



MINUTES OF THE COMMON COUNCIL

TUESDAY, JANUARY 19, 2021, 6:00 PM

Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains information and instructions on the Zoom virtual meeting.

B. ROLL CALL.

Present: Craig Stevens, Veronica Corpus-Dax, Barbara Dorff, Mark Steuer, Lynn Gerlach, Kathy Lefebvre, Randy Scannell, Brian Johnson, Bill Galvin, Jesse Brunette, Chris Wery, John Vanderleest

C. PLEDGE OF ALLEGIANCE.

D. INVOCATION.

E. APPROVAL OF MINUTES.

I. Approval of the minutes from the December 15, 2020 Common Council Meeting.

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

F. APPROVAL OF THE AGENDA.

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

G. REPORT BY THE MAYOR.

H. ANNOUNCEMENTS.

I. RECOGNITIONS AND AWARDS.

I. Presentation by Chief Andrew Smith, Green Bay Police Department, to recognize the persistent and courageous work of the Department's civilian employees, especially during the COVID-19 pandemic.

J. APPOINTMENTS.

I. New Appointments

Ethics Board

Said Hassan, 538 Clement St., Apt. 5, Green Bay, 54302

Term to expire: March 1, 2021

Board of Review

Ron Antonneau, 3589 Nicolet Dr., Green Bay, 54311

Term to expire: February 1, 2026

Equal Rights Commission

Cristina Ortiz, 1917 Lakeside Place, Green Bay, 54302

Term to expire: February 1, 2023

Isaac Kabacinski, 1537 9th St., Green Bay, 54304

Term to expire: February 1, 2023

Michael Vinson, 2731 Old Coach Rd., Green Bay, 54302

Term to expire: February 1, 2022

Dan Terrio, 1170 Minahan St., #3, Green Bay, 54303

Term to expire: February 1, 2023

Alder Veronica Corpus-Dax, 335 Trader's Point Lane, Green Bay 54302

Term to expire: end of aldermanic term

Green Bay Water Commission

Thomas Karman, 1360 Willow Creek Pkwy, Green Bay, 54311

Term to expire: October 1, 2026

Jacque Boyle, 1509 Hillcrest Dr., Green Bay, 54313
Term to expire: October 1, 2021

City Officials:

Director of Community and Economic Development Neil Stechschulte

City Clerk Celestine Jeffreys

The Common Council may convene in closed session pursuant to 19.85(1)(c) Wis. Stats. for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee. The Common Council may, thereafter, reconvene in open session pursuant to 19.85(2), Wis. Stats. To report any actions taken during closed session and to consider all other matters on the agenda.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve all appointments excluding the City Officials. Motion carried.

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to approve Neil Stechschulte as Director of Community and Economic Development Director. Motion carried.

Moved by Ald. Jesse Brunette, seconded by Ald. Craig Stevens to go into closed session at 6:20 p.m. Motion carried.

Ald. Jesse Brunette read the closed session language.

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

Moved by Ald. Barbara Dorff, seconded by Ald. John VanderLeest to return to regular order of business at 7:27 p.m. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Moved by Ald. Bill Galvin, seconded by Ald. Randy Scannell to close the floor for discussion. Motion carried.

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to approve Celestine Jeffreys as City Clerk. Motion carried. Ald. Jesse Brunette abstained.

K. PUBLIC HEARINGS.

I. Resolution regarding Vacation of an unimproved public right-of-way - Leaf Street.

No members of public were present to speak on this item.

L. ORDINANCES - SECOND READING FOR ADOPTION.

I. General Ordinance No. 34-20

An ordinance repealing and recreating section 8.16, Green Bay Municipal, relating to practice of massage and bodywork therapy requiring state licensing.

Moved by Ald. Brian Johnson, seconded by Ald. Craig Stevens to adopt. Motion carried.

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

M. REPORT OF THE REDEVELOPMENT AUTHORITY (JANUARY 12, 2021).

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

1. To amend Development Agreement 19-04: TWG 2 @ The Rail Yard to extend the deadline for project completion from August 31, 2022 to December 31, 2022.

N. REPORT OF THE IMPROVEMENT & SERVICES COMMITTEE (JANUARY 13, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to approve with the exception of Item 2. Motion carried.

1. To refer to staff on preparing docks at Leicht Park for spring fishing tournament to develop costs for extending the steel pile and report those costs back to Committee. (Ald. Scannell)

2. To approve the 2021 Special Assessment factors and rates.

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve Item 2. Motion carried.

3. To receive and place on file the presentation by Department of Public Works staff to the Improvement and Services Committee and accept the results of the report regarding a few options for more effective downtown snow bank management. It's requested that examples be provided from the 10 largest municipalities in the state . (Ald. Johnson and Scannell)

4. To approve the request by Department of Public Works to enter into a Municipal Project

Agreement with Brown County for the construction of drainage improvements near Beach Lane on Nicolet Drive (CTH A).

5. To approve the report of the Purchasing Manager to award Shefchik, Inc. for the replacement of the roof on the Observation Building at the Bay Beach Wildlife Sanctuary for the sum of \$43,936. Shefchik is the only bidder to RFB #3288.

6. To approve the award of the contract BRIDGE 3-20 (MAIN STREET BRIDGE CENTER LOCKS REPLACEMENT) to the low responsive bidder, Lunda Construction, base bid in the amount of \$90,862, and alternate bid of \$11,438 if required.

7. 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.

8. To receive and place on file the report of actions taken by Department of Public Works

A. Granting of Licenses

1. Sidewalk Builder

- a. Baeten Concrete, LLC
- b. Dorner Equipment Sales & Service, LLC
- c. Frank O. Zeise Construction Co., Inc.
- d. Howard Immel, Inc.
- e. IEI General Contractors, Inc.
- f. Loch Construction Co., Inc.
- g. Martell Construction, Inc.
- h. McDonald Services, LLC
- i. Ramco Construction Services
- j. Utility Traffic & Restoration, Inc.

2. Tree & Brush Trimmer

- a. Asplundh Tree Expert LLC
- b. BEST Enterprises, LLC
- c. Epic Tree Care

- d. Fall-Rite Services, LLC
- e. Holger Bros., Inc.
- f. Selner Tree & Shrub Care
- g. Urban Tree Service
- h. Yesterday's Trees LLC

3. Underground Sprinkler System

- a. Fox Valley Irrigation, Inc.
- b. Irrigation Doctors, LLC
- c. Lizer of WI, Inc.
- d. The Sprinkler Co., Inc.
- e. Wolfraths Landscaping, LLC

O. REPORT OF THE PROTECTION & POLICY COMMITTEE (JANUARY 11, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to approve with the exception of Item 7. Motion carried.

1. To approve an application for an available "Class B" Combination license by Mangaire, LLC at 121 N. Adams St. with a licensed premise description as "Restaurant/kitchen/bar/4 bthrm/1 lqr stg rm/2 walk-in coolers/maint rm/fs dishwashing rm" (Currently licensed as Skaliwags High Cotton Club Limited), with the approval of the proper authorities.

2. To approve on an application for a "Class A" Liquor and Class "A" Beer license at 2042 Main St. Suite 102 (address has been corrected on the application from 2030 E. Mason to 2042 Main Suite 102) with a licensed premises description as "behind the counter, shelves (in-store), back office storage, with the approval of the proper authorities.

3. To approve an application for an available "Class B" Combination license by Cuquio Town Bar, LLC at 500 N. Baird St. with a license premises description as "sold behind the bar, coolers, basement, office" (currently licensed as Quilts and Beers, LLC), with the approval of the proper authorities.

4. Consideration with possible action on an application for a "Class B" Combination license by Jalisco Mexican Restaurant, LLC at 418 S. Military Ave. with a license premises description as "main dining room, back dining room, back area, storage at back office (license granted to Karaoke Mexican

Restaurant, LLC for the 2020-2021 license year).

5. To rescind 13 citations and reduce the fines by \$650 for the inspection fines on 202/208 S. Webster.

6. To approve an appeal by Amanda Lee regarding the denial of her operator's license contingent on a letter of reference from the employer to be filed with the Clerk's office.

7. To advance to full Council a request by Ald. Dorff that staff research a change to Alder terms from two years to three years beginning with the 2022 election.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to approve Item 7.

Moved by Ald. Brian Johnson, seconded by Ald. Barbara Dorff to amend eliminating "beginning with the 2022 election". Motion carried.

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

8. To approve a resolution in support of City of Green Bay Employees.

9. To receive and place on file The Liquor Violation Report for January 11, 2021.

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

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

Moved by Ald. Brian Johnson, seconded by Ald. Craig Stevens to approve. Motion carried. Ald. Mark Steuer abstained on Debra Money.

Q. REPORT OF THE PLAN COMMISSION (OCTOBER 12, 2020 AND JANUARY 11, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve with the exception of Items 1 and 3. Ald. Brian Johnson abstained from Item 5. Motion carried.

1. To authorize a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street, subject to the following conditions:

- a. No objections from the Green Bay Fire Chief regarding EMS and fire service.
- b. Approval from the Zoning & Planning Board of Appeals for the variance request eliminating the need for an emergency exit lane. (October 12, 2020)

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Mark Steuer to approve Item 1.

Moved by Ald. Kathy Lefebvre, seconded by Ald. Mark Steuer to open the floor. Motion carried.

Moved by Ald. Bill Galvin, seconded by Ald. Barbara Dorff to close the floor for discussion. Motion carried.

Vote taken on the original motion. Motion carried.

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

2. To allow the property owner to continue to rent the subject property, 1135 Shadow Lane, under the conditions of the Short Term Rental Permit (STRP). If further substantiated claims of violation are reported within the next 6 months, those violations shall be brought back before the Plan Commission for further consideration and potential action.

3. To allow the property owner to continue to rent the subject property, 1136 Shadow Lane, under the conditions of the Short Term Rental Permit (STRP). If further substantiated claims of violation are reported through December 31, 2021, those violations shall be brought back before the Plan Commission for further consideration and potential action.

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve Item 3.

Moved by Ald. Brian Johnson, seconded by Ald. Randy Scannell to open the floor for discussion. Motion carried.

Moved by Ald. Brian Johnson, seconded by Ald. Chris Wery to close the floor for discussion. Motion carried.

Moved by Ald. Brian Johnson, seconded by Ald. Mark Steuer to amend to 6 months. Motion failed.

Yes- Brian Johnson, Craig Stevens, Jesse Brunette, Mark Steuer, No- Barbara Dorff, Bill Galvin, Chris Wery, John VanderLeest, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, Abstain- None

Original motion carried.

4. To table the request, on behalf of the applicant, to rezone parcels in the 1320-1330 Block of Perrot Street (Tax Parcels: 21-1466, 21-1467, 21-1468, 21-1469) from Varied Density Residential (R3) to General Commercial (C1), until the next available scheduled meeting. (Public hearing held 01/11/21)

5. To amend Zoning Ordinance 38-79 (East Town Mall) to allow Limited Production & Processing uses within the Planned Unit Development (PUD) at 2350 East Mason Street, subject to the draft Planned Unit Development (PUD). (Public hearing held 01/11/21)

6. To direct staff to draft an amended ordinance to improve the functionality of drive throughs and include suggestions made by the Plan Commission.

R. REPORT OF THE FINANCE COMMITTEE (JANUARY 12, 2021).

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to approve with the exception of Item 4. Motion carried.

1. To approve the refunding of 2011A and 2012E General Obligation purpose bonds.

2. To approve a review of the City of Green Bay's 10-33 program inventory.

3. To approve the repair/replacement of Plymovent systems at Fire Stations for the sum of \$399,000. Sole Source and supporting documentation attached.

4. To receive and place on file a request by Ald. Lefebvre to the Finance committee which states: I am requesting a report of the Fair Elections grant with a financial breakdown where the money was spent.

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve Item 4. Motion carried.

5. To receive and place on file the report of the Claims Committee.

The Committee 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 Committee 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.

S. REPORT OF THE PARK COMMITTEE (JANUARY 13, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve with the exception of Item 3. Motion carried.

1. To approve adopting a resolution in support of World Migratory Bird Day.

2. To approve the request by Olde Main Street Inc. allowing them to fund and install a Green Bay Packer themed light display at Whitney Park.

3. To discontinue the use and promotion of He-Nis-Ra Park as a destination for fat tire biking and direct the Parks Department to earnestly and actively find a location for fat tire biking on the west side of Green Bay. (2-2 vote, MOTION FAILED, No Recommendation)

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve Item 3.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to open the floor for discussion. Motion carried.

Moved by Ald. Lynn Gerlach, seconded by Ald. Randy Scannell to close the floor. Motion carried.

Moved by Ald. Jesse Brunette, seconded by Ald. Lynn Gerlach to continue biking use as historically intended and extend the "trial" of expanded biking to May 15, 2021 under the condition that the Parks Department and the user groups make no permanent or hard to reverse changes to the existing trails, vegetations and habitats and for the Parks Department to continue to locate another fat tire bike destination on the West Side of Green Bay. Continue to report to the Parks Committee monthly from now until May. Motion carried.

T. REPORT OF THE PERSONNEL COMMITTEE (JANUARY 12, 2021).

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

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

- a. Truck Driver - Public Works
- b. Park Maintenance Worker (2) - Parks, Recreation & Forestry
- c. Mechanic Foreperson - Police Department
- d. Records Clerk - Police Department
- e. Engineering Aide - Public Works
- f. Mechanic - Parks, Recreation & Forestry

2. To approve the wage agreement between the City of Green Bay and International Brotherhood of Electrical Workers (IBEW) Local 158 with a 1% general salary increase effective with the start of the pay period in which October 1, 2021 occurs.

3. To hold the request by Ald. Brian Johnson to the Personnel Committee for an update on the alderperson orientation program that was submitted approximately two years ago.

U. REPORT OF THE ETHICS BOARD (JANUARY 6, 2021).

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

1. To adopt the Findings of Fact and Conclusions of Law in the matter of the Ethics Complaint against Alder John Vander Leest filed by Tarl Knight under the City of Green Bay Code of Conduct for Elected Officials.

The Council may convene in closed session pursuant to Section 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 governing body. The Council will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

2. To dismiss the Ethics Complaint filed against Alder Vander Leest on April 21, 2020 by Tarl Knight.

3. To dismiss the Ethics Complaint filed on December 4, 2020 against Alder Vander Leest by Tarl Knight for a lack of jurisdiction.

