



MINUTES OF THE COMMON COUNCIL

**TUESDAY, JANUARY 14, 2020, 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, Andy Nicholson

B. PLEDGE OF ALLEGIANCE.

C. INVOCATION.

The invocation was led by Reverend Diane Rew of St. Paul's United Methodist Church.

I. The invocation will be led by Mayor Eric Genrich.

D. APPROVAL OF MINUTES.

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

I. Approval of the minutes of the December 17, 2019 Common Council meeting.

E. APPROVAL OF THE AGENDA.

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

F. REPORT BY THE MAYOR.

G. ANNOUNCEMENTS.

H. APPOINTMENTS.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to confirm the re-appointments.
Motion carried.

I. Re-appointments:

Olde Main Business Improvement District

Paul Kosmoski

1270 Main Street, Green Bay, WI 54302

Term to expire: January 1, 2023

Michelle McKinnon

231 S. Adams Street, Green Bay, WI 54301

Term to expire: January 1, 2023

Patrick Beimborn

1258 Main Street, Green Bay, WI 54302

Term to expire: January 1, 2023

I. PUBLIC HEARINGS.

Ace Champion, 1020 S. Erie St, De Pere appeared to speak on Item 2.

1. 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.

2. Resolution authorizing Conditional-Use approval at 900 South Jackson Street.

J. ORDINANCES - SECOND READING FOR ADOPTION.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to suspend the rules and take up Items 1 and 2 with a roll call vote. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to adopted Ordinances 1 and 2.
Motion carried.

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

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

1. General Ordinance No. 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.

K. REPORT OF THE IMPROVEMENT & SERVICES COMMITTEE (JANUARY 7, 2020).

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to approve with the exception of Items 5 and 6. Motion carried.

1. To receive and place on file 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 and staff to bring this back to Improvement and Services Committee when the details are worked out.

2. To hold until the Wednesday, January 29, 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).

3. To approve the request by Ald. Nicholson to reinstall the snow fence near Eisenhower Park.

4. To hold until the Wednesday, January 29, 2020 Improvement and Services Committee meeting 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.

5. To approve the request by Ald. Wery the appeal by Bob Koury, 302 Oak Street, to rescind the re-inspection fees on his property.

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

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to send Item 5 to the Protection & Policy Committee. Motion carried.

Moved by Ald. Kathy Lefebvre, seconded by Ald. Jesse Brunette to amend the motion to have the Protection & Policy Committee have the final approving authority.

Moved by Ald. Kathy Lefebvre, seconded by Ald. Randy Scannell to rescind the amendment on the floor. Motion carried.

6. To approve the request by Ald. Wery the appeal by Mike and Karen Alberts, 1801 South Ridge Road, to the designation and approved uses of their parcels 1-1423-A-1 and 1-1423-A-9 on Ridge Road and allow the use of the existing driveway aprons.

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Craig Stevens to refer Item 6 to the Planning Commission. Motion carried.

7. To approve the request by Department of Public Works to award a Professional Engineering Service Contract to McMahon Associates, Inc. for Hydrologic / Hydraulic Analysis on Storm Basin 313 in the amount of \$36,400.

8. To approve the request by Department of Public Works to award construction contracts at a staff level and report the award at the next regular meeting of the Improvement and Services Committee for the Basin 106 Lift Station/Howard Street Reconstruction and East Mason Siphon Elimination projects due to the January and February meeting schedules.

9. To approve the 2020 Department of Public Works service rates.

10. To approve the 2020 Special Assessment factors and rates with interest rates determined by City policy.

11. To approve the request by KS Energy Services to renew the annual Hold Harmless Agreement for access to the City of Green Bay sewer system to conduct inspection of the sewer mains and laterals contingent upon executing a Hold Harmless Agreement, placing on file with the City applicable insurance, obtain all necessary City approvals, and authorize the Mayor and City Clerk to execute the agreement.

12. To approve the applications for Sidewalk Builder Licenses by the following:

- A. Baeten Concrete LLC
- B. Blaser Construction LLC
- C. Fischer Concrete LLC
- D. Frank O. Zeise Construction Co., Inc.
- E. Martell Construction, Inc.
- F. McDonald Services LLC
- G. Verheyen Construction
- H. Weidner Concrete Construction LLC

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

- A. A Four Season Tree Care
- B. Best Enterprises LLC
- C. Epic Innovations LLC
- D. Fall-Rite Services LLC
- E. Nelson Tree Service LLC
- F. Selner Tree & Shrub Care

14. To approve the applications for Underground Sprinkler System Licenses by the following:

- A. IXL Sprinkler Systems
- B. Lizer of Wisconsin, Inc.
- C. RainMaster Irrigation, Inc.

L. REPORT OF THE PROTECTION & POLICY COMMITTEE (JANUARY 6, 2020).

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

I. To approve the request by Braggin Bar, LLC at 219 N. Washington to extend the issuance of his

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"Class B" Combination license to April 30, 2020 (License granted at the August 20, 2019 Common Council meeting).

2. To approve an application for a "Class A" Liquor and Class "A" Beer license for Nicolet Gas, Inc. at 2260 Nicolet Dr. with a licensed premises description as "single story building (gas station part) with walk in coolers. Beer cooler and liquor shelf," with the approval of the proper authorities. (Currently licensed as Nicson, Inc.).

3. To approve "Class A" Liquor and Class "A" Beer license for Family Dollar Stores of Wisconsin, LLC at 708 Lime Kiln Rd. with a licensed premises description as "free standing building consisting of 9,571 square feet," with the approval of the proper authorities.

4. To approve a "Class B" Combination license for White Dog, LLC at 201 S. Broadway with a licensed premises description as "bar/pub tables/dining rm/closet/behind bar in cabinets-cooler, cooler (locked outside)," with the approval of the proper authorities. (Currently licensed as White Dog Roadhouse LLC). Motion carried.

5. To recommend Council waive the ordinance requirements for an outdoor licensed premises and to approve an application for a "Class B" Combination license for C&P Holdings, LLC at 709 S. Broadway with a licensed premises description as "2 bar rooms, patio, storage," with the approval of the proper authorities. (Currently licensed as Rockabilly's LLC).

6. To approve a resolution establishing the Special Events Fee Schedule.

7. To receive and place on file the Liquor Violation Report for January 6, 2020.

M. REPORT OF THE PROTECTION & POLICY COMMITTEE GRANTING

OPERATOR LICENSES.

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

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

N. REPORT OF THE FINANCE COMMITTEE (JANUARY 7, 2020).

Moved by Ald. Kahty Lefebvre, seconded by Ald. Mark Steuer to approve with the exception of Item I. Motion carried. Ald. Randy Scannell voted no on Item 7.

I. To deny the 2018 appeal for 2884 Sussex Road for Todd Bardouche. Committee recommends invoicing 2018 omitted taxes less the value of the 2018 lottery credit. Payment plan over 5 years.

A motion was made by Ald. Barbara Dorff to amend Item I to change "deny" to "approve."

Moved by Ald. Chris Wery, seconded by Ald. Barbara Dorff to amend Item I to change "deny" to "approve" and to have it paid from the contingency fund. Motion carried.

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

Moved by Ald. Barbara Dorff, seconded Ald. Brian Johnson by to approve Item I as amended. Motion carried.

2. To approve action on a request by the City Assessor's office to cancel certain property taxes. Resolution to cancel \$820.95.

3. To approve the purchase of Self-Contained Breathing Apparatus from Five Alarm Fire & Safety LLC. for \$838,706.

4. To approve the purchase of Integrated Thermal Imaging Cameras from Five Alarm Fire & Safety LLC. for \$63,000. Sole source.

5. To approve the purchase of Barrier and Trailer Kits from Meridian Rapid Defense Group for \$236,547.

6. To approve a resolution authorizing 2019 transfer of \$2,222.50 from contingency for legal expenses related to Georgia Pacific tax appeal.

7. To approve a resolution authorizing 2019 transfer of \$5,059.90 from contingency for legal expenses related to Oneida trust matter.

8. To approve the Report of the Claims Committee.

The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

O. REPORT OF THE PARK COMMITTEE (JANUARY 7, 2020).

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

1. Motion to approve the 2020 proposed park projects and refer to the Finance Committee for review and approval as part of the citywide 5 year Capital Improvement Plan.

2. Motion to receive and place on file the request by Ald. Brunette to relocate the annual Kiddie Karnival effective 2020 to other city parks, possibly Colburn Park.

3. Motion to receive and place on file the report on the number of parks - City, County, School and Oneida owned - throughout the 12th District.

P. REPORT OF THE PERSONNEL COMMITTEE (JANUARY 7, 2020).

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

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

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- a. Custodian I - Police
- b. Parking Enforcement Officer - Public Works

2. To approve an intergovernmental agreement with the Green Bay Area Public School District to permit off-duty police officers to use City of Green Bay Police Department uniforms and equipment.

Q. REPORT OF THE SUSTAINABILITY COMMISSION (JANUARY 8, 2020).

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

1. Refer to staff to edit the letter, per committee recommendations, and bring back to the February 12, 2020 meeting.

R. REPORT OF THE ETHICS BOARD (DECEMBER 16, 2019).

Moved by Ald. Barbara Dorff, seconded by Ald. Mark Steuer to dismiss Report R. Motion failed.

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

Ald. Chris Wery is abstaining because Ald. Kathy Lefebvre is his mother-in-law.

1. To adopt the findings of fact and conclusions of law in the matter of the Ethics Complaint against Alder Kathy Lefebvre filed by Alder Andrew Nicholson under the City of Green Bay Code of Conduct for Elected Officials.

Moved by Ald. Brian Johnson, seconded by Ald. Bill Galvin to approve Item 1. Motion carried.

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

2. To impose a formal censure on Alder Lefebvre.

The Council may convene in closed session pursuant to Sections 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Moved by Ald. Bill Galvin, seconded by Ald. Chris Wery to amend Item 2 to read "to impose an informal censure on Ald. Kathy Lefebvre." Motion carried.

Moved by Ald. Andy Nicholson, seconded by Ald. Randy Scannell to go into closed session at 7:37 p.m. Motion carried.

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

Ald. Chris Wery read the closed session language.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to return to regular order of business at 7:53 p.m. Motion carried.

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to amend Item 2 to present a letter of reproof to Ald. Kathy Lefebvre. Motion carried.

