

**MINUTES
ADVISORY COMMITTEE
Thursday, June 17, 2010
City Hall, Room 604
6:00 p.m.**

Members Present: Council President Tom DeWane, Council Vice-President Amy Kocha, Ald. Chris Wery, Ald. Steve Deneys, Ald. Jerry Wiezbiskie, Ald. Tony Theisen

Others Present: Mayor Jim Schmitt, City Clerk Chad Weininger, Public Works Director Ed Weisner

1. Call to order.

The meeting was called to order at 6:00 pm by Chairman, Ald. Tom DeWane. Attendance was taken as noted above.

2. Approval of the agenda.

Motion made by Ald. Theisen, second by Ald. Deneys to approve the agenda. Motion carried.

3. Approval of the minutes of the February 24, 2010 Advisory Committee meeting.

Motion made by Ald. Wery, second by Ald. Weizbiskie to approve the minutes of the February 24, 2010 meeting of the Advisory Committee, as submitted. Motion carried.

4. Request by Ald. Kocha to address the appropriateness of questioning constituents' attorneys at meetings, regarding advice given to their clients.

Motion was made by Ald. Deneys to discuss item after Ald. Kocha had arrived. Second by Ald. Wiezbiskie.

A vote was taken on the motion. Motion carried.

5. Request by former Ald. Vander Leest to review the creation of a Budget Task Force Advisory Committee (BTFAC).

Alderman DeWane explained that as former Alderman Vander Leest is not present for the meeting we do not know his intentions with this item.

Ald. Wiezbiskie motioned to receive and place on file. Seconded by Ald. Kocha

A vote was taken on the motion. Motion carried.

6. Request by Ald. Kocha to address the appropriateness of questioning constituents' attorneys at meetings, regarding advice given to their clients.

Aldersperson Amy Kocha stated that earlier this spring she overheard a Council Member asking an attorney about information the attorney had provided his

client. Ald. Kocha was concerned the council member was really asking for information that was protected under the attorney client privilege. Ald. Kocha wanted to bring this item forward to clarify that talking to a constituent is different than talking to their attorneys. Ald. Kocha continued to say council members need to be careful in their wording when asking for information from an attorney or ask if the attorney feels they can tell the Council something other than demanding the information.

Ald. DeWane suggested this item be received and placed on file. Ald. DeWane also suggested Ald. Kocha pull this item at the next Council meeting so this advice can be given to the full Council.

Motion by Ald. Kocha to receive and place on file. Seconded by Ald. Wiezbiskie.

A vote was taken on the motion. Motion carried.

7. Request by Ald. Kocha to discuss and take action on the City's near and long term plans for Renard Island, active or passive use included, and at what cost to the City.

Ald. Kocha explained at Council there was a lengthy discussion regarding Renard Island and it was recommended this item come to Advisory. She also said the City has never really taken a position on what they wanted to see happen on Renard Island. She continued saying she was aware Brown County owns the island and that money is a big issue. Ald. Kocha stated she was concerned when the law changed to require the clay cap for maximum protection to keep the pollution from our river, this island was grandfathered in and decisions were made not to spend the money on the clay cap. She continued by saying the City and the County should join forces in figuring out a long term financial plan to make the clay cap feasible.

Ald. DeWane said he was pleased it was pointed out the County owns the island. He continued by saying this issue has gone back years and years and Ald. Theisen can account to that. Ald. DeWane explained the only thing they can do is to try and set up a committee or a conference with Brown County to try and discuss the island because regardless of what Advisory and City Council come up with they will need Brown County approval.

Ald. Theisen suggested unless someone would make a motion to purchase the island, they would need to work through the County. He continued by saying because all the City Alderman are citizens of Brown County they can contact their County Supervisors and request an item receive further consideration. He stated as a City Council member he does not want the City to purchase the island. He said as a member of the County Board he is interested in making sure the island is not developed in a way that precludes future use.

Ald. Kocha agreed the island should not be closed in a manner that precludes future use. She continued by saying she was concerned if there was no clay cap who would want to go out to the island that was closed below the current standard for closing the island, which is a clay cap. She also said it is hard to determine if there will be an active or passive use of the island until it is determined if there will be a clay cap or not. She stated she does not believe the

City should have to offer to purchase the property to have a say in whether or not a clay cap is implemented and there must be some way for the City and County to work together.

Ald. Wiezbiskie said when they set the meeting they were hoping they could come back with some ideas for use. He continued by saying no matter what are done with the figures they can all be adjusted. He pointed out a couple of estimates of \$3.340 million and \$2.105 million and also said he meet with Dean Haen from the Port Authority and got the projection down to a bit more than \$1 million. He said the main goal is proper closure. He stated the main problem right now is no one wants to spend any money on the island. He suggested the City and County join together similar to what is done at Triangle Hill.

Ald. Theisen explained Triangle Hill is owned by the County and years ago an agreement was reached that the City would run a sledding and skiing hill and also staff it and then the County would put forward some money. In regards to a new committee, Ald. Theisen said the system is already there; you call your County Supervisor and say you would like an agenda item on Planning, Development and Transportation. Ald. Theisen stated the County has not been convinced by the County experts that a clay cap is necessary for future use and suggested if the County hears from its experts a clay cap is necessary, that would be a good starting point.