V. REPORT OF THE SUSTAINABILITY COMMISSION (DECEMBER 16, 2020).

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

1. To deny the installation of an electric vehicle charging station at Leicht Park utilizing excess Lambeau Field Stadium tax grant funds.

W. RECEIVE AND PLACE ON FILE.

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to receive and place on file. Motion carried.

1. Building Permit Report for December 2020

2. Municipal Court Report for December 2020.

X. RESOLUTIONS.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to suspend the rules. and adopt Resolutions 1 through 9 with one roll call vote. Motion carried.

Moved by Ald. Brian Johnson, seconded by Ald. Barbara Dorff to reconsider. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to suspend the rules and adopt Resolutions 1 through 6, 8 & 9 with one roll call vote. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to adopt Resolutions 1 through 6, 8 & 9. Motion carried.

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

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to adopt Resolution 7. Motion carried.

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

1. Resolution drawing final orders to contractors for January 19, 2021.
2. Resolution in support of City of Green Bay employees.
3. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of asphalt resurfacing.
4. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of concrete pavement.
5. Initial resolution authorizing the sale and issuance of not to exceed \$5,300,00 general obligation refunding bonds and certain related details.
6. Resolution regarding Vacation of an unimproved public right-of-way - Leaf Street.
7. Resolution authorizing conditional use permit at 901 Main Street.
8. Resolution approving hold harmless agreement with KS Energy Services for City of Green Bay sewer system access.
9. Resolution in support of World Migratory Bird Day.

Y. ORDINANCES - FIRST READING.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to advance to a second reading.
Motion carried. Ald. Brian Johnson abstained.

I. Zoning Ordinance No. 01-21

An Ordinance amending Zoning Ordinance No. 38-79 for the Planned Unit Commercial Development at 2350 East Mason Street (East Town Mall).

Z. REFERRAL OF PETITIONS & COMMUNICATIONS.

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

For discussion with possible action on a draft resolution written by Alderman Jesse Brunette titled: Resolution in support of Green Bay Area Public School District students, parents, teachers, and employees in urging the school board and administration to transition quickly but safely toward an in-person option for all students.

For an update, discussion, and possible action on the status of all Open Records Requests received by the city from November 1st to until the date of the Protection and Policy Committee meeting.

For discussion with possible action on a request of City Council President Jesse Brunette to seek an outside Attorney Client Privilege(d) legal opinion for discernment on options to balance the incredibly important need for public disclosure and transparency with the need to protect the city against potential liability.

AA. ADJOURNMENT.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to adjourn at 11:37 p.m. Motion carried.

Pam Manley
Green Bay
Interim 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

- Thousands of years before still apply to what we're experiencing as a city, a state, and as a country and as a world today. I'm gonna start out with FDR. And these days of difficulty, we Americans everywhere must and shall choose the path of social justice, the path of faith, the path of hope and the path of love towards our fellow men. And from Abraham Lincoln, "America will never be

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destroyed from the outside. "If we falter and lose our freedoms, "it will be because we destroyed ourselves." And then Martin Luther King. "Darkness cannot drive out darkness, "only light can do that. "Hate and we love can do that." And from John Kennedy, "Let us not seek the Republican answer "or the Democrat, but the right answer "let us not seek to fix the blame for the past. "Let us accept our own responsibility for the future." from Perkleys. "What you leave behind is not what is engraved "in stone monuments, but is woven into the lives of others." I'd like all of us to just in the coming weeks, months and years, try to think back on some of this sometimes when adversity really seems to be hitting us right in the face and think about what these other people have gone through before us and the wise words they have for us, to try and maintain our decency towards each other. Thank you.

- Thank you Alder for sharing those wise words. On to approval of the minutes.

- Motion to approve.

- Second.

- Motion has been made by Alder Scannell, seconded by Alder Dorff to prove the minutes of the December 15, 2020, any corrections? Seeing none, all in favor signify by saying aye.

- [All] Aye.

- Opposed, nay. The ayes have it, the minutes are adopted. Approval of the agenda.

- Move to approve.

- Motion made by Alder Dorff, seconded by Alder Scannell. Any changes. no requests, all in favor, please signify by saying, aye.

- [All] Aye.

- Opposed, nay. The ayes have it, the agenda before you has been approved. Report by the Mr. Mayor. I'll keep this brief 'cause we have an extended agenda here this evening. But I'm sure we all enjoyed a nice Packer's victory. This past week, looking forward to another one in the NFC championship game on Sunday. And I don't know about the rest of you, but it certainly lifts my spirits when the Packers are doing well and in the playoffs and looking to be super bowl bound, the future holds for us and for the team. On the agenda before you tonight, just some comments about appointments. We have really some historic appointments because I think five individuals are being full rights commission. So looking forward, hopefully to have the approval of our council on the employment of those citizens this evening. And then of course we do have a couple of city official appointments here, one for our new city clerk and another for our community and economic development director. On the community and economic development director, Neil comes to us from San Prairie, really looking forward to bring him on board. I think Cheryl Reneer Wig is probably the most excited person in the city 'cause she's been doing double duty for quite some time for us. But it's not just Cheryl, a lot of folks have picked up the Slack within our community and Economic Development Department. So I wanna extend a lot of thanks to that whole team. And, speaking of the team, I think Neil has mentioned this on a number that that's really what sold him on this position, was recognizing the group of great individuals that we have within our Community and Economic Development Department and the bright future that we have as a city. So looking forward to his successful confirmation tonight. Also looking forward to Celestine Jefferys' confirmation, somebody that you know very well as the Mr. Mayor's Chief of Staff. Not just mine, but of course, Mayor Jim Schmitz's as well. As I said in some comments to the press, what I'm really looking forward to out of her is this philosophy that I think we all should share, which is to put our voters and our residents and our business owners kind of at the center of our universe here, demonstrating a real commitment to service excellence within the walls of our organization here in the city of Green Bay. And I'm very confident that she shares that philosophy that many of us do and also has the abilities to really modernize the office and bring it into the 21st century. So with that, that concludes my report and we will move along into announcements. Alder Johnson, go ahead.

- Just one brief one, old Norwood Neighborhood Association, they are hosting a greening gold promotion, encouraging neighbors to, I guess, put out those green and gold decorations. They are actually doing this, not only for the neighborhood, but they have a first and second place. First place will go to someone who lives in the neighborhood and the second prize will go to a non neighborhood. So if you have a property that stacked out in green and gold, please send that over to the old at Norwood Neighborhood Association. We'd love to see your Packer pride.

- That's excellent, thanks Alder. Any other .

- Just a question for the Alder. Is it after announcement.

- Yes, Alder .

- Greengold trash bins. You don't have to answer that, Alder.

- Yeah, I'm going to ignore it. Thank you.

- Any other announcements? Okay, seeing none, we will move into recognitions and awards. We have a brief presentation offered by Chief Andrew Smith, obviously of our Green Bay Police Department to recognize the persistent and courageous work of the department's civilian employees, especially during the COVID-19 pandemic. Chief.

- Thank you Mr. Mayor, I appreciate that. And thank you Alders for recognizing the work that was being done throughout this past year by some of the people that are really essential for the Police Department to function. We know that we've gotta have cops out on the streets, we know we gotta have cars out there and cops in those cars. But in this particular case, there's some things behind the scenes that people don't know that we need. Many of our workers can work remote and we were able to facilitate that . Some places are just so critical that we can't. And some of those are some records positions where people actually had to be there all the time and the women that work our front desk. And today we're recognizing eight of them who came in just about every day throughout the pandemic and did their job voluntarily because they knew it needed to get done. And I know some of them are on the watching right now. So let me just quickly read off their names. Jane Clark, Gin Swisher, Carla Hoffman, Diane Perry, Jamie Wozniak, Haley Pinkrads and Kelly Bauer. And they really did a great job for us and they really helped keep our department open, kept the front desk open so we could provide the kind of service that people need and made sure that all our records requests and our filing and all the court papers got handled in a timely manner. So the resolution I have was signed by the Mr. Mayor, myself, of course, Alder President Brunette and also the city clerk. So I just wanna take a second to recognize them. Thank you all for indulging us with this, but we couldn't have been able to get through this pandemic without them.

- Thank you Chief. Certainly echo your thanks. Really appreciate all the work done by our civilian employees and sworn officers, of course, as well, but especially those that you've recognized tonight. So thank you for that, Chief. Now we will move into appointments. I would entertain a motion on the new appointments, excluding the city officials.

- Motion to approve.

- Second.

- Motion been made by Alder Scannell, second and by Alder Dorff. Any comments on the new appointments? Alder Lefebvre.

- Yes, Mayor, I wanna thank Christina Ortiz. She's in my district and she's also my neighborhood association. So I wanna congratulate her for this appointment. Thank you.

- Very good, thanks Alder. Any other comments? Seeing none, we have a motion and a second. All in favor, say aye.

- [All] Aye. Oppose nay. The ayes have it. And those appointments are made. On to director of Community and Economic Development. Neil Steck Schultzey.

- Move to approve.

- Motion made by Alder Dorff, seconded by Alder Scannell. Any discussion here?

- If I can make a motion to go into closed session, please.

- On this appointment.

- No, after this appointment?

- Okay, we'll just take--

- I didn't know if we would take them together. That's fine.

- We're not taking them together, we're taking the appointment of Mr. Schultzey. Any additional comments. Seeing none, all in favor will signify by saying aye.

- [All] Aye. Opposed nay. The ayes have it and Mr. Schultzy has been appointed.

- Thank you, council.

- Welcome a board.

- Thank you very much, everybody. I'm looking forward to getting started.

- Neil, do you have any comments for the group other than thanks?

- I know you have a long agenda, I will be very brief. I do wanna echo the Mr. Mayor's comments about just the interactions I've had with staff so far, certainly under Cheryl's leadership in addition to Paul. And I've sat through a couple of planning commission meetings and an RDA meeting, and really, really I'm impressed with the staff team that is here. I'm excited about joining that group here and obviously, you could see behind me, I'm gonna bring a little bit of Green Bay up with me I hope when the time comes and we can get into City Hall and get back to some degree of normalcy. But really looking forward to hitting the ground running on February 1st. So I thank you for your vote tonight. Thank you.

- Thank you. Looking forward to you joining us as well in early February. Okay, onto the appointment of the city clerk, Alder Brunette.

- Motion to go into closed session, please.

- Motion has been made to go into closed session by Alder Brunette seconded by Alder Stephens, I believe. Alder Brunette, you wanna read the language?

- Sure. Common counseling. Oh shoot. One moment. The common council may convene in closed session pursuant to, I don't know the legal terms to use, but 19.851 C Wisconsin statutes for the purpose of considering employment promotion, compensation or performance evaluation data of any public employee. The common council may thereafter reconvene an open session pursuant to 19.852 Wisconsin statutes to report any actions taken during closed session and to consider all other matters on the agenda.

- All right, we will use the board.

- I'll be speaking verbally. Aye to go into closed session.

- Thanks Alder.

- Come up here.

- Yeah, mine did mine.

- Mine didn't.

- Mine didn't.

- Alder Steuer and Alder Scannell, you're the only two I'm waiting for. Would you like to vote?

- It didn't come up, so I'll vote aye.

- Aye.

- Both of them. And that motion succeeds 11 to one. We are moving into close and...

- Mr. Mayor, we are recording.

- All right.

- Assistant Director Manley, can you make sure you admit the city of Green Bay laptop before everyone starts talking?

- [Manley] Yes, I admit it all, so it should be back in.

- Okay. All right, thank you.

- Okay, so we are good to go, I'll entertain a motion to return to open session.

- So moved.

- Motion made by Alder Dorff.

- Second.

- Seconded by Alder Vander Leest. All in favor will signify by saying aye.

- [All] Aye.

- Opposed, nay. The ayes have it. We are back in open session and there has been a motion and a second to approve the appointment of Celestine Jeffreys as city clerk. I do see some hands raised here, so I would entertain a motion to open--

- Motion to open the floor.

- [Stevens] Second.

- Motion made by Alder Scannell, seconded by Alder Stevens to open the floor. All in favor, signify by saying aye.

- [All] Aye.

- Opposed, nay. The aye .

- Moving on until after they hear it. They did not hold up.

- I didn't hear that part.

- [Celestine] Okay, Assistant Director Manley, I'll go ahead. So first we have Casey Hicks, then we have Rashad from Greater Green Bay Community Foundation, Denise Guamer Hutchinson. So Mr. Hicks, please unmute yourself and state your name and address for the council.

- Hello, my name is Casey Hicks. I live at 1332 Angels Path, apartment 28 to Pier Wisconsin, zip code 54115. I am speaking on behalf of Wisconsin Conservation Voters on the we're faced here in Green Bay. Thank you all for letting me speak before you briefly tonight. And I'm gonna try to keep it brief 'cause I sent my testimony in favor of confirming Celestine Jeffreys as the next municipal clerk to all of you already, but in case he had read it, I wanted to make sure that I went through it. So if you haven't heard of Wisconsin Conservation Voters, we're a nonpartisan nonprofit organization. We've offices throughout the state, including here in Green Bay, Eau Claire Madison, and Milwaukee, and our measures to protect Wisconsin's environments, to maintain and create healthy communities. And that means creating a healthy environment means making sure that we have a healthy democracy. Which is why we're urging all the Alders tonight to vote in favor of confirming Celestine Jefferys as the next clerk. And I just had to extend a thank you, first of all, to the city of Green Bay and to city officials this past election, despite the immense logistical challenges that you all faced because of COVID-19, the city is still managed to rise above those challenges and actually expand voter access, which is something that I think is really noteworthy. And so one of the many dedicated public servants that was responsible for that expansion was Celestine Jeffreys and her strengths really do wind very extensive knowledge, the inner workings of the city, her passion for equity in our community and the trust that members of our community holding her due to her years of public service, both as a Chief of Staff for two Mr. Mayors, a former city Alder and a Bay area public school district's board of education. And recently too, Wisconsin Conservation Voters released a list of recommendations publicly for the city to undertake to expand voter access for the upcoming 2022 spring and fall elections. And that list included a number of things, but most notably creating alternative in-person absentee polling locations, aside from City Hall and expanding weekday and weekend hours, installing at least seven secure absentee ballot drop boxes throughout the city, continuing provide multilingual action information to voters whose first language is not English, continuing to hire limited term employees, otherwise known as the voter navigators to assist voters and registered votes in providing other new information to help citizens cast their vote and developing relationships further with public, private nonprofit entities to promote voter registration through co-workers and provide for essential election infrastructure, such as the polling locations. And finally sign that all elections are inclusive and accessible to voters of all abilities by ensuring ADA accessible polling locations, addressing disability rights and accommodations and election worker and poll worker trainings and disseminating information for accessibility, such as information about curbside voting. So all in all, Celestine Jeffreys has played a very large leading role in the city for several years as Chief of Staff, as I mentioned her resume before that. And 2020 really required all hands on deck approach to ensure that the November 3rd election was gonna be run smoothly, which it was. And Celestine played a large part in that.

