrong, was that the plan was going to be drafted and brought back to committee, but as I read this motion it would be implemented with an affirmative vote today.

- [Eric] Director.

- This was the recollection that the assistant director and I had, but if you want to amend that for, to bring it back to have the plan brought back to council, that's your prerogative.

- [Brian] Okay, and then maybe a further point of clarification, was this going to require an ordinance change?

- No.

- [Brian] Should it?

- We're talking about number two, correct?

- [Brian] Correct.

- The sidewalk program?

- [Randy] Yep.

- No, I would not see this as an ordinance change, this is simply a line item within the Capital Improvement Program.

- I'm looking at Vanessa, is this something that, I mean, we are essentially being proactive now, with inspecting sidewalks and requesting our residents to replace at their expense the sidewalk cakes that are their responsibility. Should that require an ordinance change?

- [Vanessa] No it doesn't. So an ordinance change would be required if we were changing the standards that we were going to be adopting, or new requirements like if we were suddenly requiring that they take responsibility for the sidewalks. But the sidewalk responsibility is already there, we're just changing the frequency at which it's going to be happening.

- [Brian] Okay, thank you. And I just, we talked about this at length at committee. I had a lot of my questions answered there. I do support this program, I just wanted to be clear that we were implementing it in an inappropriate fashion. So thank you for answering those questions.

- [Eric] Thank you, Alder. Further questions or discussion? Alder from the 12th.

- Yes, thank you, Mayor. I believe I voted no at committee, and it's not a vote against the plan or the idea. I think my reasoning at that time was the cost of the plan, you know, \$300,000.00 when we have tight budgets. I don't know how we would come up with that amount of money on a yearly basis. So the plan is one thing, I think we all, anyone with common sense anyways would understand that sidewalks in the city in some neighborhoods are in very bad condition and they're a public safety issue. But it's the cost to do this on a yearly basis that I'm concerned about, so I just don't want to put something forward with the false expectation that money is just going to appear to make this happen. I would like to know that we have a viable financial you know the word I'm looking for, but anyway. So that would be my main concern. So could the Finance Director or someone, maybe in Public Works, Mr. Grenier, discuss how the funding of this would come into play?

- [Eric] Director Grenier.

- Certainly. This, like other projects that we do during the course of the year, it's a capitol program, so it becomes part of the Capitol Improvement Program, and becomes part of the available money that comes to DPW through the bond request.

- [Jesse] Okay, thank you. I'd be in favor of voting in favor of this given that the CIP program we form and vote on every year, and we can then look at the financial ramifications at that time, but this at least puts it in front of us and something that we can go back to. Thank you, Mayor.

- [Eric] Thanks, Alder. Any further discussion? All right, we have a motion on the floor and a second. All in favor please signify by saying aye.

- [All] Aye.

- [Eric] Those opposed nay. The ayes have it, the motion is adopted. Onto, item O, Report of the Protection and Policy Committee, granting operator licenses.

- [Randy] Move to approve.

- [Veronica] Second.

- [Eric] Motion made by Alder from the 7th, seconded by Alder from the 2nd to approve report O which is the Report of the Protection and Policy Committee granting operator licenses. Any names for which you'd like to be listed as abstaining? Okay, any names under this report you wish to handle separately? Hearing none, all in favor of the report please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it, the report has been approved. Onto Report P, item P, Report of the Park Committee.

- [Brian] Number one.

- [Eric] All right, motion?

- [Bill] Motion to approve.

- [Eric] Motion made by Alder from the 4th.

- [Randy] Second.

- [Eric] Second by Alder from the 7th to approve Report P. Item one has been pulled by Alder from the 9th.

- Thank you, Mayor. We had discussed this item at committee level for those who aren't overly familiar, and certainly Director Ditscheit I'm sure will speak to this, but my major concern is that we were, Parks Department was asking us to allocate \$51,418.00 to replace the computer panel with something that we can have ownership rights of, really because of a customer service issue. Someone who has a patent that is no longer able to return calls in a timely manner, not necessarily because there was an immediate need to replace the item. And so, one of the things I'd asked at committee level for Director Ditscheit to look into was the City's ability to perhaps purchase the patent or purchase a license to gain access to the use of that, to the existing computer system, which could perhaps be a more affordable option than replacing the entire system. So I would just be looking to Director Ditscheit to provide us an update with the outcome of that outreach.

- [Eric] Director.

- Yes, I did some research into that topic. So there is no patent on this software. It was created by an individual or a company with one individual employed there. And upon creating the document or the program, basically he gets a copyright of it. In the State of Wisconsin that copyright lasts, my understanding of copyright law in Wisconsin is that it last 70 years beyond the lifetime of the individual that wrote the program. So the copyright will still be valid on the program for a substantial amount of time here. As far as looking at purchasing a license, this person who created the program, he is very adamant that he would like to have control of that program to be able to view it and not allow access to the city or to others to basically view that program to be able to diagnose the problems when they come up.