Ald. Wiezbiskie asked Ald. Theisen how they would go about getting funding for a cap. Ald. Theisen responded it would be up to the County Committee to come up with financial solutions such as a possible bond. Ald. DeWane said a bond would not pass the County.

Ald. Kocha said the bay is a living organism not a concrete street so a person should fight this as far as it can be taken.

A motion was made to open the floor for discussion by Ald. Deneys. Seconded by Ald. Wiezbiskie.

A vote was taken on the motion. Motion carried.

Bill Acker, 3217 Nicolet Dr.

Mr. Acker said he has put together a number of cost estimates. He said he does not feel a clay cap is needed, however the public will not feel safe on the island without a cap and there is a benefit to a clay cap. Mr. Acker gave a handout on the City of Green Bay's estimate. *See attached document #1.* Mr. Acker said it is questionable to the amount of clay used in the City's estimate. Mr. Acker also handed out a document on data given to City Council from Ed Wiesner at the last Council meeting. *See attached document #2.* Mr. Acker said his only concern with the number was the different calculations for cubic yards of 145,200 versus 178,000. He said he believes it should be 145,200 cubic yards and it was probably a County mistake when they put the first estimate together of 178,000 cubic yards. Mr. Acker continued by saying his other concern was the amount of top soil and 1/2 foot would not be sufficient and thus raise the estimate. Mr. Acker handed out another design for the cap. *See attached document #3.* He

pointed out the difference with his design is that the top soil would be from harbor dredging. He said this design minus the clay cap is what the County is currently proposing. What makes this design attractive to the City is the City only purchasing the clay cap.

Mr. Acker handed out another document showing his calculations for his estimate. See *attached document #4*. He also handed out a document showing how he came to his calculation of 45 acres being covered with clay. See *attached document #5*. Mr. Acker clarified the number he received from Public Works Director Ed Wiesner were not Ed's numbers but numbers Ed had received from a contractor. According to Mr. Acker's numbers the cost for the project could be \$951,125 or less if the cubic yards covered decreases. Mr. Acker said through his discussion with the Army Corps of Engineers in Detroit he was told the Army Corps does not believe a clay cap is necessary. Ald. Theisen asked Mr. Acker how much the County would be liable for on Mr. Acker's proposal. Mr. Acker responded nothing, unless the costs were shared with the City. Ald. Theisen responded he does not see the City putting forward a substantial amount of money on this project. Mr. Acker said there might be opportunities for grants and that Congressman Kagen's office has offered to help locate funds. Mr. Acker said it was to his understanding this project was going to be a co-ownership between the City and County.

Jim Zellmer

Professional Engineer with the Wisconsin Department of Natural Resources

Ald. Wiezbiskie asked Mr. Zellmer if he believed if we build the island with a clay cap this would assure better safety to the general public. Mr. Zellmer responded he did not. He said part of the reason they changed the administrative code was because they found clay caps does not work and really do not perform any better than compacted or fine grain soil. He indicated if the City was interested in a clay cap, it should be placed below the frost layer. Ald. Wiezbiskie asked again other than a feel good reason if there was any other reason a clay cap would prevent more seepage in to the bay. Mr. Zellmer said the old design the County had considered of 2 feet of clay and 1/2 feet of top soil would not be a barrier. Mr. Zellmer said while he agreed a clay cap may be beneficial the wave action on Renard Island actually carries more PCBs out of the island than water flowing through the island, so by placing a cap the main factor is PCBs leaving the island is not addressed.

Ald. Theisen asked Mr. Zellmer if the County went through with the current closure plan and if in 20 years decided they wanted a campground on the island would there be any issues. Mr. Zellmer said he did not believe there would be any issues although he stressed there is a difference between a use where individuals or children may be digging in the dirt versus a use similar to Bay Beach where you are just standing on top of the island. Ald. Theisen commented he would like to see a time when swimming at Bay Beach and asked if the waves on Renard Island would be bringing out PCBs forever. Mr. Zellmer confirmed PCBs would be leaving the island forever. Ald. Theisen asked if the PCBs that drained out of the island would preclude swimming in the future. Mr. Zellmer said the toxicologists biggest concern is with people eating bottom feeding fish that would be both in the river and the bay and that the sediment all around the island

are already contaminated with PCBs. Mr. Zellmer stated even if the island was not present there would still be concern about swimming due to the PCBs already in the bay sediment. He continued that even with the river cleanup PCBs will continue to flow into the bay and contaminate the sediment.

Ald. Kocha asked for clarification from Mr. Acker on the clay cap. Mr. Acker explained the law does not require a cap, but it could be beneficial and add to public acceptance of the island. Mr. Zellmer also commented if the DNR had felt a clay cap or membrane had been required to protect the public they would have required the closure plan to have one and it has nothing to do with the island being grandfathered. Ald. Kocha asked Mr. Zellmer to clarify his statement on why the administrative code was changed regarding clay caps. Mr. Zellmer responded by saying the new code requires 2 feet of clay, 40 mil of very heavy plastic, a drainage layer, rooting zone soils, and top zone soils. He continued by saying a clay cap itself is not going to provide additional protection. Ald. Kocha asked if money was not an issue what would Mr. Zellmer suggest. Mr. Zellmer suggested a plastic membrane would be placed on the island essentially eliminating any filtration of water into the island.