- [Celestine] Sorry, Mr. Hicks. Yeah, I couldn't put the timer on, so unfortunately your time has come to a close.

- All right. Well, I just urge all of you to support Celestine's confirmation. Thank you for your time.

- [Celestine] Thank you Mr. Hicks. Next we have Rashad Cobb from the... So Mr. Cobb, please unmute yourself and state your name and address for the committee. And what I'm going to do is because I have another panel open on my computer, I'm just going to set the timer on my phone and you'll hear it when your three minutes are up. Thank you.

- Thank you very much. I appreciate everyone letting me speak today. My name is Rashad J Cobb. I live at 1288 Header Street, and I'm also here with important full support of Celestine Jeffreys. When she was recommended for the position here. When I read through the role that will be performed, the words that really stick out to me at the end are two customers. I'm not native to this community, but ever since I've been here since June 10th of 2005, one individual who has always demonstrated a willingness and an ability and a heart for putting people first and being people centered in this community has been Celestine Jeffreys. I think that role requires that, whether it be in some of the positions that were mentioned by the Mr. Mayor previously, or the gentleman who spoke before me, I think Celestine has continued to always show up and be a person that you can count on to follow the rules that are in place and do what needs to be done. And I think that's the most important thing. And so I just wanted to show up and be present today to support her and I think nominating her and having her confirmed is also all residents of all varieties.

- [Celestine] Thank you, Mr. Cobb. Next, we have Denise Guamer Hutchinson. Mrs. Hutchinson, please unmute yourself and state your name and address for the council.

- Hi, I'm Denise Guamer Hutchison, 3184 Herman's Road, near Franklin, Wisconsin, 54229. I'm Denise Gumer Hutchison and I'm here tonight to speak as the poll worker for numerous elections, which have all been a good experience, but I really wanna focus on this November's election. I was able to work at early absentee voting at City Hall, the drive up voting on the Saturday before the election and on election day at the Sears building and at central count. All of those locations had people carefully monitoring the process and those engaged in voting. Being involved in the voting process has been a way of life for me. the opportunity watch the entire process this last election and how well it was run was a really amazing experience. Watching people come into City Hall to request absentee ballots, to vote early. And the ease of the drive up voting was great. I saw first time voters, voters in their '90s, who hadn't missed an election and were worried about missing this election because of COVID and all of the other voters in-between. Voting was quick, easy, transparent, and the services were provided with care, kindness, and attention to people's needs even during a pandemic, plus there were watchers making sure everything was run correctly. Many of the new services were championed by Celestine and the great team at City Hall. Celestine was there on site to help all of us meet the needs of our voters. There were numerous checks and balances throughout the entire process and they were followed by the election teams. It is an honor to be a poll worker and watch democracy in action. Working with Celestine in her new role as the city clerk will be a pleasure. She will provide city government and the citizens of Green Bay with great leadership in the clerk's position as we continue to have transparent and ethical elections serving all of the citizens of Green Bay. And thank you all for all of your services and for helping to make this last election a really wonderful experience for everyone involved.

- [Celestine] Thank you, Ms. Hutchison. Next we have Susan Smith. Ms. Smith, please unmute yourself and state your name and address for the council.

- Great. My name is Susan Smith and I am at Whittier court, Green Bay, Wisconsin, 54311. I also am here to speak in favor of appointing Chief of Staff Jefferys as city clerk. She is a consummate professional. She has seamlessly worked with the two distinctively different Mr. Mayors and multiple community organizations as a public servant for Green Bay as long as I've lived here since 2016. I'm here tonight because I had the privilege of working with Chief of Staff Jefferys on the ad hoc committee on elections this summer and fall. As a reminder, this nonpartisan committee was formed to make sure that the August and the November, 2020 elections ran smoothly. These elections did run smoothly in no small part because of Chief of Staff Jefferys' leadership and professionalism. I served as chair of that committee, the ad hoc committee, and she was always a gentle reminder about times and dates that we needed to submit the agendas in order to meet legal requirements for open and public meetings. She was instrumental and anticipating a greater need for transparency at central counts for the November, 2020 election and made sure it was moved to a larger venue in order to facilitate more election observers from both sides, from all sides. And the entire event with livestream for the first time in the city's history at her direction. Meanwhile, she was a Chief Election Inspector at UWGB, as mentioned earlier by another participant. She coordinated applying for an allocating grant money, organizing volunteers, obtaining PPE for hundreds of volunteers and city employees for both elections, August and November. She easily coordinated and multitasked on Marriott issues and to do items with respect to the long list of items that our committee worked on over the summer to make sure that they were implemented prior to both elections. The process of running an election is of interest to no one until it is interesting to everyone. And it is important to have someone in the city clerk's office who is calm under pressure, unflappable, and a committed public servant. Ms. Jefferys is imminently qualified for this position. And Green Bay is lucky to have her and I recommend her for this position. Thank you for your time.

- [Celestine] Thank you, Ms. Smith. Next we have Don Mjelde. Mr. Mjelde, please unmute yourself and state your name and address for the council.

- Don Mjelde, 641 North Huron De Pere, Wisconsin. Yeah, this is basically echoing the same thing everybody else said, so I'll keep it brief. I've known Celestine for a few years. We worked on a lot of different projects together, both with the current Mr. Mayor in office and the former Mr. Mayor of Green Bay. And our conversation has always been very fluid. We got along great, we accomplished a lot together and she was just awesome to work with. I recommend her for this or any position she would want because she's gonna excel in whatever she does. And I just wanna say thanks for serving us as the Chief of Staff and I look forward to you getting confirmed to your new position. Thank you.

- [Celestine] Thank you, Mr. Mjelde. Ms. Gaska, please unmute yourself and state your name and address for the council.

- I am Charlotte Gakca. My address is 6661 South Chase Road Sobiesky 54171. I'm speaking in support of Celestine Jeffreys' appointment to the city clerk position. I had the pleasure of working with Ms. Jeffreys during the early in person absentee voting hours that Green Bay provided this November. It was a very well-run operation. I also am co-leader of COVO, Coalition of Voting Organizations of Brown County, Wisconsin, which is a volunteer non-partisan organization that participates in voter registration drives throughout Brown County. And in the course of that work I have interacted with many municipal clerks in our area. And Green Bay is just really lucky to have Celestine Jeffreys on board with the past election, with the role that she played then and going forward as a city clerk will be a wonderful thing for the city. What I witnessed in November during the early in person, absentee voting hours was a faithful execution of Wisconsin election laws. All voters were required to provide a photo ID. They had to be registered to vote. They had to provide a proof of residence document in order to register. Everything was carried out according to the law. But I also saw great respect for the voters and great customer service. So if we had people that weren't in the right place, for example, we had people coming from outside areas thinking that they could vote at City Hall and they had to be turned away. Everybody was given great customer service and told where they needed to go and what they needed to bring. And I think that was due to the leadership of Celestine Jeffreys and the Mr. Mayor's office and the entire staff at City Hall. You really should be proud of the way the election was run this past November and really consider yourselves lucky that you have these people in Green Bay. Like I said, there were people from outside the area, they lived in Howard or Ashwaubenon that were really envious of the early voting hours of the Saturdays and the evening voting and the drive through voting, especially I heard so many positive comments from voters and really nothing negative. And as other people have mentioned, there were poll Watchers from both parties and really there was no complaints. Everybody had a positive experience. So yeah, I think Celestine Jeffreys exhibits all the qualities that I would like to see in a municipal clerk, and I really recommend that you appoint her. Thanks.

- [Celestine] Thank you, Ms. Gaska. Next we have Natalie Hoffman. Ms. Hoffman, please unmute yourself and state your name and address for the council.

- Hi, my name is Natalie Hoffman. My address is 2315 Eastman Avenue, apartment 10 in Green Bay and my zip code is 54302. I'm basically going to be kind of seconding a lot of what other people have been saying, but yes, I am also speaking in favor of appointing Celestine Jeffreys as the new Green Bay city clerk. Jeffreys has been a dedicated public servant to the Green Bay community for the past two decades. And she's had service in a variety of... she's been of service in a variety of different positions, and because of her experience within our local government, as a former city alder, as well as Chief of Staff to two Mr. Mayors, she understands the inner workings of government duties. So I think this knowledge and experience will allow her to excel in the role of city clerk. And she also understands the needs of our government's most vulnerable community members and has been an incredible advocate for expanding green based voting over this past summer and fall. So with that knowledge

and her strong advocacy, I believe she will prove to be very successful at continuing to expand voting in Green Bay, for example, by ensuring accessibility at polling places for both poll workers and voters, as well as providing multilingual voting resources for our community members whose first language isn't English. And so for these reasons, I do believe that Celestine Jeffreys is going to be the best choice to fill the role of Green Bay city clerk. So, yeah, I thank you for letting me speak and thank you for your time.

- [Celestine] Thank you, Ms. Hoffman. Next we have Karen Schlei. Ms. Schlei, please unmute yourself and state your name and address for the council.

- Hi, my name is Karen Schlei and I live in 820 Essel Avenue in Green Bay, Wisconsin. I've been a poll worker for 20 plus years. Plus I'm a member of the League of Women Voters of Green Bay. This past November election, the league was very impressed. There was incredible coordination, facilitation and transparency for the entire November process, from voter registration, absentee voter, day of voting, as well as the central account process. It was a very robust and transparent election in Green Bay and it was the best ever. Celestine helped to make this process work for the workers and the citizens of Green Bay. Everyone working on the selection went above and beyond to serve the citizens. As our city moves forward towards the next elections, it is imperative that we all the misinformation about our elections. Also citizens of Green Bay need to understand that our elections are transparent and just. For over 20 years or 20, 100 years, the League of Women Voters has been involved in making our elections fair and transparent and valid, and this needs to continue. Thank you for all you've done for our wonderful community.

- [Celestine] Thank you, Ms. Schlei. Next we have B&M. B&M, please unmute yourself, state your name and address for the council.

- [Bill] Hello, can you hear me okay?

- [Celestine] Yes, we can.

- [Bill] Okay, my name is Bill Erk, Birchwood Drive Green Bay, Wisconsin, zip code is 04. I represent over 1100 people of the greater Green Bay area that have asked us to be the representative to make the following statement. In regards to the appointment of Celeste Jefferys as the city clerk, I feel it would be prudent to post the position to look for the best candidate for the job outside of the current administration. Considering the city clerk oversees our local elections and it should be held by a person who has proven to be able to be bipartisan and nonpartisan. To do so, otherwise would

only to add to the uneasy feeling that people have about our voting systems. We need to consider that after the investigations in regard to the November elections were completed by the committee in Madison, there were clear election irregularities proven at the very least and possibly even voter fraud, which is still under investigations and interest as we speak. the Mr. Mayor's administration, which includes all of the individuals of the appointed staff for the Mr. Mayor were specifically listed in a letter written by the committee of governor eventers with a copy given to the president of the U.S. Vice President, Michael Pence, as having made decisions to accept grant money in regards to the election without proper permissions. And because of the evidence has provided asking that the Wisconsin electoral college votes not be accepted. This coupled with the handling of the elections of last April, where the administration chose to have only two voting locations available for our residents, which in turn caused me to wait in line for hours in the rainy cold weather, which put them more at risk in regards to their health. Additionally, many of our citizens were unable to vote, including some of our own family members, because they couldn't have been able to endure the conditions for that length of time. We do not have control over the election processes in other cities, but I'm sure we can all agree that we need to do our part to ensure that the elections in Green Bay are done with integrity and full transparency without the appearance of bias or a wrongdoing with full transparency in every of the election process. Our voters within our city need to know that their vote will be counted fairly. They need to know that this is a safe, it is safe. So with this in mind, I would ask you to ask that the replacement of the city clerk not be made hastily without due process and finding a person who is not only qualified, but it has no ties with the current administration who has shown in many areas to be very biased in their decisions and clearly show their political affiliations. We thank you for your time and your consideration, and we appreciate all of you and your commitment to our great city.

- Thanks to all who testified. I'll entertain a motion to close the floor.

- Motion to close the floor.

- [Scannell] Second.

- Motion made by Alder Galvin, second by Alder Scannell. All in favor, signify by saying aye.

- [All] Aye.

- Opposed, nay. The ayes have it, the floor is closed. Questions or comments from Alders?

- Mr. Mayor.

- Alder Gavin, go ahead.

- Thank you, your honor. I'm very much in favor of Celestine Jeffreys. As I explained in closed session, I sat on the panel that interviewed her. I was impressed with her answers to the questions, her commitment to the job, her ideas to further improve the clerk's office and the processes that it oversees and has responsibilities for. I also have letters from constituents, Steve Lambert, Ned Dorff, Luanne Crowder, and Jim Wall. And I will read everything, but I'll read some of the excerpts from them. "Celestine has their complete and enthusiastic support. "She is good natured, she has intellect and a can do spirit. "Besides years of working in government, "she has smarts and competence. "She will reach those who feel their voices "have not been heard. "She's always been calm and graceful under pressure. "She is whip smart, thoroughly professional, "and will serve our city well." And with that, I thank you for your indulgence.

- Thanks Alder. Alder Brunette.

- Is there a motion on the floor to approve?

- Yes.

- I would like to abstain from the vote. Thank you.

- Any other questions or comments.

- Your honor.

- Alder Galvin, go ahead.

- When people abstain, they have to give a reason why. According to Robert's rules of orders, as my understanding was we were instructed at one time when we abstain, we have to have a reason for abstaining.

- Attorney Bungert, do you have any guidance?