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

Ald. Barbara Dorff read the following letter of Reproof:

Date: January 14th, 2020

TO: Alderperson Kathy LeFebvre District 6

Dear Alder Lefebvre,

As you know the Ethics Board has found you to be in violation of the code of conduct and has recommended that you be informally censured. The code of conduct states in

Section 8 D, (5) Council Action states that "upon review of the report and following a discussion, if the Council, by motion, concludes that there is a violation of code, the Council may impose a sanction or penalty. The Council may adopt, reject, or modify the recommendation of the Ethics Board ... and that the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrong doing."

Section 8D (6) Penalties and Sanctions states "it is the intent of council to educate, and, when necessary, discipline council members who violate the Code" ... and further states that "in all instances the totality of the circumstances shall be taken into consideration in solving the matter, including the intent of the one accused of wrongdoing."

Alder Lefebvre state in her testimony that she did not intend to do this. What you revealed was the vote taken in closed session, with no other information. You have apologized for your actions. It is the belief of this council that there was no intent and that even an informal censure is unnecessary.

Therefore, we the undersigned hereby express our disapproval of your actions in this incident and encourage you to refrain from similar conduct during your future service on the Council.

Alderperson Barbara Dorff, John VanderLeest, Jesse Brunette, Andy Nicholson, Brian Johnson, Randy Scannell, Veronica Corpus-Dax, Craig Stevens, Bill Galvin and Mark Steuer signed the letter.

S. RECEIVE AND PLACE ON FILE.

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

I. Building Permit Report for December 2019.

2. Municipal Court Report for December 2019.

T. RESOLUTIONS.

Moved by Ald. Randy Scannell, seconded Ald. Mark Steuer to suspend the rules and adopt Resolutions 1 and 3 through 11 together with one roll call vote. Motion carried.

Moved by Ald. Brian Johnson, seconded by Ald. Bill Galvin to adopt Resolution 1 and Resolutions 3 through 11. Motion carried.

Yes- Andy Nicholson, Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell (Resolutions 1, 3,4, 6-11), Veronica Corpus-Dax, Kathy Lefebvre, No- Randy Scannell (Resolution 5)

1. A resolution establishing the Special Events Fee Schedule.

2. Resolution drawing final orders to contractors for January 14, 2020.

Moved by Ald. Brian Johnson, seconded by Ald. Randy Scannell to amend Resolution 2 to have the PO # changed to 1900105 and to have the account number under Bridge 1-18 changed to 401500E-55311-64048. Motion carried.

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

3. Resolution to cancel certain property taxes in the amount of \$820.95.

4. Resolution authorizing 2019 transfer of \$2,222.50 from contingency for legal expenses related to Georgia Pacific tax appeal.

5. Resolution authorizing 2019 transfer of \$5,059.90 from contingency for legal expenses related to Oneida trust matter.

6. Resolution authorizing Conditional-Use approval at 900 South Jackson Street.

7. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of water main services.

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

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

10. Resolution approving Hold Harmless Agreement with KS Energy Services.

11. Resolution authorizing submittal of application for Municipal Flood Control Grant.

U. REFERRAL OF PETITIONS & COMMUNICATIONS.

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

A request by Ald. John VanderLeest to the Finance Committee stating: "Property taxes increased roughly 4.1% for the city of Green Bay property taxpayers in 2020. Couple this increase with the water bill rate changes and the average Green Bay home owner had roughly \$100-\$120 increase to their property taxes. I propose that property taxes for the City of Green Bay would NOT increase more than 1% for the 2021 budget. Green Bay is already one of the highest property tax rates in Brown County. This is causing new home buyers to pursue other less expensive properties due to the disparity in property taxes. Ashwaubenon and Bellevue are \$450-\$500 less on the average home to Green Bay. This is critical if we wish to remain competitive in Brown County for future development and growing businesses."

A request by Ald. John VanderLeest to the Finance Committee to request to create a resolution that the City of Green Bay pays off more general obligation debt each year than new debt created. Nearly 18-20% of each yearly City budget pays solely for interest on city debt. We must do a better job to reduce our total debt and prioritize our capital expenses so we are not crowding out core services. Many cities and counties are facing these fiscal pressures and the City of Green Bay needs a plan to reduce our debt in the short and long term.

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A request by Ald. Brian Johnson to the Improvement and Services Committee for consideration with possible action to address chronic flooding and drainage concerns on Antoinette St.

A request by Ald. Kathy Lefebvre to the Traffic Commission to request the removal NO PARKING signs on Eastman Avenue from the corner at 1101 N. Webster to Van Buren.

A request by Ald. Kathy Lefebvre to the Protection & Policy Committee to request committee to look at the issuing a sidewalk cafe permit to Titledown Tobacco per Section 6.155 Green Bay Municipal Code -(1) Definitions (a) Sidewalk Cafe any group of tables, chairs, benches, or partitions maintained within the public right-of-way for use directly in front of an establishment with a valid restaurant license.

A request by Ald. Mark Steuer to the Protection & Policy Committee for further discussion is needed on the anti-litter ordinance Sec. 8.12 as far as implementation & citations with respect to newspaper ad flyers that are scattered about.

V. ADJOURNMENT.

Moved by Ald. Randy Scannell, seconded by Ald. John VanderLeest to adjourn at 8 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

- Call to order the meeting of the Common Council for Tuesday, January, 14 2020. Clerk.
- 12 are present, your honor.
- Please rise for the Pledge of Allegiance and remain standing for the invocation.
- [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.
- We are lucky to be joined by Pastor Rew who's the pastor over at St. Paul's Methodist on our Near West Side in the 10th Aldermanic District and Pastor Rew and the entire congregation are just really great community partners. So I wanted to highlight the work that she's doing in our community and the work that St. Paul's has been doing for over 150 years now, just celebrated sesquicentennial last year. So I'll provide a little introduction before Pastor Rew joins us here to provide that invocation. But for the past 15 years, over 15 years, Reverend Diane Rew has served as the lead pastor for St. Paul Methodist Church. The St. Paul Methodist Church congregation celebrated sesquicentennial just last year. Reverend Rew has been serving in local church ministry in the United Methodist Church for over 30 years. Before becoming a pastor, she received her Masters in Divinity from Boston University, School of Theology. Reverend Rew has been active in her community. Just recently, within the last couple years, finishing a term as the clergy representative for the Brown County United Way Board of Directors. So please welcome Reverend Diane Rew.

- Thank you, it's a privilege to be here today. Would you join me in a few moments as we center ourselves to this time in this place. Let us be in an attitude of prayer. Creator of this day and of all times and all places, we gather in this particular place tonight to dedicate ourselves to the work and to the well-being of this community in which we live and serve. May we offer the best of ourselves and our gifts to one another and to our city as we unite in working for its common good. We give thanks for your spirit of commitment and service that calls us here. We ask that you grant us wisdom and courage to do the work to which we've been called. Draw us together in a spirit of support and gratitude. Help us to live with humility, to love with generosity, to lead with wisdom and with courage. We offer ourselves in service that we might each play a part, our part, in building a community of health and wholeness and wellbeing for all. May it be so, amen.

- Onto approval of the minutes. Motion by Alder from the 3rd, second by Alder from the 7th to approve the minutes, any corrections that need to be made? Seeing no requests, all in favor, please signify by saying aye.

- Aye!

- Oppose, nay. Minutes have been approved. Approval of the agenda. Motion made by . Motion made by Alder from the 1st, second by Alder from the 7th. All in favor, please signify by saying aye.

- [Members Of The Council] Aye.

- Oppose, nay. The ayes have it. Under the report by the mayor, so I don't know if you guys knew this but Packers won on Sunday, yeah. Big news, breaking news for you. So that's exciting. So as a result, we are gonna be wearing some green and gold over at Pauls Pantry tomorrow morning from 8:30 to 10:00. You are all invited to participate as well as members of the public. So that was part of the wager, both mayors, Green Bay and Seattle would have had to wear the winning teams colors, in this case, of course, it was the green and gold so Seattle's mayor will be wearing green and gold, I think, next Monday. So looking forward to seeing some pictures of that. Packers of course, more Packers' news, we've got a pep rally coming up Friday afternoon. Again, all are invited, afternoon downtown in the Adams Street lot. So that's what I have for the Mayor's Report. Onto announcements. Alder from the 7th.

- Thank you, your honor. There we go. Just two announcements, both having to do with the YWCA and unfortunately, I'm not gonna be able to make either one but I recommend if you can get to these, please do so; they're great. The first one is tomorrow from noon to 1:00 at YWCA, Stand Against Racism, they have a series. It's very good and this one is Refugee Resettlement in Brown County. And then also this Friday, the YWCA at the Northland Hotel is having a centennial gala. All the proceeds, I believe it's 50 bucks a head, go to raise funds for their five program areas; childcare, health and wellness, aquatics, women's empowerment and community education. All great stuff. All great causes to support. If you wanna get down that though, you better get a hold of YWCA pretty quick. They need reservations. It's this Friday at the Northland from 5:30 to 9:00. Thank you.

- [Mayor] I will be there. Thanks Alder, Alder from the 6th.

- Yes, I gave a couple of the sheets so if people wanna pass it down, anyone can read. Tonight the Great Lakes Water Levels Informational Meeting is being held at the Museum. Okay, wait, what I passed out is that tomorrow also it's open to the public. Tonight was for officials. It's gonna be at the STEM at 6:00 p.m. to 8:00 at UWGB. The keynote speakers, they got D. Apps and Chris Warren from the US Army Corps of Engineers out of Detroit. Mike Salati National Weather Service, Adam Lekha, Coastal Engineering Outreach specialist, Wisconsin Sea Grant and crystal van Holt, Wisconsin Department of Natural Resources. This is, I think, concerned everybody. They will be telling us what they're expecting for the coming year. Let's hope that they bring the levels down for Lake Michigan. They're talking, it could be also up to 14 inches which would not be good for us in here in Green Bay. So this is a good thing if people are interested to attend. I will be there for part of it. Thank you.

- [Mayor] Thanks Alder. Alder from the 1st.