Ald. Wery asked how much it might cost for a membrane. Mr. Zellmer said it might be a little over \$8 million. Ald. Wery followed up by asking if the DNR regularly tests around Renard Island. Mr. Zellmer said it currently is monitored and monitoring is part of the closure plan. Ald. Wery asked if there was any potential danger with the lower bay levels. Mr. Zellmer responded by saying while he previously said he would not be concerned with his children on Renard Island but would be concerned with the exposed lake bed.

Public Works Director Ed Weisner said the quantities that were used in the estimate he provided were not his quantities and were provided to him from the County and these quantities are in their closure plan. He wanted to clarify there is a difference between a truckload measure and an in place measure. He also stated at this level of cost estimation there are not contingencies. He continued by saying until you do the engineering and get the facts only then can you start to put together a more complete and precise cost estimation and advised caution on any of the numbers. He also said the engineering costs are not uncommon when you consider the installation and monitoring of the clay cap. Public Works Director Weisner said the County is looking to place their material during the winter when the ground is frozen. He said material would be stockpiled around the island and then during the summer months you can get wide-track dozers out to the island for final placement.

Tom Neuser
3341 Beach Lane

See attached document #6 for submitted remarks.

Jim Schmitt
Mayor of Green Bay

Mayor Jim Schmitt stated he had talked to County Executive Tom Hinz at the request of Ald. Wiezbiskie. Mayor Schmitt said someday the island is going to be

a real opportunity for the City. He continued by saying he was not a Mayor to close doors and if we had allowed the County to do what it wanted to do 3 years ago would have closed the door for future use. Mayor Schmitt said the County Executive said it would cost roughly \$1 million to cap. Mayor Schmitt suggested if the door is left open for use of the island you have to leave it open so people are comfortable on the island. Ald. Theisen commented the County heard a few years ago from their engineers a clay cap was not required. Ald. Theisen continued to say Longtail Island is potentially more hazardous than Renard Island, but if you go to Longtail Island on a nice sunny day you will find people are not concerned. Ald. Theisen said while there are those who may be concerned, the County has its experts and they are saying to go ahead with the project the way it is and there is no issue. Mayor Schmitt asked if in 5 or 10 years someone had the money for a clay cap could it be done or is that door closed. Ald. Theisen said the waves that travel through the island carry out more PCBs than would ever come through the top. Ald. Theisen continued by saying there is no way to prevent PCBs from coming out of the island. Bill Acher answered Ald. Theisen by saying a clay cap could reduce the amount of PCBs coming from the island by 50% and the wave effect on the island was relatively small. Ald. Theisen said he wants to keep the door open so if someone 20 years from now has a great idea the door is not closed and he believes that can be accomplished with the current closure plan.

Ald. Wiezbiskie stated even though the engineers said the clay cap was not required there will not be public acceptance of the island without the cap. Mayor Schmitt asked Ald. Wiezbiskie what would happen if in 10 years funding or public acceptance changed and would both those options be available with what is currently being discussed for closure. Ald. Wiezbiskie responded he thought it could be closed without the clay and in the future the clay could be added. Mayor Schmitt asked if the island was capped with the current plan would it preclude the future installment of a clay cap. Mr. Zellmer answered it would not interfere and if in the future a clay cap was to be added, they would re-evaluate the island. Ald. Theisen stated what the County does will not close the door to future ideas and the City Council is not the place to continue looking at this issue.

A motion was made by Ald. Theisen to receive and place on file.

Mayor Schmitt said if money was no object everyone would be in favor of the clay cap. Ald. Theisen disagreed and stated he is not convinced a clay cap would work and there are detriments to a clay cap. Ald. Wiezbiskie said if money was no object the ultimate goal would be a plastic membrane.

Kathy LeFebvre
1731 East Shore Circle

Ms. LeFebvre said the County and City dropped the ball and no one realized what they were putting out in the bay. Ms. LeFebvre said the channel between the island the shore is silting up so bad that pretty soon the island will be attached to the City. She said the only good thing about the island since they built it is that it has stopped the rest of the PCBs from coming in front of the residents, but they are not under the impression the area is clean. She said the perception of the island is true and when she went to collect signatures she said

the majority of the people called it “toxic island”. She said her main concern was the PCBs.

Sheila Cradler
3481 Nicolet Dr

Ms. Cradler is President of the Nicolet Drive Neighborhood Association and has been in this position for 2 years and a common concern of her area has been the responsible closure of Renard Island. She said many of the people in her neighborhood signed the petition and that it was not coerced. She said she was looking for the reasonable and safe closure of Renard Island.

A motion was made by Ald. Deneys to return to close the floor for discussion. Seconded by Ald. Wiezbiskie.

A vote was taken on the motion. Motion carried.

Ald. Theisen’s previous motion to receive and place on file was brought forward.

Motioned failed for lack of a second.

Ald. Kocha asked if there was the availability of a grant would there be the possibility of coming to some agreement with the County. Ald. Kocha asked why the City cannot ask the County to look into the possibility of grant funds and why would this have to come from some unknown constituent of the County to their supervisor. Ald. DeWane said they can direct staff to take action.