- So he has a copyright on it for 70 years, what exactly does that mean?

- Well basically what that means, I mean I'd have to, kind of maybe point to the Law Department for clarification on copyright laws, but in essence he created the program. There are firewalls in the program preventing us from viewing the software. So every time we run into a problem with the ride, whether it's a small problem or a big problem, if there's any problem at all, the ride automatically shuts down. We can't get it back in service until somebody goes into the program, looks at the code that was hit which caused the problem, and then that code will tell us what needs to be fixed to repair the ride. So as long as there's firewalls written into the program, we cannot access it without his written approval and his support and that.

- Okay, Vanessa, question then on the copyright issue? Does this just prohibit us from distributing, or do we have any access or any ownership rights over to a product that has a copyright? So if the system breaks down as Director Ditscheit had said, there's a firewall in the way, do we have the right to go around that firewall and fix the problem of the software that we own?

- [Eric] Just a little reminder to use formal salutations and last names.

- Yes.

- Attorney Chavez.

- So the way copyright works is, what we generally see is a license. And so what will happen is somebody will draft something. As soon as it's drafted they automatically retain copyrights to it, it's not like a trademark where you have to get it registered, it's just as soon as you create an artistic work or work in general that it is

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considered copyrighted. And so in this case when you software, such as is here, what happens is somebody will issue a license to it which is imagined what we have, but then it's a limited license allowing us to use it but not necessarily do anything with the code. It's like when you get a software, if you get Adobe Acrobat you're getting a license to use it. So that's essentially what we have, we don't own it, and we don't have any ownership rights into it, we just get to use it. So if I'm understanding everything correctly, it's not that we would be using this property anymore, it's so we'd basically be getting a new software altogether. And that new person who has full range to do whatever they want because it's a software that they wrote. And so it would be completely irrelevant whether or not the original copyright stays with the original owner because we're not going to be using it anymore.

- Okay, so with the copyright in place right now, we do not have access to repair it when it goes down?

- [Vanessa] Correct.

- Okay. Thank you.

- [Eric] Thank you, Alder. Alder from the 1st.

- Thank you, Mayor. I would just say, I watched the Park's this afternoon, the video, it was great. And I would say that if we're paying \$51,000.00, which isn't even from the City budget, it's from the Bay Beach budget, right? Right?

- [Brian] That's correct.

- That's correct. And to know that the Zippin Pippin will run when we need it to, like they described it being down five days in a row during the summer, and that's not good, that's losing money for the city. I think this is a really good deal, and I'm going to vote in favor of this. Thank you.

- [Eric] Thanks, Alder. Alder from the 10th.

- Thank you, your honor. This is for Director Ditscheit. This person that owns the copyright, does he have support staff in case he's not available, or can you describe that if we needed extra help on this?

- My understanding is that the owner is the only employee, and his wife also assists with the company.

- So what would happen if he was not available, or how would that work?

- Basically the ride is down until we hear back from him and he's able to remotely access the computer software to diagnose the problem. In the past there's been, I would say progressively throughout the years it has become more and more difficult to get a timely response from this individual. He recently took another job and that has affected his schedule, so it has been several days where we've been waiting to hear from him.

- I don't know, that's a bit of a concern that I would have if this is down for any period of time, even though this person does own this. That's just a concern I would have.

- And I do want to add also that the new software that we're looking at purchasing is from a company with several employees, I believe that there's four employees who are capable of diagnosing the problem. In addition to the software that we're looking at purchasing, our own maintenance crews will have access to that software. So that's written into the quote, so we will be able to diagnose the problem for most of the small issues that come up on our own without even having to call them. And then when we do need to reach out to them, they have four individuals on staff that can help us.

- [Mark] Okay, well that helps. Thank you.

- [Eric] Thank you, Alder. Alder from the 8th.

- Thank you, Mr. Mayor. I just want to clarify, is there a motion on the floor, 'cause we sent it here without a recommendation. So I'm just gonna--

- Motion to approve.

- Make a motion to approve the recommendation that we purchase this.

- [Eric] Very good. Second?

- Second.

- [Eric] Second by Alder from the 1st.

- And I appreciate looking for more information. We tried to find another way around it, but the Zippin Pippin's our prime attraction, and we can't have it down for long periods of time. This person seems more and more disinterested in helping us in a timely manner, so time to cut ties. Thanks.

- [Eric] Thank you, Alder. Alder from the 6th.