- Thank you, mayor. I have two announcements. First of all, I wanna congratulate Alder Stevens. Some of you may not know that we have an artist in our midst and plus a very creative person, Alder Stevens' slogan, Slow Down Green Bay was the one chosen by the Green Bay Police Department and there's some little pamphlets they'll be handing out. And this is Alder Stevens logo that he created. As many of us know, traffic complaints are the number one complaints made to Alders and to police department. And the police department is wanting to do something about that this year as they do every year and every day 24 hours a day, I'm sure, chief. But this year in particular, Slow Down Green Bay is going to be our theme. That's my first announcement. My second announcement is just an announcement of concern to my fellow chairpersons of committees for city council. My concern is that committees, while occasionally needing to be changed by the chair, very understandable, but I've become concerned because many times the committees are falling on top of other committees. I would like to be at committee meetings to represent my constituents. And so, if at all possible, chairs, if you do have to reschedule a meeting, please don't schedule it on top of another set of council meetings if you can. Thank you, I just wanted to express my concern.

- [Mayor] Thanks Alder. Alder from the 9th.

- Thank you mayor, just two things; one is for those that have an interest, Wednesday, January 29th, from 6:30 to 8:30, there is a shipyard open house that is occurring regarding reinvestment in the residential neighborhoods. Congratulations to city staff. City of Green Bay was one of six cities selected nationally to partake in a tech visitor to what's referred to as a tech grant to come host this. Very excited to have that on board to make sure that as we progress with our neighborhood revitalization efforts that we're taking in as many voices into account as possible and I believe Matt Buchanan was the lead on that. So kudos to Matt and Dr. Vonck's department. The second thing is because I've had a lot of people that have been asking about progress at the state level regarding the relocation or the funding for the relocation of the coal piles which isn't relocate the coal piles but the revitalization of the Pulliam Plant that is currently held up in Senate, they still need to take action on that item and so, I don't know, I suspect we'll have some new information on that in the coming weeks but just a brief update on that. Thank you.

- Thanks Alder. All right. I think that concludes the announcements. Onto appointments. I entertain a motion. Motion made by Alder from the 7th, second by Alder from the 10th to confirm the reappointments that we have in front of us. All in favor, please signify by saying aye.

- Aye.

- Oppose, nay. The ayes have it. That item has been approved. On public hearings. We have two items for public hearings. We have an ordinance rezoning property located at 2100 Nicolay Drive and 2200 Nicolay from general commercial to varied density residential, our three district. Another one, a resolution authorizing conditional use approval at 900 South Jackson Street. Is there anyone here who would like to speak regarding these items? Anyone here who'd like to speak regarding these items? Sir? You can just state your name and address for the council.

- My name is Ace Champion. I live in 1020 South Erie Street in De Pere Wisconsin, moving into the residential commercial area of 900 South Jackson Street. So the whole purpose of this building, both me and my wife and my two boys are gonna be moving in there. If you guys don't know much about the building, it's a beautiful historical building built in 1896 which we plan on doing a good amount of renovations to upgrade both the outside and the inside. Both me and my wife will be staying in right side of the two apartments and my two boys which is 17 and 19 will be staying in the left side. The whole bottom half of the building is a commercial building. My wife is a massage therapist, cosmetology, she will run hers and I am a personal chef. I also host a local TV cooking show, Cook Like A Champion every Saturday at 12:30 on CW-14. So I'll be using that kitchen

to do some videos and some promotions and stuff like that too as well. Very, very involved in community. As of now, I'm actually moving into the Astro Park Area. I'm also be doing their 25th anniversary wine tasting too as well where they'll be featuring some of my local wines from Mona Rose winery as well. So very involved in the community as well as health community. I'm actually going down on a 23rd to do the big annual dinner that they do once a month, cooking for 200 of the local residents in the area to try and give them healthy, quick, not expensive meals to cook to as well. So that's gonna be an ongoing process in moving into the building.

- [Mayor] Great, all right. Thanks so much for your testimony. I know that that space has been vacant for some time so appreciate you bringing new life to it.

- That's my pleasure.

- [Mayor] Just one second Mr. Champion. Alder from the 4th?

- I have no questions for you, sir. It's just the old Brennalone Building and then it closed when they moved and it was a cupcake shop for a while but like the mayor said, it has been empty for quite a few years and it's nice to see someone come in and start to revitalize it and use it for what it was designed for, thank you.

- [Mayor] Any other folks would like to speak to these items? Seeing no other speakers, we'll now close the public hearing. Onto ordinances, second reading for adoption. Motion made by Alder from the 7th, second by Alder from--

- Suspend.

- [Woman] To take them together. Suspension of the rules. Take up items one and two with a roll call vote.

- Very good, motion made by Alder from the 7th, second by Alder from the 1st to suspend the rules, take up these items with one roll call vote. All in favor of that motion, please signify by saying aye.

- Aye.

- Oppose, nay. The ayes have it and the rules are suspended. Motion made by Alder from the 7th, second by Alder from the 1st to adopt items J1 and J2 and we will use the board here. And that was passed 12-0. On item K Report of the Improvement and Services Committee. Motion made of Alder from the 7th, second by Alder from the 8th to approve report K which is a report of the Improvement and Services Committee from the meeting on January 7th, 2020. Any items under this report you wish to handle separately?

- Five.

- Six.

- Five and six, any others? Okay. Alder, is there? J1 and J2 are approved then. Okay, hearing no others to be held separately, all in favor of approving the remainder of the report to signify by saying aye.

- Aye.

- Oppose, nay.

- Ayes have it. So we're on to item five. That was... Alder from the 7th. Sorry.

- That's okay. As was noted at the committee that this should actually go to the Protection and Policy so I make a motion to send it to Protection and Policy. Thank you.

- [Mayor] Very good, second motion was made, second by Alder from the 5th. All in favor, please signify by saying aye. Alder from the 8th first. I missed that.

- Committee took this up, we weren't sure, past properties would get deadlines and then get fined and you could go to court and plead your case. Now with all the re-inspection fees and this one, I think we're \$500 worth of inspection fees which is a insane amount of, it was 300. It was a large amount of inspection fees. We took it to this committee and I thought we gave it a pretty thorough hearing. I don't know if we need to really send it to another committee because we don't meet for a month. They're here tonight, if we wanna hear from Mr. Kouri. We can handle it as a committee in the whole. There's no reason it has to go through another committee.

- [Mayor] Sure, Attorney Chavez.

- Thank you, mayor. So the reason that it's supposed to go to PMP is because there are, in order to maintain equity between everybody who appears in front of it, the committee who is responsible for it should start applying the same standards when making a recommendation. So sending it to a different committee and then having it reviewed here doesn't allow the committee who normally does this to have the input as far as what they're doing as far as making things equitable between everybody.

- Can't go to another Standing Committee?

- Well, we have under our statues or I'm sorry, under our ordinances, we have delegated certain authorities to certain committees and the authority to review these types of things are vested in Protection and Policy.

- Is there a way that when these things are submitted, I know sometimes in the past, it'll be pointed out, hey, maybe it shouldn't go to that committee, it should go to here. That we can review those so that they can be averted. But there's no reason we couldn't handle it tonight, everybody's here.

- It's still supposed to receive the same review to make sure that it's applying those same standards.

- [Alderman] Was inspection that they follow the agendas to see that it was on Improvement and Services? I know what you're saying is it should go to a different committee but this is all red tape to the general public. They don't care; they just want it heard. They want two cents put down and in this case, I think it's pretty egregious, those re-inspection fees that we heard about a couple weeks ago about the new process that really has not much fairness about it.

- [Mayor] Just as a general point, Alder from the 10th council president has brought this to my attention, the confusion that sometimes takes place with referral of these items. So he and I, as well as Attorney Chavez and our clerk here are aware of it and interested in developing a better system for those requests.

- [Alderman] And if it has to go there, fine. But if we could catch that on the front end, that would be appreciated.

- [Mayor] Yep, understood. Thank you Alder. Alder from the 9th.

- Attorney Chavez, if you could just, again, clarify because I do agree with Alder Wery in the red-tape comment. Can we take action on this tonight? Is there anything that prevents us from being able to do that and while, I'm generally not in favor of the full council taking up committee work, everybody's here, is there a way that we can just dispense of this item without it having to go back to Protection and Policy?

- I would not advise that that be done. Putting aside the ordinance requirements that it go to the proper committee, it still needs to be given the same review that all the other ones are provided. And that is done at the committee level by Protection and Policy. Well, I understand that the idea would be that this, ultimately, is the body that decides it, the reason for it to go to committee in the first place is to make sure that the standards that are coming through with the recommendation are the same ones that are being applied to everybody. So you have the same committee determining what those or applying their standards, when they're making those recommendations, not just looking at it from a first time stance, they're looking at what they were doing with everybody to maintain consistency so that there isn't an issue with treating people disparately which is where we get into issues with equal protection.

- [Brian] And I really do appreciate that explanation and I understand that it makes a lot of sense, I just go back to sometimes, the saying that the pace of government exists for a reason, I'm just trying to be expedient about this. Since all of those members from the committee are represented here on council, is there a reason that you couldn't argue that if we take this up today, that it could receive the same review?

- So our ordinance is actually dictate that it has to go to committee first and what committees have authority over what? That's why I was saying even if we set that aside and said that we're gonna do it anyways, I would still advise against it because you need to make sure that those same standards are being applied. So either way, we'd have to violate the ordinances and then we'd be doing something that I would say will, potentially, create a different standard than what we've been doing for everybody else who goes through Protection and Policy.

- [Brian] So what would be the legal consequence of that? What's the negative outcome that could come from that?

- So the potential outcome from doing that would be that we potentially set ourselves up for... This word I'm looking for, basically, an equal treatment claim. A disparate treatment claim. So if somebody comes in and says that somebody has been treated differently simply because they got to be in front of a different committee, they would be right.

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

- Also, I would not be ready to go forward. Even though all the members of the committee are here, staff input is vital and there's no one from inspection here. We have gone through several of these at committee and we have established a pattern and a standard in the committee and without staff input, I would not be able to go forward with this. So it really doesn't need to come back to Protection and Policy.

- [Mayor] Thank you Alder. Alder from the 10th?

- I think one of the problems that we have over time is that we are, I have had certain committee meetings that I've gone to and there are folks, they should have been at a different meeting or such. We need to communicate much better up front. So I talked to the mayor about it, talked to Alder Galvin as well and if it means that us two would be involved as well to make sure that these communications are brought forward and made sure they're in the right spot to begin with, we could avoid some of these issues. So that's my talk. As far as tonight, I don't know, I feel badly but I feel that there is a process but I think that we should make sure that these communications get to the right spot right off the bat so we don't have this issue in the future.