A motion was made by Ald. Kocha that the City and County work together to explore grant money that might be available to improve the current closure plan to maximize the safety of the closure of the island.

Ald. DeWane said the motion would have to be directed to instruct City Staff to initiate contact with the County to start exploring possible grant funding. Ald. Wery asked if the motion could be directed to a County Committee instead of through staff.

The motion was revised to request the Brown County Planning, Development and Transportation Committee consider safe closure options for Renard Isle and to pursue grant options for that purpose. Seconded by Ald. Wery.

Ald. Theisen reiterated his point he was not convinced a clay cap was required for the closing of the island and that he does not want to see the County apply for a grant that would really do something for another community while we may think we are doing something but are not.

A vote was taken on the motion. Motion carried.

8. Request by Ald. Dorff to explore a policy for allowing or disallowing active duty Council members to serve at Council or committee Meetings via phone or internet.

Ald. DeWane said they were going to attempt to put Ald. Danzinger on the phone for this item.

A motion was made by Ald. Theisen that City Council adopt a policy to allow active military duty Council Members to serve at Council or Committee meeting via phone or internet. Seconded by Ald. Weizbiskie.

A vote was taken on the motion. Motion carried.

Ald. Deneys was curious if there even had to be discussion on this item, seeing as what was handed to them from the City Attorney's office. City Clerk Chad Weininger said he talked to Ald. Danzinger and Ald. Danzinger was standing by if needed for a phone call.

Ald. Theisen said he wanted to address the concerns that were raised at the Council meeting. He as an answer to the first item on the email that yes it can be done the Alderman would be "present". The second item which stated if it would be a problem with open meetings laws was answered no. The third item relating to the effect an appearance by phone has on the legal force behind the absent alderman's vote was no effect. The last item on whether the Council must accommodate an Alderman's request to appear by phone was no accommodation was required; it was an option of the Council. Ald. Theisen said the Council would not get in trouble for letting an Alderman participate by phone because it is legal and a choice of the Council. The Council can either approve or disapprove of the request.

Ald. DeWane said he contacted Melissa Schmidt who deals with municipal councils and was told this is gray area and every community is different and Green Bay did not have an ordinance on this item. Ms. Schmidt did say it could be a Council vote to allow participation but as it stood now it would not be improper to allow. Ald. DeWane said he contacted Ald. Danzinger and let him know this item would be on the next Council agenda and the would be able to join all the future City Council meetings. Ald. DeWane he explained there were still some question as to whether participation via phone or internet should be allowed and there may be a couple of no votes. Ald. DeWane told Ald. Danzinger if that is the case he would like him to accept the fact we want him to join the Council meetings and not sway away from it and Ald. Danzinger agreed. Ald. DeWane stated after reading Attorney Decker's answers he believed the Council was allowed to let Ald. Danzinger participate. Ald. DeWane continued to say he had a problem with this item on the Council floor because 1) it was not on the agenda and 2) nobody really knew if it was legal or not and even the City Attorney had questions at the time. Ald. Deneys asked Ald. DeWane if Ms. Schmidt was going to get back to him with more information and she said the attorneys were not in for the rest of the week and would get back to him and at this point if there was an ordinance in Green Bay the City Council could just change it. Ms. Schmidt also said she has never heard of this. Ald. DeWane credited Rep. Soletski's office with helping to get him in contact with the right individuals. Ald. DeWane was also told there currently are three individuals in Madison who are overseas and Madison does not allow this, but that does not mean the City cannot. Ald. DeWane said this would be something new for Green Bay and would continue the tradition of the City being a leader. Ald. DeWane

said Ms. Schmidt was going to get answers for him about roll call votes and closed session.

The motion was read one more time.

A vote was taken on the motion. Motion carried.

Ald. DeWane stated even though they just voted, Ald. Danzinger was prohibited from texting a vote ahead of time.

9. Referral from Council to discuss voter fraud in Green Bay.

City Clerk Chad Weininger said there was talk about doing a postcard and talk about doing a resolution. He also said the State of Wisconsin is looking into a couple of cases of voter fraud where someone from another state voted in that state and also in Wisconsin and Green Bay. He also stated he has been in contact with the Milwaukee Election office to try and find different options available to catch voter fraud. City Clerk Weininger said he needs to do some more research before he can give a full report.

Ald. Deneys said one of the reasons this item came to the Committee was to try and get a resolution down to the State regarding voter identification cards. City Clerk Weininger said there were two parts to the item that was sent from Council. The first was a post card and the second was a resolution and what City Clerk Weininger is doing is combining both parts and looking at what some of the other states have done and what some of the biggest problems in Wisconsin have been. He also said the Wisconsin Assembly did not bring up this issue so there is no rush as he does not expect the Assembly to address this issue until the new Assembly is sworn in to office.

A motion was made by Ald. Wiezbiskie to refer the item back to staff. Seconded by Ald. Theisen.

A vote was taken on the motion. Motion carried.

10. Report by Ald. Wiezbiskie on working with staff to bring guidelines to improve respectfulness and orderliness at meetings.

A motion was made by Ald. Wiezbiskie to receive and place on file. Seconded by Ald. Deneys.