- I just have a quick question from Director Ditscheit, will this be both of the cars running?

- So what we're replacing is the programming for the ride. So the computer hardware and software and then the programming that's associated with it. The issue with operating one train or two train is kind of independent of this programming issue. We will, for now, our plan is to keep it with one train. And we can look to bumping it up to two trains in the future. But for now, we're gonna go with one train.

- Okay, so you think this program would help with having the second one running, eventually?

- [Dan] I would say either program can work with the two trains, it's more of an issue in the fact that when we had that concern the last time with the two trains, we weren't able to diagnose what the problem was. So until we're able to diagnose what the problem was, we're going to keep with one train.

- Okay, thank you.

- [Eric] Thank you, Alder. Any further comments? We do have a motion on the floor and a second to approve the request to purchase a control system hardware retrofit for the Zippin Pippin. All in favor please signify by saying aye.

- [All] Aye.

- Opposed nay. The ayes have it. We're onto item Q, Report of the Personnel Committee.

- [Randy] Motion to approve.

- Second.

- Second.

- [Eric] Motion made by Alder from the 7th, seconded by Alder from the 4th to approve report Q which is report from the Personnel Committee from the meeting on December 10, 2019. Any items here to be handled separately? We don't have to. Item six will be handled separately. Hearing none others, all in favor of approving the remainder of that report please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it, the report has been approved with the exception of--

- [Randy] Move to approve.

- Second.

- Second.

- [Eric] Motion made by Alder from the 7th, seconded by Alder from the 2nd to approve item six. The item was pulled by Alder from the 8th.

- [Chris] I guess, yeah, I would make a motion to go into closed session.

- Okay.

- Second.

- [Eric] Motion made to go into closed session by Alder from the 8th, seconded by Alder from the 7th. You've got to read language.

- Yeah, definitely. The Common Council may convene in closed session pursuant to 19.85 , Wisconsin Statutes, for purposes of deliberating or negotiating public employee contracts for competitive or bargaining reasons. The Common Council may thereafter reconvene in open session pursuant to 19.85 , Wisconsin Statutes, to report the results of the closed session and consider the balance of the agenda.

- I think it's there now.

- [Mark] Is it? No, I don't see it.

- No?

- [Mark] Oh, here we go. Do we need...

- Yep.

- [Mark] Okay.
- [Eric] 11-0, we are closed. Motion to return to Regular Order of Business.
- [Randy] Motion to return to Regular Order.
- [Barb] Second.
- Motion made by Alder from the 7th, seconded by Alder from the 1st. All in favor please signify by saying aye.
- [All] Aye.
- Opposed nay. We are back to Regular Order of Business. And we had a motion on the floor I believe to approve. All in favor please signify by saying aye.
- [All] Aye.
- Opposed nay. The ayes have it, the item has been approved. We are to item R, the Report of the Economic Development Authority.
- [Randy] Move to approve.
- Second.
- Second.

- Motion made by Alder from the 7th, seconded by Alder from the 9th to approve report R which is the Report of the Economic Development Authority from the meeting on December 9, 2019. Any items to be handled separately?

- [Kathy] Number one.

- Item one, any others? Item one will be handled separately. Hearing none others, all in favor of approving the remainder of that report please signify by saying aye.

- [All] Aye.

- Opposed nay. The ayes have it, the report has been approved with the exception of item one.

- [Randy] Move to approve.

- Second.

- Second.

- Motion made by Alder from the 7th, seconded by Alder from the 9th to approve. This item was pulled by the Alder from the 6th.

- This is just a note I want to make. I do not want to go to closed session. I just want to mention that this item would directly relate to the presentation by Julia Noordyk. I think we need to look at, when there's anything with wetlands, that we have to very well be aware that these are so important with our drainage and everything, and if this project fills in too much of that, then we're gonna have some issues again. So we need to definitely look at what she presented, that's all I want to bring up. So I'm hoping that the staff will look at that. Thank you.

- [Eric] Very good. Thank you, Alder. Director Vonck, anything to note there?

- Sure, yes. Staff is very well aware I think, between our ordinances and working with the DNR, there's some areas that we just are not going to be able to develop and nor do we want to develop. And that will be something to be discussed as we move forward with that. So thank you.

- [Eric] Thank you, Director. All right, seeing no other requests to speak--

- [Mark] Motion to approve.

- Motion made--

- It's already been.

- [Mark] We already did?

- [Randy] Yep.

- [Eric] A motion has been made to approve, all in favor please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it, the item has been approved. Onto S, Report of the Plan Commission.

- [Randy] Motion to approve.

- [Veronica] Second.