- I believe that is the recommendation of the city attorney.

- City attorney Bungert, could you indulge the public why I may be abstaining from this vote?

- Abstainsion is usually a personal process as to an Alder. So I can't speak for you as to why.

- Okay, that's fine. I have a lot of professional respect for Celestine. I said so publicly and privately. She served the city well. The testimony of everyone who spoke speak very highly of her character, has absolutely no issue with Celestine. But in regards to why I'm abstaining from the vote, I will say no comment. Thank you.

- Thanks Alder. Alder Dorff.

- Thank you, your honor. I just wanted to say that I worked closely with Celestine on the elections committee, provided the leadership that we desperately needed on that committee. She has a wealth of knowledge about being a city clerk. She understands election laws because she was a candidate for office, she was on the school board, she was on the city council here. I can't think of a better person for this position. So I just wanted to speak in support of Celestine Jeffreys being appointed as city clerk. Thank you.

- Thanks Alder. Alder Johnson.

- Thank you, Mr. Mayor. I wanted to reiterate some of the comments. So Celestine and I have known each other for quite some time. We used to be previous colleagues, and so I've had the opportunity to observe her work ethic and her commitment and dedication to this community and a number of fronts. And I said this earlier to our colleagues, but I've never experienced maybe a more dedicated, hardworking, intelligent individual that is so passionately committed to our community. If I had half a mind, I try to hire her myself, her commitment to public service. But I do wanna comment on maybe something that was brought up here in the open floor, and that is the level of partisanship concern that was raised. And I certainly agree that I think the amount of partisanship in our local government has certainly increased. But I wanna be clear that Celestine or excuse me, Ms. Jefferys, she was brought on as a city employee prior to this administration. And so I think that that concern is misdirected. She's never proven to me or to anything that I've observed her involvement in to be partisan. And so, again, so because of that, I'm gonna rely on my own personal experience and in the comments that had made before that I think she is going to be an incredible candidate for this role. And if we assess really the skills and qualifications of this individual, as it relates to the responsibilities of the position, I don't see a gap. And I think that she'll be perfectly capable and competent with executing at a high level in this position. Thank you, Mr. Mayor.

- Thanks Alder. Alder Steuer, was it.

- Yes, thank you, Mr. Mayor. I have worked with Celestine for the last six, seven years under both Mayor Schmidt and Mayor Genrick. anytime I've needed information or direction, issues or projects, things that I thought were important, she was always very forthright and helping. So, there are folks that are concerned about partisanship, this, that, and the other thing I thought Alder Johnson handled that one very well. And I agree with that. So from my own personal standpoint, I have no issue with Celestine. I think she'll do a fantastic job. She's very knowledgeable and she has a deep love of this community. So I look forward to working with her and I hope that it's gonna be transparent and seamless moving forward. And I think it'll happen. Thank you.

- Thanks Alder. Any other comments from council? Seeing none, we will entertain... We have a motion on the floor, I believe those made by Alder Dorff, seconded by Alder Scannell. All in favor will signify by saying aye.

- Aye.

- Opposed, nay. Yep, abstention has been noted. The ayes have it and that appointment is successful. Congratulations Clerk Jeffreys.

- [Celestine] Thank you.

- Onto public hearing. So we have a resolution regarding the vacation of an unimproved public right of way on Leaf Street. Do we have anyone from the public who wishes to speak to this item? Is there anyone here who would like to speak to this item? Anyone here who would like to speak to this item. Clerk, please let the record reflect that we do not have any members of the public to speak to this resolution. Onto ordinances, the second reading for adoption.

- Motion to adopt.

- Second.

- Motion has been made to adopt by Alder Johnson, seconded by Alder Stevens. All in favor of that motion, please signify by saying aye.

- Aye.

- Aye.

- Mr. Mayor.

- My apologies. My apologies, Alder Steuer.

- Yeah, I just wanna make a quick comment on this. I wanna give a commendations or some kudos to Leo Weicker and also to Lieutenant Mahoney, detective Perkuler for working on this issue and I've worked on it as well and some of the other alders have chimed in as well. Alder Wery, for one. And I think it's an important issue. So I thank them for all the diligent work they put on this. And citizens are always look to to help. We can't do this all ourselves. So I think it's very important. So that's all, thank you.

- Absolutely well said, Alder Steuer. Any other comments?

- Just point of order, Mr. Mayor.

- Alder Johnson.

- Do votes on adopting ordinances. Does that require a roll call vote?

- I believe you are correct. Attorney Bungert.

- Yes, you should do a roll call vote.

- Thanks for catching that, Alder Johnson. Any other comments?

- I do have one question.

- Alder Wery, go ahead.

- Thank you, Mr. Mayor. This is for Attorney Bungert. I appreciate your help on this and Mark started, you led the charge on this and lay awake. There's some more changes that are being proposed, I think it is behind the scenes, we're kind of working on it. Do you think we'll see those in the next couple months, or I know you guys are buried right now obviously, but...

- Yes, I know it is going to require a bigger discussion between staff and alders with respect to and the police department with respect to different policy changes and processes that we wanna see in play. So unfortunately, I don't know what the timeline will be, but it is something that is on the radar.

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- All right, well, I appreciate it. It's good, I'm glad we got this at least in the books and some other tool to use, but it's good to know there's some other deeper changes that also need to be made. So I appreciate it. Thanks.

- Thanks Alder. Any other comments on the ordinance. Seeing none, we will use the board on adoption.

- Mr. Mayor, I vote aye. Alder Vander Leest.

- Thanks Alder. And that ordinance is adopted unanimously 12 zero. On to .

- Motion to approve.

- Second.

- Motion made by Alder Dorff, seconded by Alder Scannell, to approved report which is the report of the redevelopment authority from the meeting on January 12, 2021. Any comments? Seeing none, all in favor signify by saying aye.

- [All] Aye.

- Opposed, nays. The ayes have it. And that report has been adopted. Sign us.

- Motion to approve.

- Second.

- Motion made by Alder Scannell, seconded by, was that Alder Dorff?

- Well, Alder Lefebvre.

- Alder Lefebvre to report N, which is the report of the improvement in services committee from the meeting on January 13, 2021. Any items here to be handled separately.

- Two.

- Come on.

- Any others? Okay, item two will be handled separately. Hanging none, all those in favor of approving the remainder of that report to signify by saying aye.

- All] Aye.

- Okay, the ayes have it. The report has been approved with the exception of item two.

- Motion to approve.

- Second.

- Motion made by Alder Scannell, seconded by Alder Corpus-Dax to approve the item was pulled by Alder Johnson. Alder, you have the floor.

- Thank you, Mr. Mayor. Director Grenier, I'm just looking for clarification. I believe I caught this conversation in the committee, but we are restoring, let's call it the full fee for the mini storm water hookup, is that correct?

- That is correct. There is no difference for the property owner, whether they're connected to mini storm versus the regular storm, because there is no difference in the connection. Both are set at the same rate.

- Okay. And I took it to heart, the last conversation we had around this, some points that Alder Gerlach had made and in particular talking about and if we're achieving the goals that we're looking to achieve. And to me and I don't wanna speak for Alder Wery, but I know at least in his district as well, we continue to have challenges with ponding in certain private areas that I think some level of drainage could assist. So from your perspective, would it perhaps make more sense to create an incentives based program that has measurable outcomes? I mean, is that something that we could potentially create to help kind of still achieve the goal that we were initially looking to achieve by having the reduced fee?

- I'm not sure what type of incentives you're talking about. Again, I tend to break things down into very small, easily digestible pieces. What this is intended to do this connection is to provide a point of connection for somebody sump pump, whether that be to a conventional storm main, which the property would have been assessed for or to a mini storm, which hooks into an inlet, not requiring somebody to dig up the road and pay for all the pavement restoration and costs associated with that. So again, it's a point of connection for your sump pump. It's not intended to address funding issues, it's not intended to address the street. It's not intended to address backyard drainage. It's nothing more than a point of connection for your sump pump.

- Yep, and I appreciate that explanation. And I think it's the some pumps being drained into yards that are oftentimes creating the issue. So I don't wanna get too far off the rails on this, Director Grenier. I think what I'll do is maybe reach out to you separately and we'll just take this issue up tonight and then we can talk more about that as an alternative. So thank you.

- Absolutely.

- Thanks Alder. Any other comments? Seeing none other requests to speak, all in favor of the motion, please signify by saying, aye.

- Aye.

- Opposed, nay. The ayes have it, the item has been approved. Protection policy.

- Motion to approve.

- Second.

- Motion may be Alder Scannell, seconded by Alder Lefebvre to prove report O, which is reported protection and policy committee from the meeting on January 11, 2021. Any items here to be handled separately.

- Item seven.

- Item seven, any others? Okay, none others, all in favor of approving the remainder of that report, please signify by saying, aye.

- Aye.

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

- Motion to approve.

- Second.

- Motion made by Alder Scannell, seconded by Alder Lefebvre. The item was pulled by Alder Dorff. Alder, you have the floor.

- Thank you. So I asked for this item to be put on protection policy and then also to come to full council. The item is about increasing the Alder term to three years with the idea that there would be some alternating years, so that the first say we did this for the next election, half of council would be on for two years, as we normally are and the other half for three. And that way we would eliminate the possibility of ever having the entire council being eliminated all at the same time. The school board has a three-year term and they have done that, so there's two, two and three. So there isn't such a huge turnover. Before I asked staff or asked PNP with this, I just wanted to see if there is interest in city council in having this investigated. As we know, our law department is very busy right now. I didn't wanna ask them to do something else when I wasn't sure where council was at. So I wanted to bring this discussion to the full council, not just to PNP. And that is what they decided at protection and policy to do is to move it forward to the full council. So I would like a discussion. Thank you.

- Mr. Mayor.

- Thank you Alder. Alder Lefebvre.

- I'm glad that Alder Dorff brought this up. I've also been concerned about this issue. It may not ever happen that all the council would be replaced in one election year, but it's possible that a good majority could be. Look, we've had new people already on. The reason is that if we have a big turnover, we're gonna lose a lot of people who have a lot of knowledge of things that have gone on before. Sometimes we will discuss something and one of the alders who's been on longer will say, wait a minute, I remember we talked about this once before, and this is why we are where we are today on this issue. So I think it's important that this is a very important issue, I believe. And I think that the rest of should discuss this. And I do have like a set of concern on this issue. Thank you.

- Thanks Alder. Other comments.

- Mr. Mayor.

- I'd like to make a comment, Mr. Mayor.

- Alder Vander Leese and then Alder Johnson.

- I'm comfortable with a two year program that we have. I think it just keeps the alders more in tune with what's going on in their district. And as far as if an alder is doing a good job, you'll get reelected. If it's about a reelection issue or a timeframe issue about losing everybody on the council, I don't think that's happening at all. We don't have that big a turnover on the city council at this point at this through the time. So I'm not in favor of changing it the two years. It coincides with what the County is doing. They have a two year program. It might be... I don't know what the state law, if anybody knows about the state law, maybe this is required by state law, I don't know. But I'm not, not in favor of changing it. Thank you.

- Thanks Alder, it is not. It is not required by state law, but Alder Johnson.

- Thank you, Mr. Mayor. Yeah, if I'm not mistaken, I think this is in our charter ordinance. So it would require a change to that process. This was actually something in my first year on council that I had talked to a number of people about two things specifically. One is three-year terms and then the other would be staggering those so that you're not always turning council over, which I believe is exactly what Alder Dorff has outlined here. But I at least wanted to share just one of the downsides of it and why I ultimately never chose to pursue it because every four years you have a presidential primary election that will occur on the same day as your alderman election. And I think, I mean, maybe that creates an advantage, maybe a disadvantage, maybe it's a moot point. I don't know, but I just at least wanted to point out that that is a consideration because now you no longer have parity amongst your city council elections because I mean, that is a very significant impact. I know at least in the case of my district, you're talking about double the number of voters of what you normally see, which there's nothing wrong with that. But again, it's about creating that level of parity that I think is important in where some alders will face that every four years and others will not. So I wouldn't necessarily keep that as a reason to oppose this, but I think it was a consideration of why I didn't pursue it at the time. And if the majority of council here today saw fit to continue to pursue it, I certainly wouldn't oppose that. I think it's something that's at least worth discussing.

- Thanks Alder. Other comments. Yeah, Alder Brunette.

- When it comes to serving the public and representing the public, I always have an open mind, not too concerned about losing people with institutional knowledge because elections are us basically applying to the public to represent them going forward. And as people consider elections, they should consider qualifications experience and a whole host of things. If anything, I'd like to see more

people run for office, perhaps three years might make it more enticing so candidates don't have to run every two years, but three years is a long commitment. This idea that we don't want a full turnover of the council at one time. I mean, we can still accomplish that by keeping a two-year term and just basically having six of us run up for election, six of us, not meaning the current council, but six council members out for election one year and six the next year. That will allow if people are really unhappy with us, unhappy with the job or the direction of the city, every single year it's potential that they can change the direction of their city government. I think that's a good thing, keeps us accountable. Look at the school board a three-year term right now, there are a lot of people that are very unhappy with the school board and to think that they have to go on with another few years have some representatives, they may not be happy with. I think that that's a consideration as well. Look at the United States Congress, assembly, as we get more and more partisan in different levels of government, they have a full turnover of a governing body like Congress or the legislature, whatever. That's probably a good thing. So I never wanna be so bold as to think that this city council or any government is immune to a full turnover of the council. So I have an open mind, I need to see the details, but I guess my final question though, is who would investigate, who would look into this when you say city staff, which member, which department of city staff will look into it.

- Thanks Alder. Is that a question for the Law Department?

- Yeah, if it is deputy Bungert, would it be the Law Department?

- Yes, it would be... Our staff would research as to what, and obviously it would be in discussion with the alders as far as what comes out of council or what direction council provides. But as far as executing this sort of change, whether it does require an amendment to our charter ordinance and any subsequent referendum that would need to be put and the timing of that and all of the requirements to get that effectuated.

- And that alone, I'm entirely opposed. And this is not a criticism of the Law Department. As the city council, we need realize there are several open records requests that need to be fulfilled. There are several lawsuits that the city Law Department are working on. We've asked for a revision of the code of conduct for the last two years, which hasn't been delivered yet. So I don't want to put another additional burden on the law office when we really don't need to. So I'll vote no on the general idea if we can get other staff to look into it or a volunteer or look, something that doesn't tie up city lawyers and which are tend to be higher paid city employees and do something like this. I'd rather just wait until things settle down on some of those other fronts. So I'll be a no vote. Thank you.