- [Mayor] Thanks Alder. Alder from the 1st?

- Thank you mayor. I watched the meeting. I had to watch it because it was at the same time as my meeting but I just wanted to say I feel bad for Mr. Kouri. He gave a compelling argument. They examined it in great detail. I feel they made the right decision to rescind the inspection fees. And then they batted around a little

bit, is this at the right committee or not? But I guess I was thinking, since in the end, it's council that decides on everything that comes from committee, I thought maybe we could do this tonight. And I do understand what Attorney Chavez is saying. And I just feel badly because he is being inconvenienced. It was a mistake on our part and maybe we could own that. I don't know, I'm not sure I'm gonna vote to send this back to committee. Thank you.

- [Mayor] Thanks Alder. Alder from the 8th.

- Thank you Mr. Mayor. I also I'm gonna vote no on referring this. I think we can vote in this tonight. Our committee discussed it pretty in-depth as the Alder from the 1st mentioned. It was a unanimous vote for nothing. Otherwise, I would hope and expect that we'd have maybe a council meeting, a special council meeting in February to handle this item rather than, we're supposed to be meeting twice a month and now we're meeting twice a month, what, four times this coming year, maybe five? Most months now, the majority we're meeting once a month. Whose convenience is that? It's not the public, it's not the people we serve. So once again, I think we should just handle this tonight. I think there's plenty of evidence there of what happened that we can handle it.

- [Mayor] Thanks Alder, Alder from the 7th?

- Again, without inspections input, I will not support this in any size, shape or form. I need to hear both sides here. And I'm sorry that this has happened. I know, at times when something came to Protection and Policy, we didn't even take it up, we just referred it to where it was supposed to go. How about, if we're concerned about time, we give the Protection and Policy final say on this issue, we meet next Monday? Other than that, we're not getting both sides here. I didn't even watch the video once I heard Director Grenier say this should go to Protection and Policy. I stopped because I knew it would probably be coming to me and I didn't wanna hear anything until I heard both sides at the same time and the give-and-take of those discussions. So I'm not prepared in any way to go forward with this and I feel very, very hesitant about the council doing committee work, as a council as a whole and especially since that's not necessary. I'm very concerned about what Attorney Chavez brought up in that we have dealt with the number of these in the past and now we're gonna have a special case where someone goes through without having input from inspection. That's not fair to everybody else who went through and it's just, there's just no way I'm gonna touch this at all as far as being affirmative in this gentleman's case. That might not be the case if it comes to my committee. The best I can offer is perhaps giving Protection and Policy final say on it. Other than that, it's just gonna have to wait as far as I'm concerned until we get all the story. You can't tell me you vetted it well when you didn't hear from staff inspection. That's a vital piece that needs to be heard from. So I support it instead of going back to committee. Thank you.

- [Mayor] Thanks Alder, Alder from the 4th.

- Thank you, your honor. I'm concerned about this also. We have Alders here that have been around for quite a while. They know the proper committees that this should go to and yet we still hear every once in a while that people does it go to this one, does it go to that one? Protection and Policy is where it should have gone. I can't support this either without one, inspection being here to give their fair side of this. We have an Alder that is saying that what they did was grossly unfair and I think they ought to be able to defend themselves and if it is unfair, then at the same time, Protection and Policy, we were the proper committee to address how they're doing business and change it at Protection and Policy level to make those recommendations so we don't have this reoccurring in the future. And like Attorney Chavez says, this is a slippery slope. Who's to say that if we allow this to happen, next year someone else, we get it into another committee, we get another committee and before you know, someone's gonna be filing suit against the city. And we can't open ourselves up to that kind of litigation. There's a right way to do it and if there's a right way to do it, that's the way to do it. And I'm not gonna support this.

- [Mayor] Thanks Alder. Alder from the 12th?

- Thank you mayor. I see that Director Vonck and Miss Renier-Wigg are both in attendance and this would fall although maybe the actual inspectors are not present, they do supervise the inspection area. So Mr. Mayor if you would be willing to ask them if they have enough information here right now to speak to this so that we could perhaps make a decision rather than refer to committee. Is it okay if Director Vonck answers that or?

- [Mayor] Director Vonck.

- Sure, staff did not attend the Improvement and Services Committee, aware that was on the agenda, we felt though that given as Attorney Chavez had said, where basically jurisdiction for certain issues had fallen, that this would be referred to the Protection and Policy Committee and we're prepared to be present at the Protection and Policy Committee meeting after was referred. However, that didn't happen and they took action on it so we were not prepared then and we're not prepared this evening, feeling again that it would be preferred to Protection and Policy next week. I've got a high level understanding but our chief building official is really the one, at the end of the day, who oversees the inspectors. And really, it works with these appeals processes and goes through. And he's not here this evening but would be present at the Protection and Policy Committee meeting. Thank you.

- Thanks Alder. Alder from the 11th.

- Thank you mayor. I'm on the Protection and Policy Committee and I feel that there's not a big rush to get this done. I think our committee is very workable. We listen, we take case by case; in other words, whatever the input is, that's how we act on it and I think working with the inspection department, I think it'll come out very favorable. In other words, we'll be very fair, I think, as far as whatever's brought forward. We haven't heard a thing about it yet. So I think we should come back to our committee, thank you.

- [Mayor] Thanks Alder. Alder from 6th.

- I got a question for Attorney Chavez. As Alder Scannell had mentioned, Protection and Policy meets next Monday. They can hear this at that committee meeting and then he wanted to know if they can have the final say but my understanding is that it always has to come back to the council for full approval?

- So what generally happens in that case, it's like with what happens during the summer when final approval is already first-serve, for certain things is delegated. The council can delegate its authority. It just has to do it before the item takes place. So if you guys wanted to do that, that is something you could do.

- [Kathy] Okay then, can I make a substitute motion that we amended a motion that we, as a council, approve the, allow the, Protection and Policy committee meeting next Monday to hear this and to do the final approval or disapproval?

- Yes.

- [Mayor] Do we have a second for the motion? second by Alder from the 12th. Further discussion on giving Protection and Policy the final approval there. Lemme see. Alder from the 9th.

- Thank you, mayor. At the risk of too many what-if scenarios, maybe the one reservation that I have with that is if the committee were to not support rescinding those fees, that it doesn't leave the resident with any appeal effort to the full council. And so Attorney Chavez, would it be appropriate to have a motion that says if the committee supports the resident's appeal, it ends there and if not, they still have the ability to bring it back to full council?

- No, it's either delegate the authority or not. You're essentially pre-approving a certified decision rather than actually hearing it on its merits.
- And if, again, at the risk of too many what-if scenarios, if the committee were to oppose the resident's request, is there any appeal reply, I guess, for the resident?
- It would be considered final so they would have the same opportunity that they would have with anything. I'm trying to remember if this is something that can be taken up in Circuit Court or not. Generally, final orders are. I don't remember if this is one of them that does but I don't know that we've had a lot of people who challenge it for a relatively small amount of money because it is kind of pricey to go to court.
- [Brian] Okay, so with that said, thank you for that explanation. My understanding is, really, the urgency on this matter, if you will, is just that it exists. Nobody's being forced to pay right now, it's just let's just get it off of this person's slate if in fact the committee believes that to be the case. So I'm actually going to oppose giving the committee final authority because as I've said before in the past, I don't support continuing to do that and having council skirt its responsibilities to have final authority over these decisions. I think that there is a danger in that when in this case you have a resident here who doesn't have the ability to appeal the committee decision other than through the courts. I think that is one of the core responsibilities of council is to give that second look on these issues. For that reason, I am going to oppose committee having final authority on this matter.
- And to clarify, it's not technically an appeal to council, it's just the action's not final until council approves it.
- [Brian] Right, but it has the effect of an appeal. So maybe my words aren't a literal translation but it does give eight other eyes on the matter and I think that's what I'm looking for.
- [Mayor] Thanks Alder. The motion on the floor is to give final authority to the Protection and Policy Committee on this item offered by Alder from the 6th. Do we have a second from that? It's second by Alder from the 12th. Further comments? Alder from the 8th.
- Well, I appreciate the expediency of helping it out and I do trust that committee will be fair as they always have been, I don't want to forego my right to vote on it and to have it come back here for the rest of the council so I'm gonna vote no on that. Normally, we just give, especially Protection and Policy the right if there's a deadline for a liquor license, something that we know is gonna probably pass and we let them do it so people can meet their deadlines but I don't think we wanna shirk our ability to vote on it either so I'm gonna vote no, thanks.
- [Mayor] Alder from the 4th.
- Thank you, your honor. I agree with the Alder from the 9th. I don't think the council should give up its authority and ability to, just one more check to make sure we think as a unit, that we're doing the right things for our community and I agree with Alder Johnson also that I think we've been doing this too much in the past and I think everyone has a right to have a second kick at the cat, so to speak and I'm gonna vote against this also. Thank you.
- [Mayor] Alder from the 6th.
- I'm gonna make a request to rescind my amendment.
- [Mayor] Very good, so the motion... All in favor of rescinding the motion, please signify by saying aye.
- [Members Of The Council] Aye.

- [Mayor] Oppose, nay. The ayes have it. The amendment was rescinded. So back to the original motion to refer the Protection and Policy Committee. We have a motion and a second. All in favor of referral please signify by saying aye.
- [Members Of The Committee] Aye.
- [Mayor] All oppose, nay.
- Nay.
- The ayes have it. The motion has been referred to Committee. Onto item six. Alder from the 2nd.
- So my motion is similar to item five. My motion is to send this to Planning Commission. I think that's where it was supposed to go initially and it was sent to I&S.
- [Mayor] We have a motion to refer item six to the Planning Commission. Do we have a second? Motion made by Alder from the 2nd, second by Alder from the 5th. All in favor, please signify by saying aye.
- Aye.
- Oppose, nay.
- [Man] One second, when is the Planning. We're referring this back to Planning.
- [Mayor] Dr Vonck.
- The next Planning Commission meeting will be on January 27th and then that would be reported out to Council on the first meeting in February, which I believe it's the first week, it's Monday, Monday at 6:00 p.m. in room 604.
- [Man] No, no, no, the February meeting.
- First Tuesday in February I believe for meeting,
- The 4th?
- The 4th, I think.
- Correct.
- Thanks Adler. Alder from the 8th.
- Thank you Mr. Mayor. I don't wanna rehash the whole argument about where it should go but I will say it's important to note for both these items that the committee did vote unanimously. So when it goes to that committee, hopefully, that's considered. Years ago, I know things went to different committees so I think things have changed where things were appealed, I know Inspections used to be housed under I&S and it was switched over to Planning or the vice versa. On this one, this is a case where things had been done the same way for 80 years and inspectors had signed off on it and then all of a sudden, we a new change at the top and a way of doing thing and new inspectors and then they're being told that they have to totally change the way they've been doing it for so long. I know they have their chance of planning and they'll do a good job and we'll see it again but we need to catch these ahead of time. So that they go to the committee, thanks.

