

**MINUTES**  
**ADVISORY COMMITTEE**  
**Tuesday, June 17, 2008**  
**City Hall, Room 604**  
**6:00 p.m.**

MEMBERS PRESENT: Council President Chris Wery, Council Vice-President Tom DeWane, Ald. John VanderLeest, Ald. Tom Weber, Ald. Celestine Jeffreys, Ald. Jerry Wiezbiskie

EXCUSED: Ald. Andy Nicholson

OTHERS PRESENT: Ald. Amy Kocha, Ald. Dan Piton, Ald. Guy Zima, Doug Daul, Allison Swanson Scott Matejov, Members of the Fire Department, Members of the Media

**1. Call to order.**

The meeting was called to order at 6:00 p.m. by Council President, Chris Wery. All members were present with the exception of Ald. Andy Nicholson, who was excused.

**2. Approval of the agenda.**

Motion made by Ald. DeWane, second by Ald. VanderLeest to approve the agenda. Motion carried.

**3. Approval of the minutes of the May 5, 2008 Advisory Committee meeting.**

Motion made by Ald. Weber, second by Ald. DeWane to approve the minutes of the May 5, 2008 Advisory Committee meeting as submitted. Motion carried.

**4. Report on poverty in Brown County by Bay Area Community Council.**

Chairman Wery stated that this item that was promised by previous president, Chad Fradette. Phil Hauck of the Bay Area Community Council was introduced and stated that he was the past president of the Bay Area Community Council a couple of years ago and during the time that they did research for this report, Bob Woessner was the incoming president and is the author of the report.

Mr. Woessner reviewed the history of the Bay Area Community Council stating that they were formed in 1989 as part of a plan from the Chamber of Commerce. He reviewed the mission statement and stated that 18 months was spent on the poverty report. Mr. Woessner reported that in the year 2000 according to the Census Bureau, Brown County's poverty rate (\$20,000 annual income for a family of four) was 6.6% and in 2006 it was 10.4%. The Green Bay School District in Sept. 2007 had 9,583 kids who qualified for the subsidized meal program which meant that their families were in poverty. He said during the course of the 2007-2008 academic year, the School District counted 660 students as being homeless with 46% of the students qualifying for free or

subsidized lunches. He said Green Bay is the second highest city in the state for kids qualifying for free lunches, second to the Milwaukee Public Schools.

Mr. Woessner said his committee met with families in poverty who were identified by various social service agencies. He stated that they found in general these were working people; working poor but their jobs didn't provide the income they needed to take care of much more than their basic needs. Mr. Woessner broke down what they learned into five areas of concern: Children, Health Care, Housing, Neighborhood Services and Transportation. He reviewed these areas and said they are not asking the city for money, but asked Committee members to review the report and keep these things in the back of their mind as they deal with issues that come to the Council that affect people with these kinds of needs. He discussed the priority of making these people self-sufficient through job creation, inexpensive housing, and transportation, stating that many people work weekends and said city busses do not run at these times. He said neighborhood resource centers and neighborhood associations are places where people can be brought together and mentored, which is always a benefit. Mr. Woessner said many of these people made bad decisions earlier in their lives such as not paying attention in school, making bad choices in relationships which led to unwanted pregnancies. He stated that every indication is that poverty is going to get worse.

Phil Hauck said we need to ask ourselves if the services are in place that these people need and are they sufficient, which they are not, because of the growth. He said transitional generational poverty will persist if we don't make these people self-sufficient. He said virtually all of the families they interviewed had gotten in trouble as teenagers. Mr. Hauck stated that parenting is the most important thing and said there is an initiative that was started last week where, if they can find the funding through United Way, the family of every child that is born in Brown County will be interviewed and will be asked whether they are in need and then assistance will be provided to them from birth until kindergarten. Mr. Hauck said healthcare is another need, with most of these kids not receiving dental care or physicals, adding that the NEW Community Clinic has a need for larger amounts of money to provide healthcare. Housing vouchers are very much needed for these people as well as finding another way to get people to and from work. Mr. Hauck said Resource Centers would move these people into their neighborhoods if they could to get them closer to the neighborhoods and to the access of the various agencies. Every agency they talked with said they need double the dollars and more volunteers.