- Thanks Alder. Other comments. Seeing none.

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- Mr. Mayor, Mr. Mayor. Here we go. Yeah. I would like to see this pursued. I don't mind if it gets put on the back burner and that these other things came forward, but this way it's there and we will get to it eventually. And I think it's worth pursuing and worth looking at. I don't think there's any rush on it. If it takes another election cycle to go through before we even get to it or whatever, I think that's... But I think it's something that I know it's been discussed many times. I've had this discussion with others and it just never went anywhere. And I would like to see now that it's up, I think to see it, I think to see it pursued, but we could certainly... I don't think there's a rush on it. And I think the idea of staggering the election, certainly is an idea that's a good thing. I think also three years for have the term three years, I think might actually be more enticing for more people to run. I think a lot of people, I'm not real familiar of what it takes to run a campaign and it's a lot of work and every three years it might be more compatible to get more people involved. So I'd like to at least pursue this. So for me, there's really no hurry on it. I just liked to not see it get lost. Thanks.

- Thanks Alder.

- Mr. Mayor.

- Alder Steuer and just a reminder, I am watching civic clerk here, so please press your buttons.

- I've tried that and it doesn't seem to work.

- Alder Steuer, go ahead.

- All right, thank you Mr. Mayor. I kind of agree with Alder Scannell a little bit. I guess one of the questions I would have, and I maybe would to pursue it a little bit is to see what other communities have done as well. And if there have been staggered elections, whether it's in this state or other areas, I would like to know if it's worked very well or how that has gone forward. So that might be just a question that we can ask at a committee rather than tying up a lot of parliament. But it definitely should be a back-burner issue. I don't think, Alder Brunette brought up some good points. So we have too many other things that we need answers on soon. So I agree with Alder Dorff said, we should at least look at it. So whatever means that we do to do that, I'm okay with that. So that's my point. Thank you.

- Thanks Alder. Seeing no other comments.

- Mayor.

- Alder Johnson.

- Thank you. And I'm in the agenda item and I do have my button on just as an FYI.

- Yeah, maybe it's an issue on my end then. All right, go ahead.

- Alder Dorff, recognizing maybe some of the concerns about burden on the law department. Would you be amenable to maybe just modifying this and eliminating the portion that specifically says to implement this for the 2022 election? That way it doesn't put like--

- Oh yeah, sure. Oh, I see. Yeah, I'm fine with that.

- Would offer that up as an amendment to strike the timing of this, meaning beginning with the 2022 election. That would be my amendment to strike that.

- So eliminating the last...

- Five words.

- Yeah, the beginning... Okay. So Alder Johnson has made an amendment. Alder Dorff.

- Second. I agree.

- We'll go with Alder Dorff on the second to eliminate beginning with the 2022 election. Any comments on the amendment? Seeing none all in favor, signify by saying aye.

- Aye.

- Aye.

- Aye.

- Opposed nay.

- No.

- Nay.

- The ayes have it, the item has been amended. Entertain a motion to .

- Mr. Mayor before you do that, I apologize. And Alder Steven has brought it up, we have an item number six. If you can look at that. we asked Amanda Lee to have a letter and I don't know if we have to reopen that, Bungert 'cause we already voted on that.

- No, I believe the recommendation from PNP was to approve it, contingent on her filing that letter. I do believe she actually did file that letter with the clerk's office. I reviewed it and found it to be sufficient. So there wasn't any additional action that needed to be done by council as the recommendation was to approve contingent on the firing and that was already approved by council.

- All right, thank you. Okay, I'm done.

- So we do have items seven, that's been amended.

- Motion to approve as amended

- Motion to approve as amended.

- Motion has been made to adopt as amended. That was made by Alder Dorff, seconded by Alder Scannell. Any final discussion?

- I do, Mr. Mayor. Sorry, I didn't press my button.

- That's right. Alder Wery, go ahead.

- Thank you. Yeah, I'm interested in hearing the discussion on this. I think it's also vital that we consider it's not really what's best for us. It's what's best for the residents. Do they want put someone in office for three years or is it better to have that two years, where if they're really, and believe it or not, some people who get elected and once they're elected, they realize it's not for them and they just don't do a very good job. They have to suffer through three years of that. We have to think of, of what they want and need, not what we want and need. So I hope that's part of this discussion too. Thanks.

- Thanks Alder. Any final comments? So item has been amended, motion to adopt as amended has been made and seconded. All in favor, signify by saying aye.

- [All] Aye.

- Opposed, nay. The ayes have it. And then onto granting operator licenses.
- Motion to approve.
- Motion to approve.
- Motion made by Alder Johnson, seconded by Alder Stevens to report granting operator licenses. Any names for what you'd like to be recorded as abstaining.
- Mr. Mayor, I have a Debb Mooney I'd like to abstain from. Thank you.
- Very good Alder Steuer. Any others? We've noted those abstentions. Any names under this report you wish to handle separately. Hearing none, all in favor of the report, please signify by saying aye.
- [All] Aye.
- Opposed, nay. The ayes have it and those abstentions have been noted. Plan commission.
- Motion to approve.
- Second.
- Motion made by Alder Scannell, seconded by Alder Corpus-Dax to approve report Q, which is the report of the planning commission from the meetings on October 12, 2020 and January 11, 2021. Any items here to be handled separately?

- Mr. Mayor. I'm sorry, I can't see my button. I don't know where I button is. I apologize, but I wanna pull number one.

- Item number one. Any others to be handled separately?

- Three.

- Three Items one and three. Any others? Handled separately. Hearing none others, all in favor of approving the remainder of that report, please signify by saying aye.

- [All] Aye.

- Opposed nay.

- Mayor, if I could be logged as abstaining from item number five as Mr. Bader is a member of my executive.

- That is noted, thank you Aider.

- Oh, I'm sorry, your honor. This is that the plan... I believe I need to pull item number five. I'm sure of it.

- I think you want number one.

- Is it number one?

- Regarding 901 Maine Street.

- Yes, thank you.

- Okay, so items one and three will be handled separately. We've noted that abstention. Hearing on others, all in favor of approving the remainder of that report, please signify by saying aye.

- [All] Aye.

- Opposed, nay. The ayes have it. Motion to getting item one.

- Motion to approve.

- Second.

- Motion to approve--

- on camera right now. Be mindful, I got my camera.

- Seconded by Alder Steuer.

- don't go through the back way.

- Mr. Bader, your audio is on, just a heads up. So we do have a motion and a second on item one that was pulled by Alder Lefebvre. Alder Lefebvre, you have the floor.

- Thank you, Mayor. Yes, this is very interesting item here. It was discussed way back in October and it's really weird how this happened. It has not really been voted on by any of the committees, by the grand commission or the board of appeals. They were canceled, wasn't on the agenda. And I also want you to be aware that there are some legal issues that are gonna come up. And so I would like to ask to open the floor as Mr. Bartkowski would like to speak. He's involved, he has the building behind 901 Maine Street, he's on Cedar Street. He would like to speak. Could you please open floor.

- I second that.

- Motion has been made to open the floor by Alder Lefebvre, second by Alder Steuer. All in favor, signify by saying aye.

- [All] Aye.

- But a point of clarification, your honor. Alder Lefebvre, did you say this hadn't been voted on by the planning commission?

- It was a condition. It had to go to the board of appeals and they never really voted on it.

- Well, the planning commission--

- I went through all, I went through all the meetings, they kept canceling. It was never voted on. And it wasn't even on the agenda, I couldn't find anything.

- Maybe before we go to the, our citizens here, let's just go to either assistant director, Raniere Wig, or potentially our principal planner, Dave Buck to get a little bit of an overview on the process. And then we'll entertain that vote open the floor.

- Thank you. Dave, I believe is on the line as well. Alder Lefebvre did go to plan commission and it was actually approved and sent forward to council with the conditions you see listed below. And I believe it also did go to the board of appeals, which I believe they held this. They did not take a vote on it. I believe they held this item waiting for, I think for the council vote. So as far as process goes, it has gone through some committee. It was held at council 'cause I think there was some clarification that needed to be made with regards to, I believe some lot lines. The adjacent neighbor had said that he had not received proper notice, so he needed some time to look at some things. We wanted to get clarification from emergency services on whether or not that was an issue with regards to this drive-through. So those things have been happening since then. So I can tell you that with regards to the EMS, there were no concerns, with regards to emergency services and the drive-through that we received commentary from. And as you had said, it was then held at the board of appeals with regards to that bypass lane, I think, requirement that we had asked for. Which .

- Yeah, right. And they never had it on the agenda or discussed it since.

- Since then, correct.

- Right. I think, right. I asked to open it up to Mr. Burkowski 'cause he's got some legal things that's gonna come out. And I think that we need to talk about that before I would make a recommendation it goes back to the board of appeals.

- Yep, we thought that and Dave Buck, did I miss anything in that overview?

- I don't believe so. The board of appeals did state that they wanted the council to take action on the ability to have the drive-through as a conditional use before they would react to the request to have a variance for the emergency bypass lane.

- Thanks for noting that Mr. Buck. So with all that said, we will entertain that motion to open the floor. All in favor, signify by saying aye.

- [All] Aye.

- Opposed nay. The ayes have it, the floor is open. Just reminders, state your full name and address, and then feel free to address the council.

- [David] My name is David Bartikofsky. My address here is 900 Cedar Street. That's my business address. I'm the owner of 900 Cedar Street. You gotta bear with me cause I just had to my left shoulder replaced last week. So I'm not hitting on all cylinders. So just bear with me here and be patient. Thank you, your honor and council members for allowing me to present my case here this evening. I'm opposed to the drive through between my building and Mr. Baders building there. I don't believe there's enough room. There is a legal easement in place. My property line is two and a half feet from my wall. It's my understanding, you cannot block an easement. And I think by putting a driveway there, it impedes on my ability to maintain my building. And my building was built in 1892. It's all brick, windows need to be replaced, tuck pointing and such to maintain the historical aspect of my building there and allowing us to go through would impede upon that greatly. This has been fun back and forth. I'm kind of losing track on who has what authority and so forth. And it's just seems to be going back and forth. And it just seems to me that this has been brought back and forth in a fashion where I'll either just walk away and forget about this whole issue and wearing me down here. I'm not sure if that's the attempt to do that. I hope it's not. I hope that the city of Green Bay would be fair in looking at my side of this as well. There's a lot of things that I don't think that have been, from the beginning have been overlooked. And I think we need to clarify a lot of things here. We need to address water runoff, we need to address snow removal through that little lane there, if approved. And I don't think it should be approved at all. I think, like I said, it will impede upon my maintaining of my building there that I purchased. And because I'm in pain here and I've been waiting quite a while this evening to get this point across, I'm gonna leave that. That's all I'm gonna say this evening. 'Cause I would hope that most of you that do take this vote this evening, I've actually come down and physically looked at that lane and understood that there was two and a half feet plus the easement, which is two feet on my side, two feet on the other side of my property line. And understanding that if you do put a lane there, it's my understanding, there was no requirement for a safety bank meant there for cars going through there. I don't know how you're gonna put a lane there and allow pedestrian traffic to go through the easement when you have cars there. I don't quite understand how this is all going to work out and I don't think it works out. So that's all I have to say. I do wanna say you started the meeting this evening with quotes and one of my favorite is Theodore Roosevelt's quote. And that is, "Believe you can, and you're halfway there." So that's one of my favorites. But thank you, and I do have representation. Mr. Chris Paul would like to speak. He has started actually rowing the boat at this point. Like I said, I'm kind of into incapacitated right now and not hitting on all cylinders. I'm not as sharp as I probably should be at this evening and this event, but I'm gonna hand it over to him and hopefully you'll listen to his position as well. Thank you very much.

- You're good. Thank you, sir. Mr. Paul.

- Yeah, thank you for letting me speak. My name is Chris Paul. I'm an attorney with Ruder Ware Law Firm in Green Bay. My address is 222 Cherry Street, Green Bay, 54301. As Mr. Barkofsky said, I think our primary concern here is the amount of space between the two buildings. If you read back to the

plan commission minutes, which we've done references made in those minutes to there being 12 to 13 feet between those two buildings. And that is there is 13 feet between the buildings, but of that 13 feet, two and a half feet is on Mr. Barkofsky's property, which brings the area available for a drive-through lane down to 10 and a half feet. And then another two feet is an easement, which is a valid easement and should not be interfered with. So now you're down to 10 and a half minus the two for the easement. You've got eight and a half feet approximately of space for a drive-through that is more narrow than a parking stall is required in the city of Green Bay. This is just such a tight fit. I don't think Mr. Barkofsky is in any way opposed to development, getting business in there, anything like that, even another coffee shop would be great. It's just the space, there's just not enough space there. It's just not a practical location for what's being proposed. Thank you.

- Thank you, sir.

- I believe Mr. Bader was also on the line. Mr. Bader.