- [Eric] A motion made by Alder from the 7th, second by Alder from the 2nd to approve report S which is the Report of the Plan Commission from the meeting on December 16, 2019. Any items to be handled separately here? All right, hearing none, all in favor of approving that report please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it, the report has been approved. Onto T, Report of the Sustainability Commission.

- [Randy] Motion to approve.

- [Kathy] Second.

- [Eric] Motion made by Alder from the 7th, seconded by Alder from the 6th to approve report T, which is the Report of the Sustainability Commission from the meeting on December 11, 2019. All right, all in favor please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it. The report has been approved. Onto U, receive and place on file.

- [Randy] Motion to receive and place on file.

- Second.

- Second.

- [Eric] A motion made by Alder from the 7th, second by Alder from the 4th to receive and place on file the Municipal Court and Building Permit Reports for November 2019. Any discussion? Hearing none, all in favor of approving that report please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it. The report has been received and placed on file. Onto resolutions.

- [Kris] You may under suspension of the rules adopt resolutions one through four together with one roll call vote.

- [Randy] Motion to suspend rules.

- [Kathy] Second.

- Motion made by Alder from the 7th, second by Alder from the 6th to suspend the rules to take up these items with one roll call vote. All in favor please signify by saying aye.

- [All] Aye.

- [Brian] Nay.

- Opposed nay. The ayes have it, the rules have been--

- [Brian] I would like to speak.

- Alder from the 9th.

- If the Alder from the 6th would be willing to suspend just items two through four, suspend the rule for items two through four, and handle item one separately?

- [Eric] Motion made by Alder from the 6th, seconded by--

- Can we do that Kris, can I just say no on number one?

- [Kris] You can do that, and you want it notated, sure.

- Yes, okay, that's all I wanted.

- [Eric] Just noted, so the rules have been suspended.

- Yes, then I'm good, thank you.

- [Eric] I'll entertain a motion to adopt resolutions one through four.

- [Randy] Motion to adopt.

- [Barb] Second.

- [Eric] A motion made by Alder from the 7th, seconded by Alder from the 1st to adopt resolutions one through four. Please use the board.

- [Jesse] Is that number one?

- [Mark] It's on all of it.

- [Randy] No, it's on all of them, but number one can be changed.

- [Kris] To no.

- [Randy] To no.

- [Eric] All right, those pass 11-0 with the note on item one for the Alder from the 9th. Onto Ordinances First Reading.

- [Kris] You may under suspension of the rules advance ordinances one and two to a second reading.

- [Veronica] Move to suspend.

- [Eric] Motion made by Alder from the 9th, seconded by Alder from the 7th to suspend the rules and take up these items in one roll call vote. All in favor of the motion please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it, the rules are suspended.

- [Randy] Motion to advance.

- [Eric] Motion made by Alder from the 7th.

- [Chris] Second.

- [Eric] Seconded by Alder from the 8th to advance items one and two to a Second and Final Reading. All in favor please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it, and they have been advanced to Final Reading. Referral of Petitions and Communications. Alder from the 8th.

- Thank you, Mr. Mayor. I have two, first one for Improvement and Services, an appeal by Bob Corey, 302 Oak, to the reinspection fees on his property. Second one's I and S and Plan Commission, an appeal by Mike and Karen Alberts, 1801 South Ridge, to the designation and approved uses of their parcels, and I list the parcel numbers. Thanks.

- [Eric] Thank you, Alder. Alder from the 1st.

- Thank you, Mayor. This one I think should be directed to Finance, to appeal the 2018 increased tax bill for 2884 Sussex Road for Todd Bardouche. The City made an error on the 2018 and '19 taxes. The homeowner brought this to the attention of the City, but because he built the home he thought he was only undercharged for 2019. He found out he was undercharged for 2018 as well. So I'm appealing that on his behalf.

- [Eric] Thank you, Alder. And any other communications?

- [Randy] Motion to refer.

- [Eric] Clerk, any late communications?

- [Kris] No, I do not.

- [Eric] I'll entertain a motion.

- [Randy] Motion to refer.

- [Eric] Motion made by Alder from the 7th, seconded by Alder from the 5th to refer all Petitions and Communications to the proper authority. All in favor of the motion please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. The ayes have it.

- [Randy] Motion to adjourn.

- [Eric] A motion made by Alder from the 7th.

- [Mark] Second.

- [Eric] Seconded by Alder from the 10th to adjourn. All in favor please signify by saying aye.

- [All] Aye.

- [Eric] Opposed nay. Merry Christmas, Happy Holidays, Happy New Year.

- [Mark] All right, in that order? Well you'd have to.

- [Eric] I'd think so.

- [Mark] You'd have to do them in that order. Wait a second, the New New Year's closer. I don't know...

- [Eric] Everybody's got an opinion.