Mr. Woessner said the scariest part of the research is early childhood development adding that if a child has not received the nurturing they need and have not been read to and cared for properly, by the age of 3 or 4 they are done. The chance of them making anything meaningful of their lives is over and he said we need to catch the problem early.

Ald. Wery said the work of the Bay Area Community Council is appreciated and he made certain that all aldermen received a copy of the report. Ald. VanderLeest inquired if a study was done on where the population included in the poverty numbers came from? Mr. Hauck said we know that many of these

people are coming from Milwaukee and are Spanish speaking but said there is no breakdown of where they all came from. Ald. Weber said he appreciated that these people were not asking the city to solve the poverty problem and said sometimes government is more of a hindrance to these people than is the private sector. He said it's people such as Mr. Hauck and Mr. Woessner and the charities and agencies that will make the difference. He thanked them for reporting. Ald. Wiezbiskie also thanked them for presenting their report and inquired if emphasis is put on sex education and mentioned the language barrier stating that learning the English language would be a big help for these people. Mr. Woessner responded that the language barrier is not a new problem and has existed for many, many years.

Motion made by Ald. VanderLeest, second by Ald. DeWane to receive and place on file the Report on Poverty in Brown County by Bay Area Community Council and to make sure that all aldermen receive the report. Motion carried.

#### **5. Response from U.S. Attorney's Office regarding the Langan Report of the Younkers Acquisition Agreement.**

Ald. Wery stated that he received the response from the U.S. Attorney's Office on Friday and said he called everyone on Saturday and provided aldermen with a copy of the letter on Monday. He said the letter basically states two things and read excerpts from the letter, first ... "for the conduct of a local public official to rise to the level of a potential federal criminal violation, these essential elements usually must be present: (a) the public official violated or misused a duty inherent in his or her office; and (b) the official did so for some type of private gain"... secondly he stated that the statute of limitations has expired.

Ald. VanderLeest stated that it seemed out of the ordinary that the federal statute of limitations would expire in five years. Atty. Swanson responded that this is not an unusual time frame, adding that civil litigation is six years. Motion made by Ald. DeWane, second by Ald. Wiezbiskie to receive and place on file the letter from the U.S. Attorney's Office. Motion carried.

#### **6. Request by Ald. Wery for an update on whether or not a Federal Courthouse will be constructed in Green Bay.**

Atty. Swanson stated that we are on a long-term plan for the Federal Courthouse and believes they were told it takes about 10 years. Scott Matejov said Judge Griesbach has been patient in waiting his turn and the Mayor's Office has been in communication with Sen. Kohl and other members of the Federal Government to move this along quicker. He stated that Judge Griesbach is working on this as well with contacts in Ohio to try to speed up the political process. Atty. Swanson said we have to jump up above all the other cities who are requesting to have a federal courthouse, adding that the city first started working on this about five years ago.

Ald. VanderLeest made a motion to have the Law Dept. draft a resolution in support of a federal courthouse being constructed in Green Bay and to forward the resolution to the appropriate Federal and local representatives asking them for support in getting a Federal Courthouse on the docket, and to forward this

resolution to the County and to other municipal governments in the County. He added to include some of the reference of communication when this was brought forward, regarding previous timing on getting it done, etc. Motion seconded by Ald. DeWane. Ald. Wery asked to have this resolution brought back to the full Council rather than to Advisory, since we don't know when the Committee will be meeting next.