- [Mayor] Point taken, thanks Alder. So we have a motion and a second. All in favor of referral, please signify by saying aye.
- Aye.
- Oppose, nay. The ayes have it. The item has been referred. I wasn't sure what was . Onto item L report of the Protection and Policy Committee.
- Motion to approve.
- Motion made by Alder from the 7th, second by Alder from the 5th to approve Report L which is the report of the Protection and Policy Committee from the meeting on January 6, 2020. Any items under this report you wish to handle separately? Hearing none, all in favor of approving that report, please signify by saying aye.
- Aye.
- Oppose, nay. The ayes have it. Report has been approved. Onto M, report of the Protection and Policy Committee granting operator licenses.
- Motion to approve.
- Motion made by Alder from the 7th, second by Alder from the 4th to approve report M which is a report of Protection and Policy Committee granting operator licenses. Any names for which you would like to be recorded as abstaining? Any names under this report you wish to handle separately? Hearing none, all in favor of the report, please signify by saying aye.
- Aye.
- Oppose, nay. The ayes have it; the report has been approved, noting. Onto N, report of the Finance Committee. Motion of Alder from the 6th, second by Alder from the 10th to approve Report N which is the report of the Finance Committee from the meeting on January 7 2014. Any items under this report you wish to handle separately?
- [Man] Seven, if I could just recorded as unedited.
- [Mayor] Noted. NI, 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.
- Aye.
- Oppose, nay. The ayes have it, the report has been approved with the exception of item one. That item was pulled by Alder from the 1st. You have the floor.
- Thank you mayor. So this item properly came to the Finance Committee and the Finance Committee did vote three to one to deny the appeal. I'm here on behalf of Mr. Bardouche. Tonight he was going to come and his mother-in-law passed away suddenly. So he's not here. I do not believe that the decision that was made was the right decision or the fair decision and this is why: in 2017, near the end of 2017, Mr. Bardouche and his wife built a home and they moved in December 23rd. It was completed just prior to the end of the 2018 year. They got a bill for the 2017 taxes and paid that bill. The next year they got a bill again. And my goodness, it was for the same amount, just the 2017 taxes and so he called City Hall. And he said, "I think there's been a mistake. "I think that we owe more than this." And they checked into it and said, "No, you don't." This is what

you owe. Lo and behold, 2019 taxes come around. He gets a bill for the same amount as 2017. He, again, being an honest citizen calls City Hall says, "Hey, I think I owe more than this." And this time, they check into it and they realize that a mistake has been made. I'm not talking about fault, I'm talking about a mistake. The mistake was that the occupancy permit was not sent then to the right office. So because of this mistake he was not charged taxes on the increased amount '18 or '19. And of course, he's very willing to pay the 2019 taxes but because he didn't believe he had to pay the 2018 taxes and many of us who own homes do put money aside every month to pay our taxes, I'm certainly one of those people. And if I suddenly had to pay double taxes because of a mistake that we made as a city and it's probably not something that's happened before. I don't think it ever has, it may be something that will never happen again. I know that it's right for people to pay taxes. I also know 2018 is over with. We levied a certain amount of money for 2018. We collected that money and not included in that levy was this amount for additional taxes. So I'm asking this council to please consider allowing him to be forgiven for he did pay for the land part of the taxes, about \$1000 but to forgive him the rest of those taxes or if necessary, to take that money from our contingency fund left over from last year if we feel taxes must be paid. I'm not sure how to do it. This is an honest citizen who came forward not once but twice and I really feel strongly. He's a retired gentleman. I'm asking you to please reconsider this vote and my motion would be to approve the 2018 appeal for 2884 Sussex Road for Todd Bardouche.

- [Mayor] Motion made by Alder from the 1st, second by Alder from the 9th.

- To approve his appeal. Is that how it's properly stated?

- [Mayor] Of his appeal for the amount of 820.95.

- No, no, 4,000--

- Oh, sorry. Alder from the 9th.

- Thank you mayor, I did have an opportunity to watch this committee footage and I think there were definitely some strong arguments made on both sides. Unfortunately because I wasn't at the committee, I do have a question for Attorney Chavez. In this particular situation, we are looking backwards towards a budget year that has already passed and while it might only be one year, is there a statute of limitations in terms of how far back we can look on these things? So for example, had this gone on for five years, could the city issue a tax bill for five years worth of taxes?

- The city is allowed to go back. So under the statutes, this would be considered omitted property. When you have an omitted property, you're allowed to go back back two years beyond the current tax year. So yes, this as still something that could have been picked up within the statute of limitations set by law.

- Thank you for that clarification. So certainly, I think we're within our legal rights to be able to do this but I think there's a matter of principle here. And that matter of principle to me is that again, the budget year has passed. We've levied and we've spent that money based on what we expected to come in. And this property was not a part of that. And as Alder Dorff alluded to, this resident contacted us not once but twice to gain clarity. It sounds like they were given an explanation that the tax bill they received in 2018 was correct. That, to me, is a mistake that we need to own on our end. We took up an issue regarding some ponding that was occurring over an Alkie Lane and one of the discussions around that was looking backwards in terms of there were orders placed, they were lost and then who's responsible, is it the developer or is it the city that would be responsible for fixing that situation? At that time I supported the fact that the city made a mistake, we ought to own that and I did support the city bearing that expense. I take that same philosophy when I look at this particular issue and that specifically is the city is comprised of human beings that make mistakes. And I think it is okay to be honest and transparent with the fact that that is going to happen from time to time and I'm not angry or upset about that but when we do make those mistakes, I do believe that I'm gonna side on the

side of consistency which is I think we need to own that responsibility. It's for that reason that I do support the resident's appeal.

- [Mayor] Thank you Alder. Alder from the 7th.

- Thank you, I support forgiving. I don't think we should be taking this out of contingency. Our contingency, I think, is getting down there enough. I think we have the authority to forgive and I'm all for that. The key for me is that this constituent came forward and it feels like where someone comes forward and you're kicking them in the butt, it just doesn't seem right. And it's certainly not, we want people to come forward if they think there's something screwy. I think we wanna encourage that kind of behavior. It's very responsible behavior and I don't think we should penalize them for that. Certainly, this year and he's paying this year. So that's, I think we're square and we're ready to go. I think it's just a matter of forgiving 2018 and I could see forgiving that. So thank you.

- [Mayor] Thanks Alder. On this contingency fund question, Attorney Chavez.

- Thank you, mayor. So just to brief you guys, again, I keep going back to equal treatment. So I apologize that you guys keep hearing the same thing over and over but we have to look at it from the way the courts requires to which is in order to forgive taxes which is considered a primary right of people, it has to be done equitably and so we have to look at it as a compelling interest. I don't think that we would be able to come up with a compelling interest as to why this person's taxes should be forgiven versus another's. The only way that I think we can do it legally is to actually just pay the taxes for them. This way the taxes are levied, we're not saying that the this person should be able to pay less taxes than another. The city is just in an effort to maintain equity or fairness or whatever you guys wanna call it. Your degree to cover it to remedy the situation.

- [Mayor] Thank you Attorney Chavez. Alder from the 8th.

- Thank you Mr. Mayor. Right now as the motion reads, does it say where the money's coming from or if it's being forgiven? Did you specify? Alder Dorff, did you--

- I just said to and I mentioned, I didn't say that in the motion but I could, I would accept an amendment if someone, we're paying it to ourself. We're gonna, we'll get the money back so--

- [Mayor] Director Ellenbecker.

- Now that this has been identified, you have to look at section 74.4 for the Wisconsin State Statute which is the admitted property tax role. Annually you have omitted taxes and what happens in October, this was reported to the state. And the state makes a determination whether or not we have to share it with the taxing jurisdictions. At this point, 99% sure they're gonna come back and say that this \$4,500 was owed to the city. We owe, now we have to turn back in February, when turn around and pay all the taxing jurisdictions of this, their portion of those taxes that were omitted. So we're not paying for it ourself. We're not just forgiving. We can't forgive these taxes. They have to be on the omitted tax roll and we must pay to the taxing jurisdictions within the year after that. It's been identified that these were omitted. So--

- Just one second, continue.

- So again, as the attorney had said, we can choose that we want to pay the whole portion for them. However, it has to be reported to the state and we do have to turn around and pay out the taxing jurisdictions for these omitted properties because they should have been on the rolls in previous years.

- [Mayor] Thank you, director. Alder from the 8th still has the floor, I believe.

- [Christopher] Mr. Mayor, then I would amend it to state that it comes from contingency, the amount that we were discussing, the 4,000 some hundred. There has to be a second for that.

- [Mayor] Motion made, second by Alder from the 1st.

- [Christopher] As the Alders next to me stated, really, the only way we as a city entity are going to improve, is there be consequences when we're wrong. A lot of time people fighting the government and the government says hey, what do you do about it? We've screwed up and you're just gonna have to feel the pain. We should flip that around and then do the business sector does it and how we treat each other. So mistakes need to be owned said Alder Johnson and I agree, let's own it.

- [Mayor] Thanks Alder. Alder from the 12th.

- Thank you mayor. Question for Director Ellenbecker. The taxing jurisdiction you mentioned, just so I'm clear would be NWTC, the school district in Brown County that we would have to reimburse and I don't know if--

- Yes, that is correct.

- We have to pay them.

- That is correct.

- Okay, thank you.

- [Mayor] Thanks Alder. Any further discussion? Alder from the 7th?

- We won't really be paying ourselves then so how much are we actually gonna be taking out of contingency?

- [Mayor] Director Ellenbecker?

