

MINUTES
ADVISORY COMMITTEE
Thursday, May 12, 2016
Committee Room 207
5:00 p.m.

Members Present: Council President Tom DeWane, Ald. Joe Moore, Ald. David Nennig, Ald. Randy Scannell

Excused: Council Vice-President Mark Steuer, Ald. Andy Nicholson

Others Present: Ald. VanderLeest, Ald. Sladek and Ald. Dorff, City Attorney Vanessa Chavez, Chief of Staff Andy Rosendahl

Call to order. The meeting was called to order by Chair, Ald. Tom DeWane at 5:00 pm. Roll call was taken as noted above.

1. Approval of the agenda.

A motion and second was made to approve the agenda. Motion carried.

2. Approval of the minutes of the April 14, 2016 Advisory Committee meeting.

A motion and second was made to approve the minutes of the April 14, 2016 Advisory Committee meeting. Motion carried.

3. Request by Ald. Vander Leest for the \$5.4 million excess sales tax money be returned directly to Green Bay City taxpayers in 2017 as a property tax credit on their property tax bill.

The floor was turned over to Ald. VanderLeest. He stated that he would like to see the excess sales tax money be returned to the Green Bay taxpayers and he would agree with \$1.2 million going toward debt reduction. Ald. DeWane said this \$1.2 million came before the Finance Committee and will go before the full Council. Ald. VanderLeest stated there are 33,582 parcels in the city and if \$1.2 million goes toward debt reduction, it would leave \$126 per parcel to be returned to taxpayers. He said this could set a precedence for politicians to give back money to the taxpayers. He added that his constituents are in favor of this use of the money and it's in the realm of the state parameters.

Ald. DeWane inquired about renters not being included in the refund and said many of them have paid high sales tax on cars and other large ticket items. Ald. VanderLeest responded that the state statute only endorsed refunding money to property tax owners.

He responded to Ald. Scannell that this is how he would address the question to renters.

Ald. Moore commented about sales tax being refunded on property tax. He stated that the city has applied surplus funds for 3 of the past 4 years to add staff and services and has still kept the mill rate down. He questioned the fairness of this proposal stating that a developer in Red Smith owns 100 lots and would receive \$12,000 back when he's paying \$50,000. Further discussion ensued regarding renters paying high rent and the landlord living in Appleton. Discussion on where the sales tax was spent, adding that the out of town landlords are likely not purchasing large items in Green Bay.

Ald. Scannell questioned if Ald. VanderLeest is not in favor of putting the money into economic development? He responded that some economic development is positive and some is negative, depending how much money the city has to put in. Ald. Scannell favors having the right economic development and sharing the money for debt reduction.

Ald. Sladek said the state gave us back this money with rules and constraints. He indicated he supports what Ald. VanderLeest is trying to do and likes the approach for uniform parcels. He commented that some people own a lot of properties and wondered if there's a way to modify the proposal? He supports debt reduction to provide more services, which benefits everybody and questioned giving tax credits to those who don't live in our community.

Ald. Dorff stated she would be more supportive of a proposal that included economic development; something that would increase the tax base, and possibly debt relief. She would like Council to come to a decision that would include both debt relief and economic development.

Motion made and carried to open the floor to allow interested parties to speak.

Ed Pollack, 1627 Biemeret St. stated he likes the plan and said a property tax refund is immediate, whereas debt relief and economic development are in the future. He has nothing against the other proposals but said homeowners have the upkeep.

Mark VanderLeest, 2851 Antler Trail agrees with Mr. Pollack and favors property tax relief. He stated that property taxes goes to pay for schools, police and fire protection, water etc.; things we cannot do without. He agrees there is no way to include all residents (renters) but feels the instant refund is a fair way to give back to people who have paid.

Lynn Austin, 1449 Morrow St. stated she doesn't favor a baseball stadium. She questioned if it's fair to give the refund only to homeowners when they are the ones in a better financial position to purchase a home? She said she would be troubled if the money went to debt relief and feels the city has squandered taxpayers money in the past. Ms. Austin believes having some debt would make the city more careful with developers and feels the fair way is to return the excess to the taxpayers.

Gary Beck, 1705 Biemeret St., stated he agrees with giving the money back to the taxpayers. He said the taxpayers in Brown County voted to help out the Packers and the money can't be divvied out to everyone. He believes people make the choice to rent and homeowners who invest and buy homes are the ones who should be given the money. He states he takes exception with debt reduction.

Kelly Rue, 203 Gray St. said the taxpayers voted to generate this tax and Council should return to them what is theirs. She suggested renters could ask their landlord for an adjustment on their rent. She summed up by saying the refund is immediate and the right thing to do.

Mark VanderLeest spoke a second time and said the greater responsibility is to return the money to people who own property.

Ald. Tom DeWane stated that the majority of the sales tax wasn't paid by homeowners but by people outside the county who purchased cars, rented hotel rooms and attended special events. He knows many people who have spent money visiting Green Bay.

Motion made and carried to return to regular order of business.