In response to a question by Ald. Wiezbiskie on what the benefits are to have a Federal Courthouse here, Atty. Swanson said initially it's about access for the parties, stating that everybody north of Green Bay and in northeast Wisconsin would have to travel to Milwaukee. She said the added benefit brings additional lawyers to the city, additional police forces and said it does generate revenue to the community with added federal services and revenue. She stated that many sites have been looked at in the past and said we would want the courthouse downtown, not in outlying areas. She said we would have to go through GSA and basically have to start over looking for a site. Ald. VanderLeest stated that it could be beneficial to build this in a depressed area of the city.

A vote was taken on the motion. Motion carried.

#### **7. Request by Ald. DeWane to have a city-wide referendum pertaining to cuts of any City employees in the City services departments.**

Ald. DeWane said this is self-explanatory stating that his constituents know how he feels and now he needs to know how his constituents all feel. He feels the citizens should have a chance to vote on whether they want to see cuts in services.

Doug Daul explained how the \$5 million projected budget deficit was derived. He said Finance took a look at each individual budget and put in a multiplier for employee costs and health care and put in 7% increase for energy line items. He stated that he tried not to overstate this and said this came to \$3.3 million for those purposes. He estimated a \$1 million reduction in non-levy revenue for land sales and interest revenue. This brought the deficit to \$4.3 million. Additionally the City knew we would be getting a substantial increase in WRS in our protective services area and put in \$.5 million, for a total projected deficit of \$4.8 million. He stated that this was a projection from several months ago to get a high overview of the 2009 budget situation in regards to the levy limit. He said the most important thing to look at is this is a revenue issue and explained that there are two sources of revenue: non tax and tax levy. He said what's happening to us next year is the levy limit is going to limit our increase in tax revenue to \$953,000 but said we're going to lose that much or potentially more in non-tax levy dollars. He expects decreases in interest revenue and land sales. He said we're still waiting for our numbers from the state of Wisconsin but said we know our revenues are basically going to be frozen to where they were last year. He said he doesn't have WRS in yet but got an approximate rate from them. He said some WRS rates are going to drop for the first time, adding that the one that is going to kick up may be in the area of \$400,000 rather than \$500,000.00. He said the question is, is the \$1.5 million for the Fire Station a real number? Mr. Daul said the increase that was projected for the Fire Dept.

was \$800,000 plus that WRS kicker, somewhere in the area of \$1 million. He didn't include any extra equipment. He stated that he would like to put the budgets together now and come up with some real numbers and see where those numbers are. He said the Fire Department Budget is basically a flat budget from the previous year and said we're looking at how many other things are coming in flat. He stated that the Council last evening gave a directive to get the budget done in 30 days, but said if we're looking at a September referendum, it would need to be done quicker.

Ald. Wiezbiskie asked if the Fire Dept. will be asked for any further cuts than the \$1.5 million cut that they have agreed to. Mr. Daul responded that if every department did this, we would come in with a balanced budget but added that this is the expenditure side and said if we lose revenue the budget could still be upside down. Ald. Wiezbiskie asked if the salaries and benefits of the 11 people who are not going to be replaced in the Fire Dept. could be applied into that \$1.5 million. Atty. Swanson said that attrition is happening late this year and said former Chief Stauber's concern was that if we do these cuts, these would be the first people to go so he made the decision not to hire off that list, since these people may have passed up other jobs to work for the city. Ald. Wiezbiskie expressed concern that the Fire Dept. be left alone now. Mr. Daul said his role is to put the numbers together and what would be asked of the departments comes from the Mayor's Office. Scott Matejov said when Chief Roemer came in he examined the Fire Dept. and worked along with the Fire fighters to come up with a way of creating efficiencies in the Department and presented that recommendation last night at Council. He said he would see no need based on what they've already done, to ask for further cuts. Atty. Swanson said to clarify on the hiring issue, without changing the staffing level, through their policies they are filling that with overtime, which is less costly than hiring more firefighters to a certain extent but said Chief Roemer is looking at some impact by the reorganization.