- [Bader] Good evening everyone, happy Tuesday. And thanks for sharing this again. I understand at this point, how we approach this point. I'll summarize my comments based on addressing some of the concerns that have been raised. There were a number of items on both plan commission and word of appeals. And tonight that'll talk about noise traffic and those sorts of things. I believe we've discussed sores or have reasonable ways of mitigating any concerns there regarding the size of the drive through lane. As was just noted, there's 13 feet between the buildings. We have engineered plans from when 91 main was constructed shoulda it's 11 feet to the property line and 11 feet that we would pave. So the entire drive to lane has proposed, would be on my property and paved to that point. Keep in mind that the average passenger vehicle is six and a half feet. And with the average parking stalls, nine feet in width and the traffic lane is 11 feet in width. So my opinion, there was plenty of room for any approved passenger vehicle in the United States to drive on the drive lane. And plus when they are going through the line, keep in mind they're idling at essentially zero miles per hour. So I think the risk to buildings is very remote. Regarding water and snow. When the original building was built, we put in an inlet for a future lane, so drains will be addressed. Snow will be applied just like any other part of the parking lot out to the edge of the property line. The easement of course, is coming up as the biggest hot button item. That easements from 1923, it's actually a four-foot reservation, two feet on each side of the property line. Keep in mind in 1923, there was a building four feet off of Mr. Barkofsky's building, which warranted it and it made it for footpath travel. Many of these easements exist in our downtown areas and the wording is very clear. It says for footpath travel to allow that, not to prevent or allow any other use. My attorney has reviewed it, city of legal even as reviewed it. There's nothing against paving a line to the property line, which code would allow, which would grant 11 feet of clearance. Keep in mind that the footpath easement curved vents, permanent obstructions. And think about in 1923 what that means. That means a garbage corral or a trash enclosure, even in quite frankly, a horse and buggy allotment. Those were designed to allow path easement. That obviously is different today. And whether or not one wants to look at whether the easement would be in effect or not, the reality is that that easement human nature does not prevent what I'm trying to do in it with all due respect. So I think

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really this comes down to neighbors working together. I've said on many issues since we built this building, I'm happy to work with Mr. Barkofski on a number of things. I've used as valid, I think good for the city or for the property. I would like to work with him on issues regarding when quite frankly, he could be on my property. So services, billings he talks about and talk point if it's windows and those sorts of things. We can do that. The user is not open every day, they're open limited hours. It's really a pretty friendly use as in the adjacent property. But I am happy to do that if he is happy to work with me. But I do ask for your approval tonight. I think this was a good thing for our city and it will help other properties, especially downtown in these times that we face and users that quite frankly see a drivethrough as ultimate necessity, not a luxury be as successful as they be. Thank you.

- [Celestine] Mr. Bader.

- Yes.

- Can you please state your address for the council.

- Okay, it was like at the view by the end. 300 North Van Buren Street, Green Bay.

- [Celestine] Thank you.

- Thank you, sir. Any questions for members of the public from council.

- Here if I could. Alder Brunette.

- Alder Brunette, go ahead.

- Mr. Bader, your experience as a developer when a change like this is made, how does it affect the adjacent property values like Mr. Barkofsky's would be affected?

- [Bader] I can't tell you of any particular circumstance where I've personally worked on a property that's had a negative impact on a neighbor of mine. I would hope all those on the call tonight by now would, they're witness to the work I have done in the city. And I think the good steward I am to the city, to my properties, to my neighbors. I would never intentionally try to do something that would negatively impact one. I think enhancing that district, that neighborhood and what we're doing does nothing but benefit all parties.

- Yeah, I didn't mean to imply that. Please know that. I'm just trying to convey what the gentleman's concern is. I'd be concerned about potential drop in my property value where some of the other concerns. I'm just hearing was on that. No other questions. Thank you.

- Thanks Alder. Alder Gerlach.

- I just have a quick question for Mr. Bader, please. Mr. Barkofsky said he is concerned about his ability to get into that space to maintain his building because obviously his property line wouldn't give him access to bring a truck in or something to work on his building. You said something about this isn't gonna be open all the time. What are the hours that it will be open, please.

- [Bader] Tentatively, it would be something six or seven in the morning until about two in the afternoon. It's really seen as a morning and an early lunch operation. So anytime after two o'clock it's closed until the following morning again.

- Can he count on that?

- [Bader] I mean, that's something like I would say, again between neighbors that we work on and agree to. This is, I can tell you from the operator with whom I'm working, they're not willing to go public yet, but it's an operation that everyone will know. They're very good folks. And like myself, I'd say very trustworthy and wanting to work with the neighbors.

- And did you say this is a local business or a national.

- Correct, this is a local company that has an existing local coffee shop. They live in our community, they employ people here. They're absolutely wonderful self service people. I love to get this done for them as well.

- Thank you.

- Thanks Alder. Alder Galvin, question for the public.

- Yeah, this could be more for Mr. Paul.

- Go ahead.

- Mr. Paul, I'm not sure if you can answer this, but how long has your client owned that building?

- I believe he's owned it for three or four years.

- Okay, and has he done any improvements to it yet?

- Yes. And you'd have to ask him directly, but yes, he's been slowly improving the property over time.

- Okay, and as far as you know, Mr. Barkofsky knows, and if he decided to do work on that side of the building where the drivethrough is gonna be, I mean, this is only concerned that he can't get at the building to do the improvements he needs to do. Is he truly concerned someone's gonna drive through his building. Or they can at least walk along... Well, he's got two feet to walk along the side of it, but I mean, is this concern more that he's gonna be restricted from improving his building or that someone's really gonna drive through the side of it?

- I think it's just that this is the wrong place. If you've seen the area, this is a very narrow area between two multi-level buildings, both of which have residential tenants in them. And I respect what Mr Bader said, but most cars are not six feet wide, they're closer to eight. And this is bit and the regardless of, I appreciate what his attorney is said, but in easement he can pave that area where the easement is, but to cause a drive-through to use that as a drive-through is interference with Mr. Barkofsky's rights. So there will be some litigation to enjoin that use. It's just, it's too narrow, it's not the right place for a drive-through.

- Okay, and I'm gonna have to make a comment then, or I'll say my comments for later. Thank you.

- Thank you, Alder Garvin. Any other questions for our members of the public.

- Mayor?

- Alder Steuer.

- Thank you. Thank you, your honor. Mr. Paul, I don't know Mr. Barkofsky's still there, but I've been to the location and I've seen it. At first blush, it seems narrow, it does. I mean if just looking at it from a third-party standpoint. But is there also concern from noise and such for the tenants or for the people that live your street? That would be one question I have for you. Is there any wear and tear on the building or any concerns about the building itself or the tenants living there?

- Well, certainly, there'll be noise, there'll be vehicles, there'll be emissions, all those kinds of things, increased traffic in that small parking lot there. So those are all concerns, yes.

- And one other... I don't know if you can answer this as well. We at the city are always concerned about suits, lawsuits. Is there anything that would happen if we voted in favor of Mr. Bader today that... Is there something that you can share at all that what you and your client would do?

- Well, if the intent is to use that two feet of easement as a part of the drive-through, then yeah, we would have to start some kind of legal action. And I have half a dozen federal and state cases right here that say he doesn't have to build something in that two feet in order for it to be interference

with the easement. So yes, there would be a lawsuit to determine that the use as a drive-through is an interference with the easement. And if we're successful, there would be eight feet or so of space, which frankly just isn't enough for a drive-through.

- Oh, would the city be part of that then I guess. We would be part of that lawsuit.

- I think it would depend on the variants because the other option would be to challenge the granting of the variance as something that there are standards for granting variances, and we're not convinced this meets those standards, but that would be if the variance is granted.

- Okay, thank you. That's all I have.

- Any other questions for those who have testified? I'll entertain a motion to close the floor.

- Motion to close floor.

- Motion to close the floor made by Alder Galvin, seconded by Alder Dorff. All in favor, signify by saying, aye.

- Aye.

- Aye.

- Aye.

- Opposed, nay. The ayes have it, the floor is closed. Additional comments from council. Alder Corpus-Dax.

- So in planning commission, when this came through in October, we had a long discussion about it and ultimately biggest concern was specifically from fire and whether or not. 'Cause I think they addressed whether or not a firetruck could get through there, but didn't discuss whether EMS would have an issue. So that was one of the conditions, was whether or not fire had any issue with it. And then the other condition would be getting the variance from zoning. So those two conditions were placed on it. And we all agreed that, as long as those conditions were met, planning commission was fine, was in support of the drive-through, going ahead with the drive-through. And then one of our commissioners, he's also a lawyer, very sad to see him go, 'cause he's moving out of the city, but he ended up Wisconsin, X67, which states if an applicant applies for a CUP and the municipality sets conditions for that CUP. As long as those conditions are met, the city has to, or the municipality pretty much has to grant the CUP. So that's also one of those things to take into consideration.

- Very good, thanks Alder.

- Alder Galvin is in the queue and then Alder Lefebvre.

- Your honor, I've been down in that area quite a bit. I used to work down there quite a bit. If The fire department feels they can get a truck through there, I'm not concerned about a civilian getting their pickup truck or their SUV or any other type of vehicle through there. I mean, if you've been through anything, any through of our drive-through banks, those are quite narrow. I have yet to have a mishap with one of those. And I think they're quite a bit more narrow. This is Mr. Bader's property, I grant it there an easement. But I think the lawyers will work that out in the best interest of their clients. I think the thing I'm in favor of granting this. I think it'll be a huge improvement for that area down there. And I think ultimately, it will enhance the value of the property of the neighbor next door. Thank you.

- Thanks Alder. Alder Lefebvre.

- Yes, I did look at the property. Actually walked through it and I looked at it and I wish everyone would do that. We approve certain things and you look at maps and aerial views, but you don't really go and look at it. And the way it is right now, even if Mr. Bader had the full 13 feet, I still look at it and I said, "Holy mackerel, that is narrow." And then look at the map, I mean, go look at it. Then the curve to come around his building and to get access to the main street. I don't know how you're gonna make that curve. And then on the side of his building and his West side, that is slammed. That's gonna be leveled off and isn't he gonna have to put a retaining wall in them? I don't think you're gonna put a exit drive through exit that's at a slammed, especially in the winter when you're gonna have ice

and snow. There's not gonna be enough room. I don't know how they're gonna do that. I mean, I really think you have to look up. Everybody has to look at the situation to make a valid vote. So I'm gonna make a motion that this would be held up and go back to the board of appeals.

- Just a point of clarification or a question to clarify things either to our law department, Attorney Bungert or Assistant Director, Raniere Wig. Is this motion needed because it's my understanding, this needs to go to the board of appeals anyway.

- It does, okay.

- I believe that was part of the condition from the plan commission that it got approval through board of appeals.

- Okay, okay.

- If it's approved here tonight, it would have to go back if I'm correct with that, Alder Corpus-Dax.

- Yeah, from what I remember with board of appeals, they kicked it to council. I believe they.... Alder Scannell, do you recall this? That they sent it to us.

- If we pass it, as I understand it, it should then go back to appeal. They don't wanna handle it if we're not gonna go forward with it. So if we pass it, it'll go to appeals. If it gets denied there, then it's all done. And if it does make it through appeals, then I don't know if they're still, I mean, it will still sounds like there's some legal issues to work through and some other things. So it's a long road a hole here. But it starts with us here. If we're okay with the principal, with the idea, I'll talk about in a minute, if I may. And then...

- Maybe we could just skip to attorney Bungert to confirm for us what the process looks like.

- Yeah, so the item and the council is to approve the recommendation of the plan commission, which is to authorize the CUP. And then that authorization of the CUP is contingent on no objections from fire and then the variance from board of appeals. So it's not so much approving a general idea, it's approving the CUP. And if the CUP is approved, then it goes to the board of appeals for the variance. If the council denies the CUP, then it doesn't go to the board of appeal because board of appeals is determined they're not gonna make a decision on the variance until council makes...

- Very good. Thank you for--

- I'd like to make a comment.

- Just one second, Alder. You have some other folks in the queue ahead of you. So does that clarify things for you, Alder Lefebvre?

- Yes.

- Okay, Alder Scannell, you're up.

- Thank you. What I meant by a general idea is as alders, I think it's a mistake to get too involved in these things. I think we should not micromanage. We're not professionals. I don't know if they're gonna make turns or whatever, that's all up to planners and engineers. The variances and stuff is all up to lawyers. All I wanna do is look at the general idea and do I think it's a good idea, do I see any kind of problems here in general. And for me, I know Dave. Dave and I go back a long way and I love Dave. And fortunately he loves me, but I disagree with, I wanna see this process go through. And if there's a technical problem, it ain't gonna make it. But from a general point of view, I think we need to look at as a city, as an urban center, the idea of possibly having drive-throughs and what that takes and what that looks like. And I think this process will help us with that. We'll notice later on that there is an amendment to our statutes about urban drive-throughs. And I think to address some of the things brought up, like noise and pollution and stuff. This is downtown, this has an urban setting. Yes, I mean, that's urban living. If you don't like that, then you're living in the wrong spot. I mean, we wanna make our urban center as vibrant as we possibly can and develop as strongly as we can. And the idea of a drive through downtown, which most of our drive-through you think that they're out in outer lane areas, in suburban settings. And so I want us, for me, I would like to see this go through tonight. I have no problem with the CUP. And as Alder Corpus-Dax mentioned, we have the, I forget Act 83 and a half 0.2, whatever. But we're kind of bound up with that. We have to be careful that we're not getting sued by Alder Bader for illegally inhibiting his development. So I just want to, for

myself, see the go through. There's a lot of technicalities to be worked out yet. I'm not gonna work them out, I'm not gonna worry about them. That's for lawyers and engineers and everybody else to work out. And if they can make it work, great. And if they can't, oh, well, that's too bad. And back to the drawing board. So I support this and wish everybody good luck.

- Thanks Alder. Alder Vander Leest.

- Thank you. My thoughts are I did go to the site and I looked at the site. It's a narrow site, it's only... This gentleman that owns the Alder building there. If he decides to put a few air conditioners on that side of the building, I think he's gonna be in trouble. As far as the legal stance of... I think there's much more to be worked out before we say go ahead with it. What is gonna happen here is you're gonna have to hire an attorney. They're both gonna be hiring attorneys to solve the problems. In other words, we're approving it right away, they're gonna be fighting for each... In other words for each property owner is gonna be fighting for what they feel is correct. And I think we should maybe give them a 30 day or a 60 day period where they can decide what to do as far as if they can work it out that way and then bring it back to the city council, rather than just shove it through and then all the legal things that's gonna cost a lot of money as far as one attorney is gonna be working for one side, one for the other. So I think we could just delay it maybe for at least 30 days, and then see if they can't come to or get a little bit more input on this project. And that's my thought. So I don't really wanna approve it tonight. I think we need more time on this so they can get things clarified. And the only way they're gonna do that is discuss it. So that's my thought. Thank you.

- Thanks Alder. Alder Dorff.

- Thank you. I would want to see this approve tonight. I'm speaking in support of this. I think it's already been gone back and forth and back and forth. And I think that someone just needs to make a decision. I echo all the things Randy said, I'm not gonna repeat those in the interest of time, but I'm very much in support of this. And I would like to see this approved tonight. Thank you.

- Thanks Alder. Alder Gerlach.

- I thank Alder Scannell for laying all that out and I'm supportive of it too, but I just have one quick question either for attorney Bungert or for Mr. Buck perhaps. I hear about this easement. If I understand correctly, there used to be two buildings that were only four feet apart and the purpose of this was to make sure people could walk between the buildings. I just wanna know, do we need to be worrying about that easement?