- [Diana] I'm gonna actually have that number calculated. The portion, our tax is the city of portion is right around 40% of it. So about 60% of these values would have to be paid out in February of 2021 for these omitted taxes.

- [Randy] So about 60% of 40,000.

- [Diana] That would be a ballpark estimate.

- Thank you.

- [Mayor] Okay, any further comments? Alder from the 9th.

- Director Ellenbecker, just a further point of clarification on that. Because these are taxes that are owed, meaning that that budget year is already passed so would we have to spend down our contingency fund by this amount and then do those back to the levy, the city portion, does that just get back to the levy? It doesn't come back into the 2019 budget, does it?

- [Diana] We would need to be paid out of the '19 budget. It would actually be included in the 2020 tax roll which would be collected in December of '20. I'm sorry, the new SS values would be included in the new tax roll. What happens is any omitted taxes, the way the process happens is the year in which it's noticed that it's

missed, we invoice the resident or the constituent and then they pay within that year. If they don't, it goes on their property tax. So it would be within the current year in which the omitted was recognized.

- So if it's part of the 2020 tax roll, would they get that bill in December of this year? Meaning, when would we have to spend our contingency fund to actually reconcile this balance?

- [Diana] It would be in the 2020 contingency.

- And I bring that up because our contingency fund is obviously very thin. It's very helpful if we don't have to worry about it in the 2019. Wait, the 20. All right, I'm mixing my years, I'm sorry. So it is the 2020 budget that pays, not the '21 budget?

- [Diana] Correct, it would be the 2020 budget. That is when the amount is due or it's gonna go on his next tax bill. It's gonna get rolled in February of 20. Any of these omitted taxes that are not paid in full we'll send it to the county in November of 2020, it'll go on as a tax bill in December 2020 and due by January of 2021. So it would be a 2020 expense to our contingency.

- Okay, I guess what I was looking for was the ability for us to perhaps use 2021 contingency to pay for it but it sounds like that would not be a possibility.

- [Diana] Correct, the bill will have to be paid by November of 2020 or will roll on to his next tax bill.

- Okay, perfect, thank you.

- Thanks Alder. Alder from the 4th.

- Thank you, your honor. Director Ellenbecker. So out of this bill and if I remember from committee, we're looking, I think the gentleman was looking at about a \$5,000 tax bill.

- [Diana] The omitted portion for 2018 was \$4,542.

- Okay, 4,500. So about 40% was owed this city. 60% was old Brown County, the state of Wisconsin, NWTC, and the Green Bay School District. We would be paying them each their share that they were owed?

- Correct.

- And then the 40% would be, what, a wash or it would be go out of one account into another account?

- [Diana] It really would go out of one into another or I'm not sure it would actually have to move, I'd have to verify that. So really, we'd have to end up out of our budget, we would have to take 60% of this tax bill, estimated 60%.

- All right, thank you very much.

- [Mayor] Thanks Alder. Alder from the 11th.

- Thank you mayor. I'd like to hear from some of the people that are on the, there was always three to one vote. I'd like to hear from someone on the Finance Committee and get some perspective here. If this was an honest mistake, in other words, the city didn't catch it, in other words, the money would still be owed. I wanna hear what they felt about it.

- [Mayor] Yeah, we've heard from a couple members but Alder from the 4th.

- I was the one that made the motion and the motion was that the gentleman pays back taxes and that he pay it over a five year period so it wasn't such a big hit. I was certainly pulled though by his argument that he had made an honest effort. He tried to make the city aware of it. He was told that you don't owe any more money than what you've already paid. And he didn't know so he thought okay. So I said well, "Don't you save money?" He said, "I do for taxes." I said, "What happened to the money you saved?" And he said, "Well, when I was told I didn't owe the money, "I spent it to pay down my children's college tuition "and I'm retired and I just don't have that kind of money "laying around I could put my hands on." And so that's why I made a motion to spread it out over a five-year period but I will admit, at the same time, I was certainly pulled to follow Alder Dorff's lead too. I could see where he was coming from but at the same time, that's what I thought was correct and that's that's why I made that motion.

- [Alderman] Was it actually evaluation as far as, in other words, the dollar amount that they evaluated this house at?

- Well, what happened was at the first of the year, they evaluate your property. And his, at the first of the year, it was just a piece of property. So that's what he's taxed at for the whole year, even if he had built his house in July and moved in July 1st, his tax bill would have only been what the property was worth on January 1st. So he moved in in late December. The bill was just what the property was worth. When he got that same bill in 2018, he thought there was a mistake but when the city said no, it's still being billed at that rate, he didn't argue with him. I mean he just thought they know what they're talking about. He had unnecessarily saved money he didn't have to and so he uses it to offset his children's college tuition. Then in 2019 he knew something had to be wrong, he called back again and at that time, it was discovered that a mistake had been made on the city's part and that he, in actuality, not only did he owe 2019 but he also owed those back taxes from 2018.

- [Alderman] It's a one-year lapse.

- One year that he missed his taxes. So I can certainly see why he did what he did and where he ended up where he was. Certainly, I didn't think it was through any fault of his own or any hijinks on his part or anything else like that.

- [Alderman] Answers my questions, thank you.

- [Mayor] Thanks Alder, Alder from the 3rd.

- Just question, I don't see Russ but is Russ somewhere in the building? Pardon.

- [Woman] He's not here tonight.

- So basically, what is the city looking for, how much? 4500 plus and that's for two years?

- [Mayor] Do you have a question for Director Ellenbecker?

- Anybody who can answer it.

- Director?

- I answered the question what happened is because it's omitted, it was determined that 2018 and 2018 tax bills were too low. If the council says that he owes both tax bills, we will be sending him an invoice for \$9,219.50 for the 2018 and 2019 omitted taxes. He has till November to pay them or it'll be added to his his

next tax bill as omitted taxes. What the committee is asking is that we forgive half of that, really his 2018 portion of the omitted.

- Alder.

- That's what came out of the committee, mayor?

- [Mayor] The denial came out of the committee.

- Denial, so--

- We have a motion on the floor to approve the appeal.

- So what came out of the committee, was, what was the total amount they were looking for, the city is looking 4500?

- [Diana] The 2018 omitted taxes is \$4,542.70.

- Need that back.

- [Mayor] One second. Alder from the 4th.

- Director Ellenbecker, I'm just doing rough math here. Out of that \$4,500, 60% would come out to about \$2,700. The city would actually have to pay out to other entities for the taxes that were missed in 2018?

- [Alderman] Yes, 60.

- [Diana] I'm working on the calculation right now. Either way, the whole tax bill will have to be paid but unfortunately, there's a portion that we would have to pay out just to the taxing jurisdictions correctly.

- Because he had indicated he had the money for the 2019 taxes, that's not a problem. His concern was the 2018 taxes. Obviously, the city is gonna have to pick up the full 4,500 and change but other than, we're basically giving 40% of that right back to ourselves. So what we would be losing on a contingency or out of our total budget would be about \$2,700. Thank you.

- Thanks Alder. Alder from the 7th.

- Just questions, do we, since we're talking about other authorities that we need to be paying, do we have the authority to spread that out? Can we say to these authorities "We made a mistake, there's money we owe you" but we're gonna allow this gentleman to spread it out." Do we have that authority?

- [Mayor] Director Ellenbecker?

- [Diana] We will be paying the other taxing jurisdictions 100% in February of 2021, that is spending. And we get a state determination from the Department of Revenue. And we will have to pay them their portion in full.

- Okay, just curious how that would work. okay, thanks.

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

- I'm on the committee and I was conflicted with the vote. I did vote to deny it but when we had the five years spread, I thought that was fine but now I'm finding out that it's not the full 4,500 or whatever it was. It's 2,700,

it makes a little bit less of a burden, I think on us and everything and I think I will go with Alder Dorff's motion to approve the denial, not the denial, appeal. Thank you.

- [Mayor] Very good, thanks Alder. So the motion before us is to approve the 2018 appeal for 2884 Sussex Road with the money coming from our contingency fund in 2020. We had a second for that motion. Alder from the 8th. I think Alder from the 8th made the motion. Alder from the 8th amended the motion. Alder from the 1st.

- [Woman] Chris Wery on contingency. We have the first one.

- [Mayor] So we have a motion to amend here made by Alder from the 8th, second by Alder from the 1st to identify contingency funds as the source here. All in favor, please signify--

- Board please, to record it.

- [Mayor] Alder from the 12th.

- Tough vote, I think, for all of us but one thing that would make the decision easier for me would be that if we can identify what the exact amount of contingency funds we'd be using so if director Ellenbecker has that, I think it would be appropriate to put that in the motion.

- [Mayor] Attorney Chavez first.

- So in order to comply with the due process requirements, the compelling interest, we really should be allocating the entire amount out of contingency, knowing that a certain amount will be paid out of the city but the only way to make sure that we're not, essentially, allowing somebody to not pay tax or to allow taxes to go unpaid is to allocate the entire amount of it.

- [Mayor] So we have a motion and a second, Request to use the board.

- What is the total?

- 4542.

- [Mayor] 70 cents. All right, we're gonna use the board. And this is the motion to amend to use contingency.

- [Man] This is the amendment.

- [Mayor] The amendment succeeds eight to four. Motion before us is to approve the 2018 appeal, made by Alder from the 1st, seconded Alder from the 9th. All in favor please signify by saying aye?

- Aye.

- Opposed, nay. Motion is approved. We're on to O, Report of the Park Committee.

- [Alderman] Approve!

- Motion made by Alder from the 7th, second by Alder from the 5th to approve Report O which is the report of the Park Committee from the meeting on January 7 2020. Any items to be held separately? Hearing none, all in favor of approving that report please signify by saying aye?

- Aye!