Discussion ensued regarding holding a referendum: Ald. VanderLeest stated that he would not be in support of a referendum and ran on the platform of trying to keep taxes low, adding that taxes are already very high. Mr. Daul was asked to comment on Ald. Zima's comment at the Council meeting last night regarding taxes being held level the past few years. Mr. Daul distributed a handout and reviewed the four years since the levy limit was imposed stating that there was a 5.6% increase in debt service from 2005-2006 and said the overall increase from 2005-2006 was 2.7%. He said in the levy line for all other funds from '06-'07 went up 4.7% and in 2008 it was up 6.2%. The 2009 levy for debt service will increase about 9.4% including the 2008 bonding approved last evening at Council and the levy for all other funds is restricted to the levy limit of 2%. He stated that basically the pre-TIF levy will be up about 4.4%.

Ald. DeWane stated that we have an opportunity to hear from city residents and said for the last decade there has been a trend to not rehire retired employees. He said it's up to the citizens whether or not to go over the tax levy. Ald. Weber stated that people speak through their aldermen and said it's their responsibility to do this for their constituents. He stated we do have a choice to spend more or

start tightening the belt in our homes and businesses. He said he will not pass his responsibility off to a referendum, stating that they are costly and are only effective to the number of people who go to the polls and third, said the language in the referendum is often confusing. He stated that we need to see a budget before going to a referendum and said the assessed valuation of the city will change in more ways than we know and said before we rely on the value of those real estates as being what they were on last years tax role, they're not going to be. He said we haven't seen the flood of people coming to appeal their tax bill nor have we felt the financial impact of the drop in assessed valuation yet. He said we need to be fiscally responsible and frugal during these hard times and said he is against a referendum.

Ald. Jeffreys asked for clarification if Ald. DeWane was talking about cutting people or services, to which he stated services. She reviewed the statute for wording of a referendum, and said we cannot get to the taxpayers for every cut in employees and said if we're talking about the money, that's different. Ald. DeWane responded again that he's concerned with cutting services without constituents' approval or giving them the choice to raising taxes. Ald. Zima questioned Ald. Weber if he stated that lowering of property values through desperation sales, etc. will come back and lower our assessment rate which is going to inversely increase our tax rate? Ald. Weber said that is correct. Ald. Zima said would have to correct him based on a conversation with the city assessor who explained that because we are at a percentage of fair market value the assessments won't be changing at all and it's that the relationship with fair market value might get tighter and it would have to be very drastic before that would be overcome. He said our tax base this year would not be affected, adding that we are at about 93% of fair market value. He said for the short term it will have to continue for quite a while before the scenario that Ald. Weber mentioned would take place. Ald. Zima said there is a fall election and reviewed the specific referendum language with Mr. Daul and recommended asking the Mayor and staff to get the budget done a month early this year and said we should have two budgets, one within the levy limits and one that's what we want above the levy limits and to put that on a referendum for the November election, and ask the public. If they say no, he stated that everything should be cut across the board equally. Mr. Daul said the cutoff for placing a referendum on the November 4<sup>th</sup> election is September 23<sup>rd</sup>. He estimated the cost of a referendum as approximately \$10,000 or less.

Motion made by Ald. Weber, second by Ald. VanderLeest to receive and place on file.

Ald. DeWane stated that he wants a decision to be made tonight and does not want to put this away. Further discussion and suggestions were to bring this up again in a month when budgets are closer to being completed. Ald. VanderLeest and Wiezbiskie again stated that they do not support a referendum. Ald. Jeffreys said she does not support the referendum, stating that a referendum has to be very well conceived. She would prefer to see this idea come from the populous rather than from the Council. He added that it's the peoples' right to appeal their taxes, adding that the assessment isn't necessarily going to change. Ald. Zima

responded that the appeals are not going to change the assessment value for tax purposes and said the ratio will get tighter. He stated that this is a very trying circumstance where we're faced with cutting services rather drastically and said people expressed concern about the next cuts being in the Police Dept. and feel they should have a say so.