A vote was taken on the motion. Motion carried.

11. Report by Ald. Nicholson on working with staff to write guidelines for Council meeting presentations

City Clerk Chad Weininger stated the guideline for actual Council presentations is the Mayor prerogative to allow a presentation to go on and he basically controls the agenda. Typically a presentation gets sent to a committee first unless it would be a larger presentation like an LZ Lambeau or such.

Ald. Theisen stated the ones that come to committee first it is up to the Chair to recognize the speaker and let them know how long they get to speak and if the

committee wants them to speak longer the committee can make a motion to do so. He continued the same thing would apply to the Mayor as he is the Chair of City Council. Ald. Theisen asked City Clerk Weininger is there were time limits for public at the podium. City Clerk Weininger responded that the practice has been to allow 3-5 minutes. He continued on that the Mayor knows how long a larger presentation such as LZ Lambeau is going to take before he agrees to have the presentation at the Council meeting.

Ald. Theisen said it seems we have the procedures in place already to handle presentations.

A motion was made by Ald. Deneys to receive and place on file. Seconded by Ald. Kocha.

A vote was taken on the motion. Motion carried.

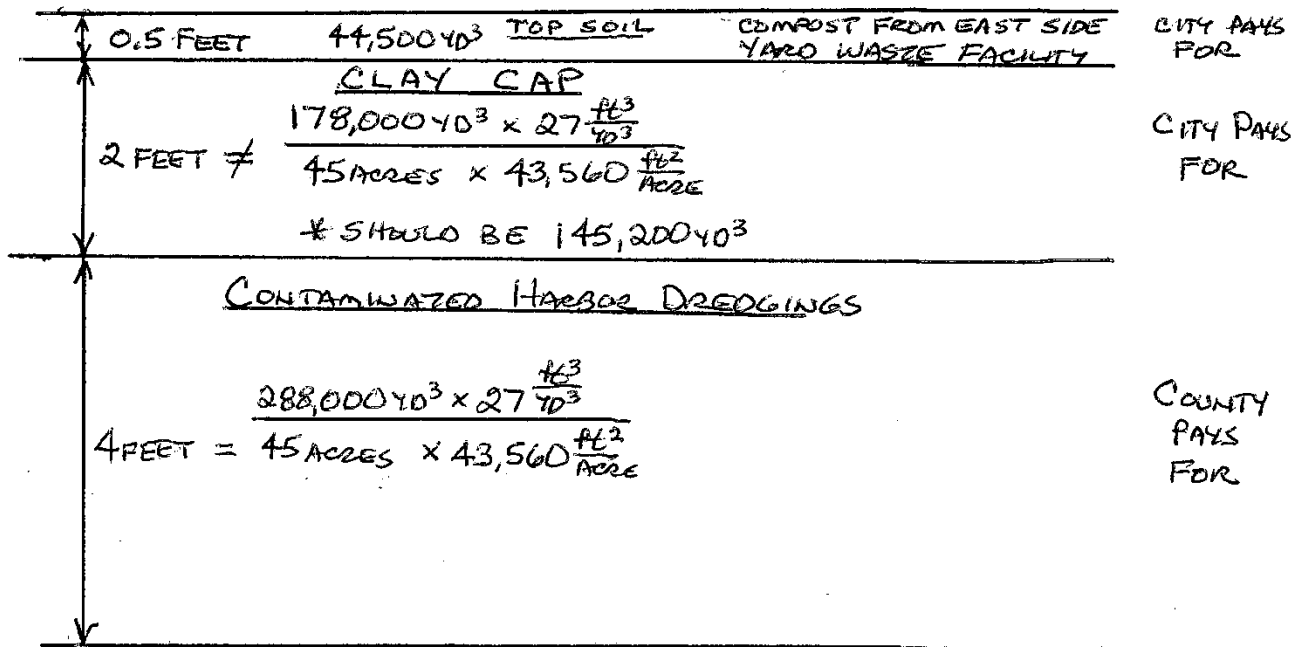
There being no further business, a motion was made by Ald. Deneys, second by Ald. Theisen to adjourn. Motion carried.

Budget Task Force Advisory Committee (BTFAC)

- Appointed by the Mayor, confirmed by the Green Bay City Council
- 7 Members, terms would be staggered at 2 and 3 years to begin
- Composition would be made up of the following individuals
 - 1 City Council Member-
 - 1 Labor leader-
 - 1 Small business owner-
 - 1 Business leader on Health Care--
 - 1 Business leader on Energy--
 - 2 City Taxpayers-
 - Nonvoting member -- City Finance Liaison-
- Goals, Mission and Focus to be adopted by Committee, City Finance Staff Liaison would be the resource for the BTFAC and facilitate information and research materials to the Committee. Meeting minutes and public notice would be provided on all meetings. Public input would be encouraged at all meetings.
- Chair and Vice Chair would be voted on for 1 year terms beginning in April 2010.
- Meetings would be held monthly, the date and time to be determined by the Committee. Topics of discussion would be set for each meeting, with speakers invited with particular knowledge on that subject.
- Each year in September, the BTFAC would give a written report on recommendations for the upcoming budget to the Finance Committee and full City Council. Since budget deliberations start in October, the written report would have to be received by the full City Council by September 30 of each year.
- The Committee is no way taking on any role of the Finance Committee, but would serve as a research tool for the City of Green Bay.
- The BTFAC is an advisory, research committee to study how other communities are delivering services, how government entities can be more efficient and productive. If ideas are garnered during the year that can produce real savings to the City taxpayer, the idea would be forwarded to the Finance Committee for implementation so the Finance Committee and full City Council are aware of the opportunity.
- Each year as an appreciation for the committee's time and work on behalf of the City taxpayer, the City would recognize each member with a Green Bay Taxpayer Award.