- Attorney Bungert.

- Yes, I can jump in on that. The easement really, it's an easement between the two property owners for purposes of reviewing the plan. Our staff did review the easement and the easement is for pedestrian pass through or foot traffic. I don't have the easement language in front of me. And so long as that purpose isn't frustrated with a driveway being paved up to the property line of Mr. Bader, interfering or frustrating the purpose of the easement. So no structures can be... So the easement language doesn't provide any affirmative language that nothing can be erected. It's just that, that two feet on one property owner side and two feet on the other property owners side has to be maintained to allow pedestrian passage. And so long as that rights and that access and that use isn't frustrated, then the easement is still maintained and isn't violated. So, so long as there isn't a curb or any kind of shrubbery or any kind of structure that would impede the pedestrian passage through, then the easement is being maintained.

- Great, thanks Attorney Bungert. Thanks Alder. Alder Scannell, it looks like you're in the queue. That would be for a third time.

- Well, Mr. Mayor, I haven't spoken.

- Alder Steuer, go ahead.

- Thank you, your honor. This might be for attorney Bungert. If this is voted on tonight to move forward, then it goes back to the board of appeals and looking at the variations on this it just basically says no objections from the Green Bay Fire Department, EMS and fire service, and then an approval from the zoning board of appeals. Those are the only two items on the conditional use, correct. I see it, I just want to make sure that there's nothing involved with the easement or anything like that.

- No. The easement itself is an issue between the two property owners and if it does come down to litigation, it'll come down between those parties to basically get a determination one way or the other as to the parameters of that event. However, with respect to the conditions that were placed on this approval by plan commission, yes, you are correct. The approval of the CPP by the planning commission was contingent on those two items. There was no contingency placed on anything related to the easement itself.

- Well, I think one other point is maybe I'm a little gun shy on some of the that have come forward, but over my tenure, there have been at times where suits have come forward after we overturned a CUP, and now we're not allowed to do that. So it's kind of a heavy burden to make sure that you do the right thing. And like I said, I have the utmost respect for both Mr. Bader and Mr. Barkofsky, I know them both for a long period of time. This is a tough one. And I know that some of the alders just want to bring it back to the board of appeals. And Attorney Bungert, correct me if I'm wrong. If the board of appeals votes to approve it, that's it, it doesn't come back to council, correct?

- I don't believe so. I'm getting a nod from Cheryl that yes. What council is voting on is the CUP, the board of appeals will be voting on the variance issue with respect to the bypass lane. So that would be the contingency that would need to be met in order for the cup to be fully and completely approved.

- But it won't come back to council then, correct.

- No, it would not.

- Okay. That's what makes it difficult for me, because I know that we're trying to move it forward so that we can elusive to discrimination from the board of appeals, but I'm still a little uncomfortable with that because I'm always worried about CUP issues that would come back to bite us. In the past, it has. So with that being said, I will probably vote against it. Thank you.

- Thanks Alder. Alder Corpus-Dax.

- Thank you, Mayor. I'm still in support of this measure. Again, we Vetted it quite a bit at planning. We placed two conditions on the applicant. I do think that they should go through zoning needs to make that decision and whether or not to allow the variance cracked, it's not gonna come back to council. But the CUP is never do once the conditions are met, once approval is given. So I still support it.

- Thanks Alder. Again, Alder Scannell, you're in the queue here, but that would be for a third time.

- First time was to answer a question.

- Okay, we'll allow it and then Alder Wery.

- I'd like Wery go first, if he'd like, 'cause he hasn't spoken.

- Alder Wery.

- the gentleman, Randy. I think as someone previously stated to this, this has nothing to do with either gentlemen. They're both fine people trying to better our city in different ways. Although Lefebvre mentioned, you should go out there and see it, and I'm a firm believer in that as well. I like to hide up and really get a feel for it. So I went out there with nobody else there and then walked it and looked at it. And all things considered reading all the reports and all the work that planning did, I'm gonna vote against it, that's just my thoughts on it. I can understand if you think it fits too, but for me, I just think it's awkward. Thanks.

- Thanks Alder. Alder Scannell.

- Yeah, I'd just like to address a couple of things brought up, one was to delay this to work out more. I mean, if the day is just mucks this up more, I mean, lawyers have been involved, lawyers are involved now. Lawyers will be involved going forward no matter what. If we vote for this, they're gonna be involved. If we delayed it, it'd be lawyers working this out being involved. So delaying it doesn't help at all in my mind at all. And as far as the CUP, why would we need this to come back to us? There's nothing for us to decide anymore. I mean, we're not involved in the CUP, that's the planning commission. This has done for us. There's nothing to come back if it gets through board of appeal, there's nothing, no more decisions for us to make. So I don't know why anybody would want this to come back. I don't understand. So I would really like to, for myself, I'd like to see this go forward and all the technical aspects, that's for the technical experts to work out. For me, I like the idea of trying to figure out if a urban drive-through can work and how it should work. And this is a good test case. So thank you.

- Thanks Alder. So we do have a motion and a second to authorize...

- Mr. Mayor.

- Alder Lefebvre.

- I just wanna to say that I'm not against drive-throughs or urban, what. It would be good if it was in another spot. I just, like I said, I did look at the situation and I just don't feel that it's a good... My car might be able to make it, I have a small compact, but you have vehicles today that are really big. I'm just sorry. I just do not feel comfortable with doing it. And then we have problems down the road. I'm not talking about maybe some lawsuits, I'm talking about problems with people navigating that turn and the slant on the side of the building. To me, it's just not workable. I'm sorry, that's my take on it. And I'm gonna vote no. Thank you.

- Thanks Alder. Like I said, we do have a motion and a second to authorize conditional use permit with a couple of conditions on there. So all in favor will signify by voting aye.

- We use the board.

- Yes, please.

- There's a request to use the board and we will do so.

- Mine will be a nay, Mr. Mayor. Alder Vander Leest.

- All right, thanks Alder.

- May I just point out that I'm abstaining, but for the same reasons as my aforementioned abstention.

- Noted, thanks Alder.
- [Manley] Alder Steuer, is yours popped up. I'm just waiting on a vote for Alder Steuer.
- You're muted.
- I say nay.
- So that item is successful. Seven to four with one abstention. On to item three.
- Motion to approve.
- Second.
- Motion to approve made by Alder Scannell, seconded by Alder Corpus-Dax. Was this pulled by Alder Johnson.
- Yeah, I know there's someone here to speak on this. So I'll just make a motion to open the floor.
- Second.
- Motion on the floor made by Alder Johnson, second about Alder Scannell. All in favor, signify by saying aye.
- [All] Aye.

- Opposed, nay. The ayes have it, the floor is open.

- [Celestine] If you'd like to speak, please unmute yourself and state your name and address for the council.

- Casey, that's your cue?

- Good afternoon or good evening. Thank you for the time allowing us to speak on this issue. We wanted to express, we've been through, this is our second city council for this. The first time it actually got pulled back to planning commission because there were supposed to be new evidence and different people speaking. And we did not have that. I know Alderman Wery might've had someone else that was gonna speak or new information. I know he wasn't able to make the first meeting, so I understand that. But there was nothing new or new information. We just had the same individual that's been very vocal about it. And instead of having a six month, he recommended a 12 month probation period. The house of process is already approved for six months. We're in the same scenario. That was the only change and only person that spoke at that. So we're asking to have that six months probation period back, we also created or drafted a letter, really kind of talking about what we've been doing. The officer Lent we've been working with sees no issues with the few items that have come up. We're also making improvements to the property to address any of those things with putting a fence in other items. We do appreciate to the neighbors that are very supportive or are neutral as well. We wanna be good neighbors, we wanna be good to the community as well. So we do appreciate those individuals. I know we hear more from one or two neighbors that aren't happy, but wanna help to address them. We've also sent our contact, our cell phones. Reach out any time and we wanna make sure that they feel heard and anything that we can do besides the changes that we have made besides that. So those are really the items that we're making. And we're back here again. And that's why we're asking for the original recommendation from the plan council, 'cause the only real change was one individual. So let's make it 12 and one individual said, "Okay, does anyone object?" And it just kind of went through without any, after the floor was closed. So we had no chance to share anything else.

- Thanks for your testimony, sir.

- [Celestine] Could you also state your address. I'm so sorry.

- Yeah, sorry, 1961 carpet Wisconsin 54115. Thanks again.

- Thank you, sir. Any other members of the public to speak on this item? Seeing none--

- Yes. Mr. Mayor.

- Yes, go ahead, ma'am, just state your name and address.

- Jane Musolnraft 1133 Thorndale Street, Green Bay, Wisconsin 54304. Yes, the original probation was for six months, but that ends, I believe in June and really nothing's going to happen during the winter because we're all hibernating. So there's not going to be much happening at all. That's why we requested that the probation period extend through the end of December, 2021, because that's more realistic. That's when they're gonna be more packer games and everything else going on. So that's all. We just requested an extension of that probation period. Thank you.

- Thank you, ma'am. Any others?

- [Drew] Yeah, this is Drew.

- Go ahead, sir.

- [Drew] My address is 461 West Briar Lane, Green Bay. I'm also one of the owners with Matt Keasy and Jeff Degal. Just want to reinforce what Matt said. We are totally appreciative of the issues that were raised. We are asking for the six month because we do have currently a short renter that's in there for the next couple of hours. We will have it open back up and we'll be taking additional tenants through the summer. And as Matt mentioned, we are addressing proactively the issues that were raised with the privacy fence security cameras, additional communications, screenings for the tenants. The three of us are very active members in our community, business owners, realtors, involved in charities. We're very concerned about the experience that our neighbors have. So we just feel that it's important that we are distinguishing ourselves differently than maybe other short-term rental properties of property owners are in that area. We've heard the message loud and clear.

We're responding and you can have certainty that we're doing everything in our power to make sure that our neighbors are comfortable. Appreciate you listening.

- Thank you, sir. Any other members of the public?

- Mr. Mayor if I could ask question of one of the speakers.

- Yes, go ahead.

- Thank you. Mr. Casey, if you could maybe speak to... Clearly, I would imagine you're gonna have more rentals during the packer season on those particular days. But what does your rental schedule look like throughout the rest of the year?

- Yeah, so we have our rental... Thank you for the question. Our rental schedule basically starts in March. I mean, we had the girls basketball tournament, we have some conventions. So really April, May is really when people start all the way through the packer season. And then there's a couple months low, that's why there's someone in there. That's a short term rental for the couple of months through this winter.

- Okay, so really you're seeing rentals then throughout the year with the exception of those couple of months, I presume are January, February.

- Yeah, and some of March, yes.

- Okay.

- Any other questions for our members of the public? Seeing none I'll entertain a motion.

- Alder Galvin.

- Alder Galvin

- You're muted, there you go.

- Yep, I'm sorry. Mr. Ceasy, if you and your partners are putting all this effort into being more responsive and better screening and everything else, what's the concern with an extended six months. I mean, if everything's working right, if you're doing everything right, then there should be no concern with it going for a one-year period.

- No, completely understand. I appreciate that question. I'm glad you asked it. The real concern is that there's small minor things. I mean, a lot of the calls that have been on there have been for small minor things that can hurt our record and what we're doing. So it's not a concern that we're gonna keep having like large parties or there's going to be things along those lines, but it's that we're doing the right thing and that we are held to a fair standard. We're not asking for anything above and beyond or one way or the other, because there's never been a ticket warranted to us or anything like that. And the officers have said that we've handled everything appropriately and it hasn't been to a level where it's a nuisance or something along those lines.

- Okay, and I guess I would follow that up then with what do you consider to be something minor that the neighbors should put up with?

- Yeah, like a noise complaint, whether it's subjective or not. I know we had, there's a trash for a day that we had to talk to or... There's been small little things. So again, we're letting everyone know about the noise, we're telling the city of Ardennes, I'm calling them ahead of time. So those are the things that, again, if that is something that's excessive, that's one thing. But I don't think it should be, 'cause I know--

- So, there's noise past 10 o'clock. Is that okay then if there's noise past keeping the neighbors up.

- No, 10:00 to 8:00. We let them know, they have to make sure that they're quiet and those are the quiet hours of the city.

- Okay, and you understand how the police department works. You get probably different officers there every time. So for them, that's the first time they'd been there. I guess my concern is that with rental properties such as yours and I mean any other type of entertainment type rental property like that, there's gonna be a lot of people there and their purpose to be there as to what, the party. Pack weekends, that kind of stuff. And then there's a certain amount of noise and hooligan and stuff that goes on with that. But I guess my concern is the six months is up. And then all of a sudden, packer seasons back here and the neighbors are putting up these kinds of complaints again. And how's the city supposed to react to that.

- Yeah, I imagine it'd be dressed again, if that did happen, we do not wanna come back here, we do not wanna go through four meetings of this again and have a risk of just what we're doing out there regardless.

- All right, thank you. I appreciate your answers.

- Any other questions for our residents.

- Yes, thank you. These minor little things that Mr. Casey has mentioned are, well, you mentioned the noise, yes. People going to the bathroom and the backyard is, I wouldn't consider that a minor little thing. And the foul language, it happens more than once. And my husband has talked to the people and they're quiet for a minute. And then the foul language starts again. And we can have our grand children listening to that. And it's not pleasant seeing somebody urinating in the backyard. That's all, thank you.

- Any other questions from council?

- I have one.

- Alder Wery.

- Thank you, Mr. Mayor. Mr. Casey, I appreciate the work you've done to improve in your willingness, really to try and improve things. And it sounds like you understand, what problems can roll out into the neighborhood and cause a lot of headaches. So I think with what you've put down and proposed and the willingness you've shown, I don't believe you'd have an issue if this goes to the end of the year, because I don't believe we're looking for nitpicky things. It would be the major issues. So I'm asking you, it would it be all right if we just continue this to the end of the year. I have full faith that you're gonna do your best to make sure nothing else happens.

- Thanks Alder. Mr. Casey.

- Yeah, I guess my response to that would be, I would just open a consideration to kind of try to make something that's fair for both. So I know you're asking for the end of the year, I would re appeal to six months. Again, we don't wanna come back to this. But again, I wanna make sure that we're both, every one's fair to the neighbors, we're respectful. So that would be my stance on that. I understand what you're saying though, Alderman Wery.