Ald. Wery said the state mandates caps and he doesn't agree with this. He said that he personally doesn't mind referendums. He said the state has taken power away from us that we cannot go over the cap and said our power is still there in having a referendum that would allow us to decide what we will spend and what we're going to spend it on. He expressed appreciation to the Fire Dept. Union for seeing what's ahead and stepping up. He stated that he likes Ald. Zima's suggestion of having two options and said he is not in favor of receiving and placing this on file. Ald. Weber stated that there is always room for looking at changes in organizational staffing and looking at ways to improve.

A vote was taken on the motion to receive and place on file. The motion failed with a 3-3 vote. Ald. VanderLeest, Weber and Wiezbiskie voted in favor and Ald. Wery, DeWane And Jeffreys voted no. This will be forwarded to Council with no action.

**8. Request by Ald. DeWane to keep our Fire Department intact and, under no circumstance, privatize, jeopardizing our citizens.**

Ald. DeWane motioned to receive and place on file, as this item was already discussed. Second by Ald. VanderLeest. Ald. Jeffreys stated that in terms of privatization, small parts of our city could possibly use private entities but said large parts of our city should not be using privatization because it does not encourage openness and accountability. A vote was taken on the motion. Motion carried

**9. Request by Ald. Kocha to consider requiring that future Council discussions related to major litigation, including the current Younkers matter, be done in special session.**

Ald. Kocha stated that it is often late in the evening when Council is dealing with decisions dealing with millions of dollars and she doesn't feel that's the best course of action for the city. She is suggesting meeting at 5:00 on Tuesday for the closed session, before the regular meeting at 7:00. Ald. VanderLeest agrees with starting the meeting early or placing closed session items first on the agenda, especially when outside Counsel is present and charging the city for their time. He feels we should make this a policy.

Motion made by Ald. VanderLeest to suggest to the Mayor's Office to have special sessions or have as a first agenda item where closed session is necessary, especially when a contracted attorney is present. Second by Ald. Weber.

Ald. Weber said he is not in favor of an additional meeting but suggested rearranging the agenda to allow closed session items to be closer to the top of the agenda. He suggested broadening the motion to issues that are going to be

time consuming. Ald. DeWane believed it would be difficult to start the meetings earlier for members who have jobs but agrees with instructing the Mayor to place closed session items at the start of the agenda. Ald. Kocha disagrees and said committee meetings start at 5:00 or 5:30. She feels we may be putting an inconvenience on the public if closed session, lengthy sessions are placed first on the agenda. She stated that maybe a policy isn't necessary but rather create an awareness and advise ahead of time that maybe closed session could begin earlier. Ald. Jeffreys said most of the members could make a 6:00 Council meeting to take care of some of these issues, lengthy issues that even do not include litigation. Ald. Piton agrees with starting the Council meeting at 6:00 if necessary and stated that they approve the agenda at the start of each meeting and could ask for agenda items to be adjusted if necessary. Atty. Swanson stated that ordinance states the order of the agenda and closed session items either come out of a report or is requested at certain times for that to be forwarded. She said often times they are trying to address shorter items first so people can leave. Ald. Zima said administration should call a special session prior to the Council meeting for closed session items, adding that it's not fair to the public to sit and wait through these sessions.

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

**10. Report from City Atty. on request of Ald. VanderLeest that all future contracts for redevelopment be subject to final approval by the Common Council prior to final contract approval.**

Atty. Swanson said she sent out a request to other municipalities and received 12 responses which varied with a fair number doing term sheets like we do and others that negotiate the full agreement and draft it and bring it at that time rather than bringing it twice. Another municipality brings it five times, and other variations. She said some do a work session with Council or RDA ahead of time and said that they have been trying to work toward getting quicker on smaller contracts and said sometimes it's a timing issue in terms of deadlines. Regarding term sheets, Atty. Swanson stated that we go through those and send those back and forth between attorneys and do agree on a lot of that language. She said that the agreement that was signed regarding Younkers she would treat as a term sheet. She said the separate term sheet did not go back and forth between the parties as we do now. At Ald. Weber's request she said they are looking at placing a footer on the bottom of documents to better track where things are and where they're going.