10/11/10 → [unclear]
[unclear]
[unclear]

"DESIGN PER CITY OF GREEN BAY ESTIMATE"



CITY OF GREEN BAY - COST FOR A CLAY CAP - DATA PER ED WISNAR

A. 2-FOOT THICK CLAY COVER (55 ACRES)

1. CLAY MATERIAL PURCHASE	$178,000 \text{ yd}^3 \times 4.00$	=	711,200
2. LOAD CLAY FROM CITY STOCKPILE @ BAY BEACH	$178,000 \text{ yd}^3 \times 1.85$	=	328,300
3. HAULING FROM BEACH SITE (20 MILES ROUND TRIP)	$178,000 \text{ yd}^3 \times 1.85$	=	328,300
4. HAUL FROM STOCKPILE (0.5 MILE ROUND TRIP)	$178,000 \text{ yd}^3 \times 0.925$	=	164,650
5. UNLOAD AT RENEWAL	$178,000 \text{ yd}^3 \times 0.925$	=	164,650
6. CLAY PLACEMENT & COMPACTION	$178,000 \text{ yd}^3 \times 4.30$	=	764,600
7. SECTION A SUBTOTAL			1,359,920

B. 1-FOOT THICK DRAINAGE LAYER

1. SAND DRAINAGE LAYER MATERIAL - (DELIVERED TO ISLAND)	$89,500 \text{ yd}^3 \times 0.00$	=	0.00
2. PLACEMENT	$89,500 \text{ yd}^3 \times 0.00$	=	0.00
3. SECTION B SUBTOTAL			0.00

C. 0.5 FOOT THICK TOPSOIL LAYER (COMPOST FROM EAST SIDE YARD WASTE FACILITY)

1. TOPSOIL MATERIAL COST	$44,500 \text{ yd}^3 \times 0.00$	=	0.00
2. LOAD COMPOST (CONTRACTOR HIRED BY THE COUNTY)	$44,500 \text{ yd}^3 \times 1.85$	=	82,325
3. HAUL COMPOST (PAID FOR BY THE CITY)	$44,500 \text{ yd}^3 \times 2.76$	=	122,820
4. DUMP COMPOST	$44,500 \text{ yd}^3 \times 0.25$	=	11,125
5. PLACEMENT & ROLLA GRADING	$44,500 \text{ yd}^3 \times 1.87$	=	83,215
6. SECTION C SUBTOTAL			272,785