- Oppose, nay. The ayes have it. The report has been approved. Onto P, Report of the Personnel Committee.
- Approve.
- Second.
- [Mayor] Motion made by Alder from the 7th, second by Alder from the 4th to approve Report P which is a report of the Personnel Committee from the meeting on January 7 2020. Any items under this report you wish to handle separately? Hearing none, all in favor of approving that report please signify by saying aye?
- Aye.
- Oppose, nay. The ayes have it. Item has been approved. On to P of the, are we in P?
- Q.
- Q. Onto Q, Sustainability Commission.
- Motion to approve.
- Second.
- [Mayor] Motion made by Alder from the 7th, second by Alder from the 5th to approve the Report Q which is report of the Sustainability Commission from the meeting on January 8 2020. All in favor, please signify by saying aye?
- Aye!
- Oppose, nay. The ayes have it. The report has been approved. Onto R, report of the Ethics Board. What are your wishes regarding this report?
- [Clerk] We have to get it on the floor.
- [Man] The entire report.
- [Mayor] Motion made by Alder from the 1st. Do we have a second? Alder from the 10th seconded. Discussion?
- [Alderman] If I could first, there's a typo.
- [Mayor] Oh yes. Alder from the 4th.
- [Alderman] Okay, so the typo is that there was a formal censure, number seeks to impose a formal censure.
- [Alderman] That's incorrect, I'm sorry. I'll get this together tonight. That's a typo. It was to impose, and I can't remember the word, informal censure. So if we could just make a note of that, I'd appreciate it, thank you.
- [Alderman] Amended to say informal.

- [Mayor] Motion has been made to amend the report to state clearly that the action was to impose an informal censure. Motion was made by Alder from the 4th. Second? Second by Alder from the 8th. All in favor, please signify by saying aye?

- Aye.

- Oppose nay. That change has been made. We do have the motion before us by Alder from the 1st to deny the report. Alder from the 1st.

- [Barbara] Thank you. I'm quite familiar with our Code of Conduct, spent some time with it during my first two years on council. As I watched this process, I thought, I really don't think that what happened here was right. And because I don't believe it's right and because if we're talking about this in closed session, I could never tell anyone what I thought because it would be closed session. I wanted to have an opportunity to say why I'm asking us to dismiss this. First of all, the Code of Conduct was put in place to ensure that there no wrongdoing by members of council and there's a number of items in here that we're not supposed to do and certainly, we're not supposed to really talk about things that happen in closed session. Of course, we know that. But a very, very important part of this Code of Conduct is that it states that the council may adopt, reject or modify the recommendation made by the Ethics Board and in resolving the complaint, the totality-of-the-circumstances shall be taken into consideration including the intent of the person accused of the wrongdoing. I have nothing but respect for our Ethics Board. They do a wonderful job. The people on them are just among the most honorable people I know. I think that this, it was a mistake that this hearing was held. I looked back and it was actually eight months ago: May 14 2019, that there was a meeting of Parks. And I watched that over and over again. And I watched it again today. And at this meeting, there were several emotional appeals by members of a small neighborhood, of a little one street neighborhood, who felt very threatened by something that was gonna happen on their very street. And as it happened, Alder Lefebvre lives on that street. So she attended the meeting, certainly as an Alder but also as a human being. Also as a person who is going to be very, very affected by the decision. The pressure on her was very great that evening, the neighbors, you could see it in the meeting if you listened to that meeting. And we certainly could, we could certainly pull it up by the exact timestamp of what we need to look at but there was a lot of pressure on Alder Lefebvre. The Alder in Alder Lefebvre, the human being. The committee went into closed session. And Alders are allowed to be in closed session whether or not they're on the committee. Maybe this was the time that one might have chosen not to be in there, because if one is so personally involved but I probably would have wanted to stay. Any of us might have wanted to stay in that closed session. So she went into the closed session. I don't know what happened during closed session. That was never talked about. Alder Lefebvre never said what happened. I don't know what motion was made. I don't what they talked about because what happened was the committee, the video was turned off and then the video was turned back on again and you hear the chair appropriately chastising Alder Lefebvre saying, "What did you just say? "What did you say?" And she says "Oh, I'm sorry, I said the vote "was three to one." Vote on what? I don't know, because she didn't mention what the vote was on. We don't know what the vote was on. It was in closed session. And then she said she was sorry between 44:05 and 45:25 minutes. That's one minute and four seconds. Alder Lefebvre apologized four times. She said she needed to be more careful. She said she made a mistake. She said she was remorseful. Four times she apologized. And then it didn't stop there. The committee then voted three to one. Well, that's exactly what she said. And there it was, in open session, and the vote was three to one. And then at the end, she apologized again, not once but twice more. She was visibly upset. She said "I just got upset. "I have to watch my temper." The chair at that point said, "It's okay." It was not some massive negotiation. "It's okay." I say, it's okay to be human. I say it's okay to go into a meeting, in which you're really personally involved and to make a mistake. I say that's not a violation of this city Code of Conduct. It's just a mistake. So that's why I've made a motion to dismiss, thank you.

- [Mayor] Thank you Alder. Further discussion on the motion? Alder from the 4th.

- [Bill] Thank you, your honor. I'm a member of that committee. And this was not easy for the committee to come to a decision on. But the end result was that we're all held to a standard as elected officials and that standard has to be maintained. When we looked at this like Alder Dorff has said, this wasn't a huge, where she was trying to wreck negotiations or anything else like that but as the chair called out, she released information that she should not have. And she apologized, she was sorry about it. And no one thinks otherwise but at the same time, again, we have a standard. Because of everything that was involved, that's why the committee voted for an informal censure, not a formal censure, or not any one of the other penalties that are described in the Code of Conduct. And so that's how we came to the decision we came to. I understand where Alder Dorff is coming from but I can't support dismissing this like it never happened. If anyone has any questions or anything else, I can try to answer that but that's where the committee, why we came to the decision we came to. And that's why we felt something had to be done. Thank you.

- [Mayor] Thank you Alder. Further discussion on the motion? Alder from the 9th.

- [Brian] Thank you mayor. I am going to oppose the motion. And it's really based on the foundation that while it may be true that it was a mistake, mistakes have consequences. And I think when we overlook what could be a very slippery slope, this does come with significant impact. And so while it was said that, she said that three to one is what the vote was. And that's what the vote outcome, in fact, ended up being. There is a very big fundamental difference because my recollection, as someone who was in that room, was that she had indicated it was three to one in favor. That's what I recall hearing, unless I'm mistaken. And that's very different than saying the vote was three to one to proceed as directed in closed session because we know what in favor meant. The reason I'm going to oppose this though is as a council we have to have faith in one another, entrust in one another that when we have discussions, in closed session, that that's precisely where they reside, because we're in closed session for a reason. And if I can't trust my colleagues, that when we have those debates and discussions and negotiations in closed session, if I can't trust that my colleagues are going to keep that information parked there where it belongs until it comes before full council to finally take a vote, it really erodes at my ability to have productive discussions. It is for that reason that I do think that we need to take action on this. And I don't wanna put the cart before the horse, but I think an informal censure does seem to make sense as the least egregious of the penalties that are available before us.

- [Mayor] Thanks Alder. Further discussion? Alder from the 8th.

- [Christopher] Thank you Mr. Mayor. Was there an intent by the person who made the motion that the Alder from the 1st that there be something other than this or was it just delete it and move on?

- [Mayor] Alder from the 1st?

- [Barbara] My hope would be that we could delete it and move on but if not, let me read a little further in the Code of Conduct, penalties and sanctions. It is the intent of the council to educate and when necessary, discipline council members who violate this code. Maybe we need to talk about if it's necessary. I think the education has been done. I wonder if we could talk about is it necessary to discipline.

- [Mayor] Thanks Alder; from the 8th?

- [Christopher] Thank you Mr. Mayor. Related to this, back summer of 2018, year and a half ago, the council decided I had brought forward a group called cityethics.org who does this, makes ethics policy for cities around the country and obviously, ours wasn't perfect and we knew that when we made it, it should be improved. And we approached them and they would look at it and we paid them a couple hundred dollars to do that and they came back, I think in November, maybe December of 2018. And then it was going to come to committee so we could fix some of the issues in our policy. And I know I've been probably every month or two asking what's going on with it. And I keep being brushed aside, I'm wondering if what the standards of that

is why haven't we seen it? I can't believe it's taken us 15 months to examine it. Maybe we can hear about that because that might have had an influence on what we're doing here. I'm just wondering.

- [Mayor] Sure, Attorney Chavez?

- [Vanessa] Thank you Alder. So to tell you, first off, we have never brushed aside your request. I agree with you that the Ethics Code needs a revamping. And the Code of Conduct needs a revamping. And I've actually been pushing it to the front. But as you're aware, the Law Department had a number of turnovers this year. We had a few vacancies for a while which pushed just really far behind. We are slowly starting to catch up. This is actually where we're wrapping up the records retention which was another one that we had to complete to get back into compliance with law. This is the next one on the list because I agree with you, it needs to be corrected so that any issues with it, being vague or whatever, are cleaned up. So we haven't been brushing it aside. I don't want you to feel like that is the case. This is a high priority on my list as well and it's literally just been an issue of us not having enough staff to to do it and then trying to get caught up after we got the staffed again.

- [Christopher] I appreciate it and I have full faith that you'll get to it. It just seems like an exorbitant amount of time and I didn't want to be lost. And sometimes a little public attention to it does help to expedite things so I appreciate it.

- [Vanessa] We have a an ongoing list of ordinances and this one is the very top of the list because I agree with you, it needs to be corrected.

- [Christopher] I had all intention of coming here tonight and talking about this and voting on it but am I gonna vote on this one tonight. Kathy's my mother-in-law. And I find myself being pulled in different directions for different reasons. I vote on everything. I never back out of any kind of vote but on this one I'm going to. So I trust the rest of the council is gonna make the right decision, thanks.

- [Mayor] Noted, thanks Alder. Alder from the 7th.

- [Randy] Just a question, I didn't look at the Code of Conduct. I meant to, it's not one of the possibly just an apology, if she apologized to the council as a whole, is that also not a possibility we could do, if I'm not mistaken, I thought?

- [Mayor] Attorney Chavez first.

- [Randy] From memory, just running from memory?

- [Vanessa] So what the policy states is that the penalties and sanctions, possible sanctions, that may include an informal censure, a formal censure, mandatory community service, attendance at counseling or mediation sessions, imposition of a dollar fine up to 500 and any other sanction available at law. I don't think that there'd be any reason why your proposal would be contrary to law.

- [Randy] Okay, well then, if Alder Dorff would take an amendment that if the Alder in question here would apologize to the council for a behavior that that would suffice instead of an informal censure. I think that's about as low as you can go, informal would probably be next, so I make that amendment to Alder Dorff's.

- [Mayor] Alder from the 9th.

- [Brian] Do we not need to take up first the adoption of findings before we discuss punishment?

- [Mayor] Right, Attorney Chavez?