Ald. VanderLeest said the goal is to not repeat what happened in the Younkers matter and to have City Council approve what is being agreed on and asked for a recommendation from Atty. Swanson. She responded that said she will make a better effort of having the full agreement for Council and said sometimes it's a timing issue and said she has a checklist of things and at times it's a problem with easement or surveys. Discussion ensued regarding Council seeing the working documents on large projects and placing a dollar value of a project. Suggestion to not pay attention to what other cities do and having the documents themselves come before the Council as they are meant to be and explained paragraph by paragraph and have Council do their due diligence. Documents

that the city expects to be signed should be the documents that come before Council. Further discussion on what a threshold should be? In the past year 4 or 5 significant projects a year was estimated by Atty. Swanson. She believes Council may want to review anything with TIF assistance. Ald. Piton expressed concern that Council agendas may get very long. Atty. Swanson said basically every development would be approved by Council. Ald. Jeffreys likes the idea of a work session on a contract which she feels would allow them to learn about the details of the contract. She indicated that she spoke with members of EDA and RDA and was told that term sheets are concise and obvious and contract language is a nettled form that they wouldn't want to get into. She thinks it's important to look at what other municipalities do and said what dollar amount is involved needs to be worked out. Ald. Weber said RDA members want more information quicker up front and asked that Council be provided with information and details of contracts and they can choose to review it or not.

After further brief discussion, the motion was amended to state that all future contracts for development be subject to final approval by the Common Council prior to final contract approval if financial assistance is required by the city.

Atty. Swanson explained that the Law Department drafts a term sheet and the last provision of the term sheet provides that it should be drafted by the City Attorneys Office into a full contract and should be executed by the Mayor and the Clerk and the RDA. Ald. VanderLeest said in light of what happened with the Younkers deal, he would like to see the full contract to protect the taxpayer.

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

**11. Request by Ald. VanderLeest that all documents requested by Mr. Langan for his investigation of the Younkers issue be provided to the City Council and the public.**

Ald. VanderLeest stated that he's not sure where this stands at this point as we received the opinion from the U.S. Attorneys Office, which was the first step. He said the second step is asking if we can recover any cost to the city. Atty. Swanson cautioned that this was not the agenda item. She stated that six bankers boxes of documents were provided to Mr. Langan and he reviewed them. She said that any alderman is welcome to stop in the office and review the boxes of documents and any member of the public can put in an open records request which would be handled appropriately. Ald. VanderLeest asked if there were specific documents that Mr. Langan requested, with Atty. Swanson again stating that she provided him with six boxes of documents.

Motion was made by Ald. DeWane, second by Ald. Wiezbiskie to receive and place on file.

Ald. VanderLeest asked if Mr. Langan had a list of documents that he used in preparing his report? Atty. Swanson stated that he is welcome to review all of the documents.

A vote was taken on the motion. Motion carried.

Ald. Zima said he was not recognized to speak before the vote was taken. Motion made by Ald. DeWane second by Ald. VanderLeest to reconsider. Motion carried.

Ald. Zima's comment was not pertaining to the agenda item. He stated that it needs another communication and said it strikes him as the work was not completed.

A vote was again taken on the original motion to receive and place on file. Motion carried.

Ald. Wiezbiskie stated that he doesn't care to be plagued by this item anymore and said it's beyond time to move on.

**12. Request for a resolution in support of the families of Wisconsin, in support of strong trade policy curbing industry subsidization and currency manipulation by foreign governments and to take swift and responsive actions to halt other unlawful barriers to fair and free trade.**

No one was present to speak to this item. Motion made by Ald. Weber, second by Ald. Wiezbiskie to receive and place on file. Motion carried.

Motion made by Ald. VanderLeest, second by Ald. Jeffreys to adjourn. Motion carried.

Respectfully submitted,  
Mary Haupt, recording secretary