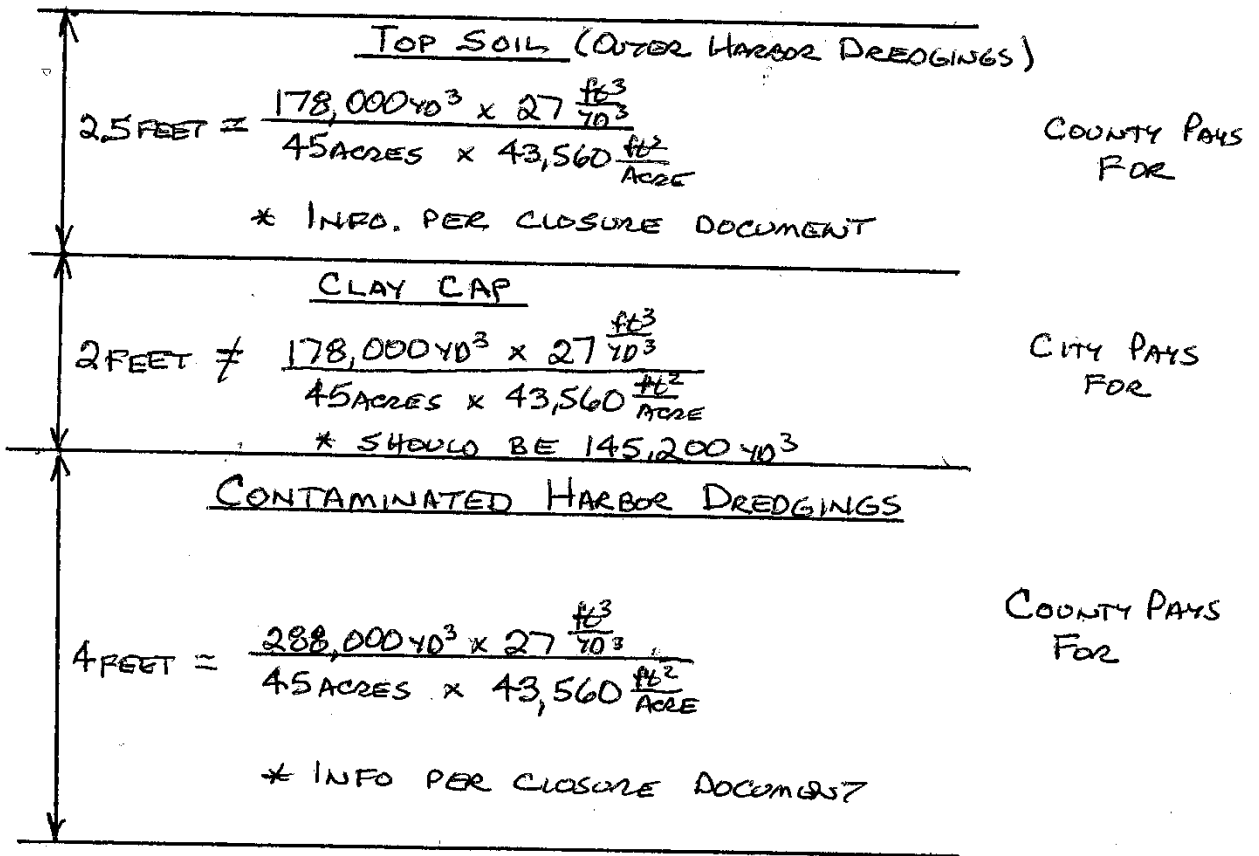
G. ENGINEERING COSTS

1. CONTRACT / SPECIFICATION PREPARATION	100,000
2. CONTRACT ADMINISTRATION	120,000
3. CONSTRUCTION QA/QC AND REPORT PREPARATION	200,000
4. REVISE CLAUSE PLAN	50,000
5. SECTION G SUBTOTAL	1,470,000

H. SUMMARY OF PROJECT COST

1. PROJECT COST (ITEMS A + B + D)	1,632,705
2. ENGINEERING COST (28.7% OF PROJECT COST)	470,000
3. TOTAL COST	2,102,705

"DESIGN PER WILLIAM ACKER ESTIMATE"



CITY OF GREEN BAY - COST FOR A CLAY CAP - DATA PER WILLIAM AUSTIN

FOOT THICK CLAY COVER (55 ACRES)

CLAY MATERIAL PURCHASE	$178,000 \text{ yd}^3 \times \frac{0.100}{1.03}$	=	PAID BY CITY
LOAD CLAY FROM CITY STOCKPILE @ BAY BEACH	$178,000 \text{ yd}^3 \times \frac{0.085}{1.03}$	=	151,300
Hauling From Beach Site (20 miles round trip)	$178,000 \text{ yd}^3 \times \frac{0.050}{1.03}$	=	
Haul From Stockpile (0.50 mile round trip)	$178,000 \text{ yd}^3 \times \frac{0.020}{1.03}$	=	213,600
Unload At Reveal	$178,000 \text{ yd}^3 \times \frac{0.020}{1.03}$	=	
CLAY PLACEMENT & COMPACTORS	$178,000 \text{ yd}^3 \times \frac{0.050}{1.03}$	=	284,800
WATER CONDITIONS / Snow Removal	$178,000 \text{ yd}^3 \times \frac{0.085}{1.03}$	=	151,300
SECTION A SUBTOTAL			801,000

5 FOOT WATER HARBOR DREDGINGS - BROWN COUNTY

LOAD Outer Harbor Dredgings	$178,000 \text{ yd}^3 \times \frac{0.080}{1.03}$	=	PAID BY CITY
Haul Outer Harbor Dredgings From Bay Port (7.8 miles round trip)	$178,000 \text{ yd}^3 \times \frac{0.085}{1.03}$	=	
Dump & Maintain In-lake Ponds	$178,000 \text{ yd}^3 \times \frac{0.035}{1.03}$	=	
SECTION B SUBTOTAL			81,000

DEEPT CONSTRUCTION - Harbor Dredgings - BROWN COUNTY

LOAD Construction Harbor Dredgings	$288,000 \text{ yd}^3 \times \frac{0.080}{1.03}$	=	PAID BY CITY
Haul Construction Harbor Dredgings	$288,000 \text{ yd}^3 \times \frac{0.085}{1.03}$	=	
Dump & Maintain In-lake Ponds	$288,000 \text{ yd}^3 \times \frac{0.035}{1.03}$	=	
SECTION C SUBTOTAL			81,000

CONSTRUCTION COST

CONTRACT SPECIFICATION PREPARATION			PAID BY CITY
CONTRACT ADMINISTRATION / PROPERTY & REPORT PREPARATION	12.5% OF ESTIM	→	100,125
CONSTRUCTION SCHEDULE / CRITICAL & REPORT PREPARATION			50,000
SECTION D SUBTOTAL			150,125

AMOUNT OF PROJECT COST

1. PROJECT COST (ITEMS A + B + C)			901,000
2. ENGINEERING COST			150,125
3. TOTAL COST			1,051,125

PAID FOR BY BROWN COUNTY	$178,000 \text{ yd}^3 \times \frac{0.085}{1.03}$	=	151,300
PAID FOR BY BROWN COUNTY	$178,000 \text{ yd}^3 \times \frac{0.085}{1.03}$	=	151,300
PAID FOR BY BROWN COUNTY	$178,000 \text{ yd}^3 \times \frac{0.035}{1.03}$	=	71,200
			801,000