Ald. Moore mentioned that a resident on Harold Street had purchased two sets of tires in 5 years but didn't request the money to be returned. The constituent felt he would get more benefit in fixing the streets. Ald. Moore said his parents purchased 2 cars since 2006 and said a collaboration would be so much better, adding that quickest isn't best.

Ald. Nennig reviewed a time when the Governor gave back money to the taxpayers and not long after, the state had a deficit. He said there are a lot of issues involved here and said what is the fairest tax depends on the point of view. He stated 30-40% of the taxes was collected from out of county people who use our services. He attended the public hearings and recorded 30 different proposals to use the funds. He said we have a responsibility to spend this money wisely and decide as a group what would give the greatest long-term benefit for the residents. Ald. Nennig suggested looking at an economic development proposal that didn't qualify for other assistance. He said he's not supporting giving the money back to taxpayers at this point.

Ald. Scannell indicated that none of his constituents said to give the money back but to do something for the city that would benefit everyone. He would be in favor of some debt reduction, some economic development and returning some of the money to taxpayers but added that the pot of money isn't that large.

Ald. DeWane would like to see infrastructure done and said Council needs a different way to approach this and add something to this proposal. He stated nobody has made a concrete statement on this proposal yet.

Ald. VanderLeest asked if the Committee was shooting his proposal down? Aids. Nennig, Scannell and Moore said not to return the money. Ald. Moore said his constituents would rather have their taxes go up and get their streets fixed. Brief discussion followed.

Motion made and carried to re-open the floor.

Virginia VanderLeest, 1625 Vernon Ct. commented "it's not your money-it's our money".

Lynn Austin addressed the committee again stating she never knew it was an option to give the money back adding that most people would have liked that. She feels if the roads need repair, the money should be used to do that. She reiterated not to do special interest developments that some people can't afford. She added that most people in her district are renters.

Ald. DeWane stated that returning the money was mentioned since day 1 and two public hearings were held. He agreed that every district is different.

Bill Meindl, 25 W. Mission Road stated that Green Bay is not a city in decline. He said it's a positive city that is moving forward.

Tony Theisen, 931 S. Baird, stated returning the money is a good idea. He said he's hearing from a lot of people not to use the money toward building a baseball stadium.

Evan Huceck, 1052 Amberly Trail, said this needs to be put through so the full Council can discuss it. He feels Ald. VanderLeest deserves praise to propose something like this as a new alderman. He stated he attended both of the public hearings and feels economic development doesn't fit the criteria. He said he is a renter who hopes to become a home owner in the next year and returning the money would send a message that property taxes are an issue. He said a primary opportunity was lost when an advisory referendum was not placed on the April ballot, when there was high voter turnout. He feels we need to spend the money it takes to have a referendum.

Ald. DeWane said the full Council will discuss this proposal and said the next agenda item is the referendum.

Motion made and carried to return to regular order of business.

Ald. Scannell stated he covered all options and received the feedback he needed from his constituents.

Ald. Moore said the Finance Committee approved his request to pay off three state trust fund loans with principle outstanding of \$1,226,000 with excess sales tax money. He stated this payment would save \$215,000 in interest and would help each household by \$43. (This would not appear as a reduction on property taxes). He stated if the money is refunded now, we would miss out on these opportunities for debt reduction in the future.

Motion made by Ald. Moore, second by Ald. Scannell to deny the request by Ald. VanderLeest for the \$5.4 million excess sales tax money be returned directly to Green Bay City taxpayers in 2017 as a property tax credit on their property tax bill. Motion carried with Ald. DeWane voting nay.

4. Request by Ald. Vander Leest to have the question to return the \$5.4 million excess sales tax money for property tax relief, to be added as a referendum question on the August 9, 2016 primary election so Green Bay City residents can have the final say on this tax money.

Ald. VanderLeest stated he would like this item to go on the August 9th ballot as an advisory referendum question. The wording would need to be completed by May 30th.

Motion made and carried to open the floor.

Tony Theisen stated he favors a referendum for two reasons: it gets input from the public and it increases voter turnout. He mentioned the 1982 referendum on the Neville Public Museum, which passed in all districts. He feels there should be a referendum question on the baseball stadium as well.

Gary Beck said he favors a referendum for people to decide.

Lynn Austin said she favors giving people a voice and supports having a referendum.

Ed Pollack stated a referendum would help Council and give them an idea of what people want. He said this whole issue started with a referendum.

Kelly Rue said she supports a referendum which would give people the opportunity to speak and be represented.

Evan Hucek encouraged the committee to support a referendum and to “think big”. He suggested having 2 or 3 referendum questions on the bigger issues for using the funds. He said this is an opportunity for direct democracy.

Motion made and carried to return to regular order of business.

Ald. Dorff inquired how a referendum works? Ald. DeWane responded there might be 2 or 3 choices on the referendum and he asked the City Attorney to draft the questions, which she agreed to.

Ald. Moore agrees with asking the City Attorney to draft something for the August ballot and said the interest on the money would pay for the referendum question(s).

Ald. Sladek commented that the question on the agenda is specific to refunding the money to which Ald. DeWane responded that this can be amended.