- [Vanessa] Yes.
- [Brian] The motion before us currently is rejection of the entire report.
- [Vanessa] But to clarify, so if you are dismissing the action outright so you're just saying that it you would never get to number two.
- [Mayor] So the motion before us is still rejection of the report in its entirety. The motion was made by Alder from 1st, second by Alder from the 10th. We're gonna use the board on this. Before we vote, Alder from the 3rd?
- [Andy] My advice is that this council should go in closed session because there's other information that has surfaced that I believe the council should hear and it should be in closed session.
- [Mayor] Alder from the 1st.
- [Barbara] The decision was made based on the testimony given to the Ethics Committee which I listened to, other than the closed session. And the complaint was made based on what happened. Therefore, we cannot be considering some other evidence that may or may not have come forward. That's not right.
- [Mayor] Attorney Chavez.
- [Vanessa] So the purpose of closed session is to deliberate if there is additional evidence that needs to be considered, it could be considered but it should really be done at the Ethics Committee. So it should go back for referral at that point.
- [Alderman] It happened after the meeting.
- Alder from the 3rd.
- There's a witness. And I think it's vital.
- I don't see any--
- So if you wanna, I mean if this council wants it, move forward, don't wanna hear any vital information as a witness after the hearing so be it, Put your head in the sand but I tell you what, there is information out there that's vital to this scenario, thank you.
- Attorney Chavez.
- To clarify what your guys' Authority is, you could adopt, reject or modify the recommendations made by the Ethics Board but keep in mind that any information that is taken into consideration has to relate directly to the actual complaint itself. So the the issue of going into closed session and relaying the information when it came out.
- [Mayor] Thank you Attorney Chavez. Alder from the 1st.
- [Barbara] Apparently this information came forward as was just stated after that meeting. I believe this Alder had an opportunity at the Ethics Board to make those statements at that time and chose not to for whatever reason. So now's not the time. He had a chance, he didn't do it.

- So we have a motion before us on rejection. We're gonna have a roll call vote on the motion of rejection. Alder from the 11th. This is to reject the report in its entirety. That motion fails. Nine to one with one abstention. Motion has been made to adopt the report. Second by Alder from the 4th. Further discussion on that motion?

- [Barbara] Are you gonna ask us, now that we have the report

- Alder from the 1st.

- So it talks about imposing an informal censure. I understand that that was an error. I do have something that is less than an informal censure that I've prepared. And it's called a letter of reproof. It's something used by United States Congress when something doesn't really rise to even a censure, an informal censure. Alder Lefebvre has apologized repeatedly. I don't feel she needs to apologize again. So I'd like to read the letter of reproof and see if we can vote on that. And I don't feel like we need to go into closed session.

- [Mayor] Alder from the 9th.

- The motion on the floor is to adopt the finding of fact. First we need to take action on that before we discuss item two.

- [Alderman] We're back to the report in its entirety. The motion you made.

- I meant move to adopt item number one. I think you have to take these things separately.

- [Barbara] I think he's right, he's right. We should look at number one.

- Motion made by Alder from the 9th to approve item one. There's a second by Alder from the 4th. All in favor signify by saying aye. We're gonna use the board, the request of the Alder. Motion passes nine to one with one abstention. So we're under item two. Alder from the 1st.

- So this is what I have come up with using the template. Dear Alder Lefebvre, as you know, the Ethics Board has found you to be in violation of the Code of Conduct and has recommended that you be informally censured. Section 8D sub five, council action states that upon review of the report and following a discussion, if the council, by motion, concludes there is a violation of the code, the council may impose a sanction or penalty. The council may adopt, reject or modify the recommendation of the Ethics Board and that the totality-of-the-circumstances shall be taken into consideration including the intent of the person accused of the wrongdoing. section 8D states sub six, penalties and sanctions states it is the intent of council to educate and when necessary, discipline council members who violate this code. It further states that in all instances, the totality-of-the-circumstances shall be taken into consideration in resolving the matter including the intent of the one accused of wrongdoing. Alder Lefebvre stated in her testimony that she did not intend to do this. What you revealed was the vote taken in closed session with no other information. You have apologized for your actions. It is the belief of this council that there was no intent and that even an informal censure is unnecessary. Therefore, we the undersigned, hereby express our disapproval of your actions in this incident and we encourage you to refrain from similar conduct during your future service on the council.

- [Mayor] Thank you Alder.

- So I would I would move that--

- [Man] We move to closed session, mayor. So we can hash this out real quick.

- [Mayor] Do we have a second?

- [Vanessa] We can do it right after you guys vote, that's okay.
- We vote on closed session. Use the board. Motion passes six to four with one abstention. Alder you can read the language.
- [Man] We may convene in closed session pursuant to section I didn't bring my spectacles.
- Alder from the 8th.
- The council may convene in closed session pursuant to sections 19.85, 1A Wisconsin Statutes for purpose of deliberating concerning the case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The council may thereafter reconvene in open session pursuant to section 19.852 Wisconsin Statutes to report the results of the closed session and consider the balance of the agenda.
- [Mayor] Thank you Alder. Alder from the 6th, do you have a point of order?
- No, I just find it unusual that all of a sudden, Alderman would come up with something else that I never heard of, I don't know what's going on. It's like around my back. I'm just concerned about what's going on. Thank you.
- Understood. All right, thank you. Motion has been approved to go into closed session. We're closed. We're back, I'll entertain a motion to return to open session. Motion made by Alder from the 7th, second by Alder from the 5th to return to open session. All in favor, please signify by saying aye.
- Aye!
- Oppose, nay. We're back in open session. Alder from the 1st.
- Thank you mayor. So I would like to make a motion that we present this letter of reproof that I previously read to Alder Lefebvre.
- [Mayor] Motion made by Alder from the 1st, second by Alder from the 7th to provide a letter of reproof that has been read already by the Alder from the 1st. And we will use the board. Motion passes 10 to zero with one abstention. Now we're on to Item S, receiving place on file.
- [Randy] Motion on receiving place on file.
- Motion made by Alder from the 7th, second by Alder from the 3rd to receive in place on file the Municipal Court and building permit reports for December 2019, any discussion? Hearing none, all in favor of approving that report, please signify by saying aye.
- Aye.
- Oppose, nay. The ayes have it, the report has been received and placed on file. We're on to resolutions here. We need a motion unless there's discussion on any resolution with the exception of Resolution Two which needs an amendment. Is there going to be any discussion on any of the other resolutions? Okay, noted. So with that, I will entertain a motion to adopt Resolution One and then Resolutions Three through 11 with one roll call vote. Correct. Motion made by Alder from the 7th, second by Alder from the 10th to suspend the rules and take up Resolutions One and Resolutions Three through 11, with one roll call vote, all in favor please signify by saying aye.

- Aye.

- Oppose, nay. Motion made by Alder from the 9th, second by Alder from the 4th to adopt Resolutions One and Three through 11. All in favor please signify by saying aye?

- Aye!

- Oppose, nay. Ayes have it. Oh, sorry. We have to use the board, my mistake. Those passed 12-0. On Resolution Two, in amendment. Attorney Chavez. Just explain.

- So on Item Two, there is a couple of scriveners errors on the as discussed or is what's listed in the resolution. The first one that you guys are provided with a corrected copy earlier today but what we are asking you to correct the first one is it's two items the first pursues -19 Part A, the PO number should be 1900105. There's just one too many zeros in the middle. And then the second one for bridge 1-18, the account string should be 401500E-55311-64048. It currently duplicates the first one that's listed.

- Motion made by Alder from the 9th. Second by Alder from the 7th to amend the motion as was read by Attorney Chavez. All in favor of that amendment, please signify by saying aye?

- Aye.

- Oppose, nay. Ayes have it. The amendment has been adopted. The resolution now is before us. So we will have a roll call vote on that. Yeah. Item two passes 12-0. On to Referral of Petitions in communications. Alder from the 10th.

- Thank you your honor, this is for Protection and Policy. Further discussion is needed on the anti-litter ordinance section 81.12 as far as implementation and citations with respect to newspaper ad flyers that are scattered about.

- [Mayor] That one again, huh? Alder from the 11th.

- [John] Thank you mayor. The Finance Committee property tax increase to roughly 4.1% for the City of Green Bay for 2020, coupled with the increase in the water bill rate increase the average Green Bay homeowner had roughly 100 to \$120 increase in their property taxes. I propose that the property tax for the City of Green Bay would not increase more than 1% for 2021 budget. Also request to create a resolution that the city of Green Bay pay off more general obligation debt each year than new debt created nearly 18-20% of the each of the yearly city budget, pays solely for interest on the city debt. We must do a better job to reduce our total debt and polarize our capital expenses so we are not crowding out core services. Many cities and counties are facing these fiscal pressures of the city as the city of Green Bay needs a plan to reduce our debt in the short and long term. Thank you to the Finance Committee.

- [Mayor] Those are both for finance, Alder?

- Yes, thank you.

- [Mayor] Thank you, Alder from the 6th?

- Oh, I'm sorry. Daydreaming here at the end. The first one is to Protection and Policy. Request committee to look at the issuing of a sidewalk cafe permit to Titledown Tobacco per Section 6.155 Green Bay Municipal Code, stating one, definitions a sidewalk cafe, any group of tables, chairs, benches or partitions maintained within the public right-of-way for use directly in front of an establishment with a valid restaurant license. Okay,

and then the second one is the Traffic Commission, request the removal of no parking signs on East Main Avenue from the corner of 1101 North Webster to Van Buren.

- [Mayor] Thank you Alder.

- Thank you.

- [Mayor] Any others? Alder from the 9th.

- Thank you mayor. This one is for Improvement and Services for consideration possible action to address chronic flooding and drainage concerns on Antoinette Street.

- [Mayor] Thank you Alder. Any others? Clerk, do you have any late communications?

- [Clerk] I do not.

- I'll entertain a motion to refer all petitions and communications. Motion made by Alder from the 7th, second by Alder from the 4th to refer all late petitions and communications to the proper authority. All in favor please signify by saying aye?

- Aye!

- Oppose nay. The ayes have it. Petitions and communications have been referred. Adjournment.

- Motion to adjourn.

- [Mayor] Motion made by Alder from the 7th. Seconded by Alder from the 11th to adjourn. All in favor please signify by saying aye?

- Aye!

- Oppose, nay. The eyes have it. We're adjourned.