PAID FOR BY BROWN COUNTY	$288,000 \text{ yd}^3 \times \frac{0.085}{1.03}$	=	244,800
PAID FOR BY BROWN COUNTY	$288,000 \text{ yd}^3 \times \frac{0.085}{1.03}$	=	244,800
PAID FOR BY BROWN COUNTY	$288,000 \text{ yd}^3 \times \frac{0.035}{1.03}$	=	115,200
			1,294,000

Renard Island Cap

**2.5 Feet of Dredged Material From The Outer Harbor
178,000 Cubic Yards**

$$2.5 \text{ feet} = \frac{178,000 \text{ cubic yards} \times 27 \text{ cubic feet/cubic yard}}{45 \text{ acres} \times 43,560 \text{ square feet/acre}}$$

Hi! My name

I am a life time resident of this community, a property owner, a veteran, and a concerned citizen.

I have watched the destruction of our downtown. Growing up at 124 S Monroe Ave in the downtown area, I spent a lot of time walking the streets as a youngster.

The slow destruction of the area from Monroe to the Fox River & from Mason St. to the East river is still evident today.

The decisions of the past though well intended led to the irreversible destruction of our downtown

We know that priorities of use concerning the Fox River have constantly changes over the years.

Canoes and Sailing Ships once used the Fox.

We also know from our past History that the Fox and the lower end of the Bay of Green Bay are very important, business wise.

On this point: business wise!!!

The future business I am talking about is
Tourism and Recreation on the FOX and Lower
end of the Bay of Green Bay.

The Bay Beach Park and Wildlife Sanctuary are
great destinations for tens of thousands of
visitors every year. A revenue stream for the City
of Green Bay.

Renard Island has the potential to be a great
natural area for both plant and birds. To be
enjoyed by tourist.

I encourage this committee to recommend to the
City Council an impermeable clay cap that is
suitable for your grandchildren and their
grandchildren to play on.

Thomas P Neuser
3341 Beach Lane
Green Bay, WI 54311
920-468-4105

Allison Swanson

From: Kail Decker
Sent: Friday, June 11, 2010 1:31 PM
To: Allison Swanson
Subject: Actual research on Council Member Appearance by Phone

ISSUE: May a council member appear by phone and participate in debate and voting just as though he or she were physically present at the meeting?

CONCLUSION: Yes.

ANALYSIS: I identified four main questions which may arise if an alderman makes an appearance by phone: 1) whether the alderman is "present" at the meeting, 2) whether a phone appearance creates any issues with open meetings laws, 3) the effect an appearance by phone has on the legal force behind the absent alderman's vote, and 4) whether the council must accommodate an alderman's request to appear by phone.

- 1) Yes, the alderman is present for open meetings purposes. When members are "present," the meeting is rebuttably presumed. Wis. Stat. 19.82(2). The Wisconsin Attorney General opined that such a conference was a meeting because members would be "present" in the sense that their ideas and statements were simultaneously spoken and heard by all members and observers. I agree. Physical presence is just a means which allows simultaneous communication, but teleconferencing has the same effect through the use of technology. 69 WI Att'y Gen. 143 (1980). It follows that if an alderman wants to appear at a meeting via phone, he or she is present to the same degree as the other members of the council under circumstances that simply require the exchange of words. Exceptions would be where a certain process requires physical presence as a unique characteristic of that process. For example, the body language of a witness during a quasi-judicial hearing can communicate much more information than the words spoken. Such circumstances would likely play into whether the council would approve of an appearance by phone.
- 2) No, as long as proper notice is given and the person communicating by phone can be heard by any person wishing to hear him/her. Open meetings require proper notice and a place reasonably accessible to members of the public. Wis. Stat. 19.82(3). As long as people can access city hall to hear the content of the meeting, including the member appearing by phone, open records laws are satisfied.
- 3) None, as long as the absent alderman is able to fully participate in the voting process in real time. Voice votes will likely not be a problem, but the use of technology by the Green Bay Common Council may pose a problem is there is no way for the person appearing by phone to indicate his or her vote on the computer system. Similarly, that council member would be unable to provide any written motions or view any documents presented to the council. But those problems are technological and not legal; as long as the alderman can indicate his or her vote for subjects were each member's votes must be ascertained (e.g. motion to go into closed session, roll call votes, etc.), 19.88(2), I see no way that the result of a particular vote would come into question. It is also important to note that it is out of order for a member to "phone in" a vote prior to debate of a subject. RONR (10th Ed.), p. 469, l. 30-35. Ideally, teleconferencing rules would be established in the bylaws prior to using them, but standing rules can also be created as needed by the council to address the issue temporarily. *Id.* at 482-83.
- 4) No, there is no duty to accommodate. Denial of an alderman's request to appear by phone would not be considered "excluding" him or her in violation of Wis. Stat. 19.89 assuming the absence is not caused by the council. As the law requires reasonable accommodation for those with disabilities and those desiring to record the meeting, but is silent on the duty to accommodate an alderman's request to appear by phone, there would likely be no cause of action for an alderman who was not allowed to appear by phone. Therefore, the council is under no duty to take extra steps to ensure the absent alderman can attend by phone.

Kail Decker
Assistant City Attorney