Atty. Chavez stated that they can submit more than 1 question but they need to be simple “yes” or “no” questions.

Ald. DeWane said the committee can approve a referendum and Council can decide what questions will be submitted, or it can be referred to Finance.

Ald. Nennig commented that the specific wording would need to be completed by May 30th and there is only one Council meeting between now and then, which doesn’t leave much time. Ald. DeWane responded they could use the wording of Ald. Vander Leest and Ald. Moore’s wording from Finance and could include something about infrastructure.

Atty. Chavez said she confirmed with the Clerk’s office that May 30th is the deadline for the August ballot and May 31st for the November ballot. Ald. VanderLeest said Aug. 30th is the deadline for the November ballot.

Ald. VanderLeest said the specific question he’s proposing is should the \$5.4 million be returned to Green Bay taxpayers and said he doesn’t want any confusion. Ald. DeWane responded that other aldermen want to amend the proposal and add other questions and said they will all be “yes” or “no” questions and said the wording is the difficult part.

Motion made and carried to approve the request of Ald. VanderLeest to have the \$5.4 million excess sales tax money for property tax relief, to be added as a referendum question on the August 9, 2016 ballot.

Tony Theisen said they have to be objective with questions and make a specific request. He said they can amend a motion but adding something completely different is a violation of the open meeting law.

Motion and second to return to regular order of business. Motion carried.

Ald. Moore asked if they could deny the item and direct the Attorney's Office to draft alternate referendum questions? Atty. Chavez responded that no action has been taken and they can do that, it can go to the next Finance Committee meeting.

Ald. Nennig asked if the City Attorney could draft the wording and bring it to next week's Council meeting. He wants a question about debt reduction to be included.

Ald. DeWane said they all favor a referendum and it's not fair to have only one question. He suggested they deny the item tonight and put it on the next Finance Committee agenda or Council next Tuesday. Atty. Chavez said either option is appropriate; they can deny or refer to have language drafted.

Motion by Ald. Moore, second by Ald. Nennig to deny the request of Ald. VanderLeest and to direct the City Attorney's Office to draft alternate referendum questions for the November election regarding additional uses of the excess sales tax money for the next Finance Committee meeting.

Ald. VanderLeest inquired why not bring to the August ballot? Ald. DeWane said all aldermen need to have a say. Ald. Moore said this would give time to get the language right and said it would go on the 2017 tax bill, so there is time. Ald. DeWane added that he's trying to help Ald. VanderLeest and said the proposal as it is, would be denied at Council.

Ald. Scannell said he brought a referendum forward in his first term and there was an argument that the referendum would increase voter turnout and the same argument for opposition to the referendum. It was voted down. He said he supports this referendum.

A vote was taken on the motion by Ald. Moore. Motion carried.

Ald. Moore asked Atty. Chavez if she could email all Council members to seek input on the draft language, before next Tuesday. She will email all Council members.

5. Request by Ald. Wery to review with possible action Ordinance 2.06(14) rules of Council procedures, committee of the whole. (Discussed at Council on 10/21/14 and referred back to Advisory Committee)

Ald. Nennig provided background on the current ordinance which states that the Mayor can call a committee of the whole provided there was no objection by an alderman. Ald. Wery requested to amend the wording to Mayor or majority of the Common Council and provided there was no objection by any two of the aldermen present at the meeting. Ald. Nennig is suggesting removing the last line “provided there is no objection by any two of the aldermen present at the meeting”.

Motion by Ald. Nennig, second by Ald. Scannell to approve the request by Ald. Wery to amend Section 2.06(14), Green Bay Municipal Code, regarding Rules of Council Procedures – Committee of the Whole to read:

The Mayor or a majority of the Common Council may declare the entire Council a committee of the whole for informal discussion at any meeting or for any other purpose, and shall ex officio be chairman of the same.

Motion carried.

6. Request by Ald. Nicholson to review the reason why there is a Police presence at City Council meetings.

Ald. DeWane talked with Ald. Nicholson and asked the Police Chief to talk with the City Attorney regarding this item. Atty. Chavez said the police presence is for the protection of everyone present at the meetings. She said the City has been going through active shooter training and anytime a group is sitting, like at a City Council meeting, they are sitting ducks. Since no concealed carry is allowed, she indicated there is no way to exit without becoming targets in the event of the worst happening. She indicated this is pretty common practice to have one armed member of the Police Force there to be sure people are safe.

Ald. Moore said he also talked with Chief Smith and he’s going to rotate his CPI’s at the meetings. Ald. DeWane spoke of an incident when Chief Lewis was in office and there was a threat with a person who came in and upset staff. Chief Lewis sent an officer to the meeting and now Chief Smith is bringing something forward. Ald. Nennig said years ago and officer was placed at the door for safety reasons.

Motion made by Ald. Moore, second by Ald. Scannell to receive and place on file.
Motion carried.

Ald. Dorff stated that she is a national trainer and teaches active shooter training classes. She offered the training to any of the Council members and said it's important that when they are sitting at Council meetings, that they have that kind of security.

Motion made and carried to adjourn.

Respectfully submitted,

Mary Haupt