- All right, fair enough.

- Okay . Yes.

- Second.

- Motion to close made by Alder Johnson, seconded by Alder Wery. All in favor, signify by saying aye.

- [All] Aye.

- Opposed, nay. The ayes have it, the floor is closed.

- Mr. Mayor.

- Alder Wery first and then Alder Lefebvre.

- Mr. Mayor, do I still have the floor?

- Oh, go ahead. Johnson, Wery, Lefebvre. Go ahead, Alder Johnson.

- Thank you, Mr. Mayor. Just a question for, I believe this would go to assistant director now, Cheryl Reneer Wig. When plan commission took this up, I'm just curious why six months probation was given to 1135 Shadow Lane but 12 months was given to 1130 Shadow Lane.

- There were more complaints actually on the 1136 Shadow than there were on the 1135. There were more police calls involved. Not a lot, there were three, I believe in 20, but I think the neighbors had more of a concern for 1136 instead of 1135.

- Okay, so where they substantiated police complaints. And the reason why I asked that question is I read the report and a number of the items on there weren't actually related to the property.

- Nope, nope, there were two noise complaints in August and a disturbance at the end of August in 20. There was no enforcement action taken, but there was a disturbance in the neighborhood. So I wouldn't say we're egregious, but unless your neighbor awakened by them, then they're an annoyance call.

- Appreciate that explanation. I probably will have a motion, but I know there are others that wish to speak, so let them go first. Thank you, Mr. Mayor.

- Thanks Alder. Alder Wery.

- Thank you, Mr. Mayor. I'm fine with what came out of plan commission. I believe it's the 12 months they adjusted it to. As you know, I probably have the most of these at least that are visible these types of properties. And it's been a growing experience. I think for the neighborhood ever since the state pretty much stepped in and said, we have to take them. We can try and regulate them as best we can. And that's what we're doing here. We want them to succeed, but be respectful to the neighbors. And it sounds like they really wanna do that. Maybe it took those police calls and I always tell the neighbors, don't call me, call the police. Every time just call and if it's unfounded, it's unfounded, but a lot of times I'll get calls and I'll go out there late at night and look at it. And I think it should stay a month. The laboring, or should be with the person who has this permit in the neighborhood, keep their feet to the fire. And it sounds like they really are trying to do the right thing and I believe them. But if they're not, we have a tool in place to address that. So it's a tough thing, but I think the 12 months, the way to go let it run through that packer season. 'Cause it seems like once we get to kind of summer and end of the packer season, that's the key part. Well, there's not gonna be much noise going on from now until April or May. Thanks.

- Thanks Alder. Alder Lefebvre.

- Yes, I think this is for Attorney Bunget. I got a question on, I think it was stated that if we did a six months, it could take months to get any action related to if there's more problems, is that right? I'm kind of conditional on this, that if they had a six months that, but if there's an infraction, it has to be a valid infraction. It could be rescinded or, I mean, extended then again.

- At that point, if it's coming back in front of planning permissions and at that point it's being reviewed and then there can be another extension made it that.

- But it would take, could take a month. Did the plan commission wouldn't to add another six months. Could it be done right there or does it have to come back the council or I just wanna know on time.

- If I'm understanding correctly, yes. As planned commission makes that recommendation, it would go back to council.

- So it'd be like a month leg there.

- About.

- comes after timing.

- Yeah, it depends on the timing. But I believe for the majority of the year, at this point we have two meetings amongst the council.

- Okay, thank you.

- Thanks Alder. Alder Johnson for a second time.

- Thank you, Mr. Mayor, I'm gonna offer up an amendment to revert this back to the original recommendation by the planning commission for a six month probationary period.

- So we do have an amendment offered. Is there a second for that?

- Second. Seconded by Alder Steuer, any further discussion.

- To that Mr. Mayor?

- Yes Alder Johnson, go ahead.

- Thank you. The reason I'm doing this is because I'm a little concerned about the arbitrary nature with how we've assigned six months to one property and 12 months to the other. I do believe in fairness and equity and I'm not sensing that that's occurring here. I read the reports and I appreciate the comments by assistant director, Raniere Wig. But when I look at those police reports, they seem awfully comparable to me in terms of the level of infraction. And so I would err on the side of making

sure that we're equitable with how we're enforcing these probationary rules. And so that's why I'm offering the amendment. Thank you, Mr. Mayor.

- Thanks Alder. Any comments on the amendment.

- I would, Mr. Mayor.

- Alder Wery.

- I would thank you, I would say to make it equitable, then we make both 12 months. I'm gonna vote no. And if we wanna make it equitable, make them both 12. Thanks.

- Thanks Alder. Any others on the amendment? Okay, we do have an amendment offered and a second on the amendment. All in favor will signify by saying aye.

- Aye.

- Opposed nay.

- Nay.

- Nay.

- We will use the board.

- I don't know how to vote on this.

- Point of information, we have voting on the amendment. Yes or no.

- Amendment, correct.

- Be a nay for me, Mr. Mayor.

- Thanks.

- Alder Vander Leest.

- Mine is yes. Mine's not coming up, I have yes.

- And that amendment fails eight to four. So the original item is before us. That has been motion and seconded. Further discussion.

- If I could. Mr. Mayor. Thank you. It's not like these issues don't occur with other properties. Unfortunately, some neighbors are hesitant to call the police. They are just fear retribution or whatever it might be. No matter my urgings, there's other properties around like Lambeau that have these issues. And whether this is the case that you need to send just a notice out there, "Hey, if you've got these rental properties, "please be a good neighbor or this could happen to you." And so I think that's what has to happen here. We want them to succeed, but we really, really, really the neighbors were there first. They've lived there a long time, especially some of these neighbors 40 years now. They come first. So we gotta make both of those work together. So I think.

- Thanks Alder. All right, we do have a motion to approve.

- Second.

- Alder Dorff.

- I just one last question for Alder Wery. Would you consider nine months? I didn't vote for the six months because nothing's going on between now and June, but nine months would give them a couple months in the packer season, August and September, just to compromise. Would you be at all supportive of that amendment?

- Alder Wery.

- Well, I think we should try the 12 and if that failed them, yeah, definitely, we could try the nine.

- All right, thank you.

- Okay, so we do have a motion and a second. All in favor will signify by saying, aye.

- Aye.

- Aye.

- Aye.

- Opposed, nay. The ayes have it and that motion is adopted.

- Mayor.

- We're out of the park committee, Alder.

- I notice that Amanda Lee was in the queue. I don't know if she's still there or not. Maybe Celestine, she was on our report, the PMP report and she showed up late. I just wanna make sure she's not just waiting. That was a license.

- [Celestine] Thank you Alder, Amanda Lee is here.

- Yeah, she does...

- [Celestine] She did unmute herself, yes.

- You can tell her that we moved forward with that.

- That it was approved, is that .

- Appreciate that Alder.

- She was just waiting and I don't want her to wait.

- So Ms. Lee was just requesting that we notify you, that your item has been approved.

- Thank you guys very much.

- You bet. All right, you have a good night.

- You too, thank you.

- Okay, on to the park committee.

- Motion to approve.

- Second.

- Motion made by Alder Scannell, seconded by Alder Dorff to prevent which is the report of the park committee from the meeting on January 13, 2021.

- Point of order, Mr. Mayor, are we on finance committee.

- Yeah.

- Oh, we are. Move to approve finance.

- Oh, by mistake, trying to move too fast. Motion made by Alder Dorff, second by Alder Scannell to approve report R, which is the report of the finance committee from the meeting on January 12, 2021. Any items here to be handled separately.

- Number four.

- Number four, any others?

- Everyone in the favor of approving the remainder of that report, please signify by saying aye.

- [All] Aye.

- Opposed, nay.

- Motion to approve.

- Second.

- Motion made by Alder Scannell, seconded by Alder Corpus-Dax. The item was pulled by Alder Wery. You have the floor.

- Thank you Mr. Mayor. I apologize, this one snuck up on me. So I didn't see, it just says receive and place on file. Was there discussion at committee or a breakdown?

- Yeah.

- which is it.

- Alder Dorff.

- Yes, we did discuss it and a breakdown was provided, and it's there, whether it's here or if it was in the agenda, every single penny works. And Alder Lefebvre was fine with that.

- Awesome. That's great, I appreciate it. Thanks, that was getting my attention, but thank you.

- Mr. Mayor.

- Yes, Alder Lefebvre.

- Yes, and I just want, the reason I brought this up is that I just want to make sure that the public can get this, that'd be out there because there are people making a big deal about the money. And I just want to make sure that everyone could see where the money went and was spent very well. And I'm glad that we and there was some left and they're checking in and applying for the following, I think the primary that's coming up so that they can get the PPE and the things that they need for that too. So thank you. That's the only reason I brought it up. Thank you.

- Thanks Alder, I appreciate those comments. Any other comments on the item? Seeing none, aye.

- Aye.

- Opposed nay. The ayes have it. That item has been adopted. Park committee now.

- I made a motion.

- That's right.

- You did.

- Motion to approve made by Alder Scannell.

- Second.

- Second by Alder Dorff. Report S which is the report of the park committee from the meeting on January 13, 2021. Any items here to be handled separately.

- Three.

- Three, any other.

- Oh boy.

- Item three will be handled separately, hanging on others, all in favor of approving the remainder of that report signify by saying aye.

- [All] Aye,

- Opposed nay. The ayes have it. It has been approved with the exception of item three.

- Motion to approve.

- Second.

- Motion to approve made by Alder Scannell, seconded by Alder Dorff. The item was pulled by all the Brunette, but Alder--

- Mr. Mayor, can we took a five before this. It's gonna be a while.

- That's a reasonable request. We will take a five minute recess. We'll be back at 9:37.

- Thank you.

- Okay, thank you.

- Move. I have to apologize before everyone. I didn't realize my mic was still on when we went from the open to the closed. I mean, close to the open and you heard me yell at my cat. She was at me all the way over in the closed. Bugging me, biting me. She wanted to be fed.

- You have to feed her.

- Yeah, she's a stinker. She bites me, she nips me.

- It's 9:37, so we're gonna call the council back to order. We are on item three under the park committee's report. Alder Brunette.

- Yeah, so thank you Mayor, for those who are in the waiting room here at Zoom, thank you for waiting as long as you did. You got a firsthand experience in your city government and look forward, I'm gonna make a motion to open the floor, but before I do so, I think that there's a very long process that has been involved with this. When I made my motion at the Parks Committee, I think some in the community who interpreted my motion, that I was looking to discontinue bike use at all altogether. That is certainly not what I intended. Historically, we have always allowed that tire bike and bicycling there. The question is we're going to possibly expand permanently the use of the trails for additional bikers. I think that's where the conflict is with folks in the neighborhood who feel right wrong or different Parks Department necessarily, but they feel like they were not adequately consulted before some of these major changes were being planned and implemented. So I like to make a motion to open the floor to hear from interested parties.

- Second.

- Motion has been made to open the floor. It's been seconded. The motion has been made by Alder Brunette, seconded by Alder Gerlach. All in favor, signify by saying aye.

- [All] Aye. The ayes have it, the floor is open.

- Amy, can I speak .

- Just hold on, just hold on, sir. Ms. Jeffreys will kind of read through the list.

- [Celestine] Yes, thank you very much, Mayor. So first we have Heather Gentry or Gentry. Ms. Gentry, please unmute yourself and state your name and address for the council.

- There we go. Good evening, thank you for your patience. Heather Gentry, 249 Kenney Street, Green Bay 54301. I think everyone just kind of quick heard what Alder Brunette was saying. I think we need some clarification on the communication tonight. After attending the public comment meeting, the Parks Committee meetings, speaking with several cyclists, as well as neighbors, I'm not sure everyone's completely clear what we are discussing tonight. If you could just reiterate Alder Brunette, what are we talking about tonight? And what is the, I guess the motion or the possible vote tonight.

- Mr. Mayor, will you allow?

- Yeah, go ahead.

- Perfect, thank you. But it direct everything through the Mayor just so you know. So the motion isn't out there right now, it was a three, two vote. So after the discussion here, the public forum, any of the 12 city council members can make a motion. That motion can be basically anything, as a courtesy to me and those in the 12th district, because is in the district. I would ask that my fellow alders allow me to make a motion after the public hearing.

- Ms. Gentry.

- So just then the discussion here tonight is pertaining to winter use fat bikes, all bike use. I mean, there's several issues here. I'm just wondering if we're gonna pick one or if it's all over the place.

- Mr. Mayor, again, if I could. It's our minutes for public testimony, you can basically explain your history with the park, your opinions on whether fat biking should be expanded or we should keep the existing use. Any concerns about changes to the trails, anything. I mean, it really is anything you don't... I think we basically limit public input to about three minutes. Is that correct Mr. Mayor?

- That is right.

- Just your general thoughts as the council makes a decision on what to do.

- Point of order, please, Mr. Mayor.

- Yes, Ms. Gerlach.

- It seems to me that especially at this late time of the night, it would make much more sense to have a motion on the floor to which the citizens could respond rather than just invite them to talk about whatever comes to mind. I am prepared to make a motion.

- Okay, go ahead.

- Okay, I move that...

- Point of order, I think Alder Brunette had the floor. So if he has a motion, I would run through him first, not .

- Yep, well noted. Alder Brunette, do you have a motion.

- Alder Gerlach, is that okay? I cannot respond to your email earlier in the day.

- And you saw my email?

- Yeah, I just--

- That's the motion I want you and I both to support. Can you do that?

- I did not read the email to be honest with you. If I could, I'd make a motion. And I think it's a good motion that extends us a little bit, and again, everyone can comment on it. We can revise it if necessary. But my motion would be to continue biking use as historically available at He-Nis-Ra Park and extend the "trial" of expanded biking to May 15th, 2021 under the condition that the Parks Department and the user groups make no permanent or hard to reverse changes to the existing trails, vegetation and animal habitats and Parks Department to continue to locate possibilities for fat tire biking on the West side of Green Bay. And with that motion, I would want the Parks Department to continue to update the Parks Committee at every one of our monthly meetings.

- Is that signifying a second, Alder Gerlach.

- Yes, I second the motion. Thank you.

- Thank you to the alders and thanks to Ms. Gentry for asking for a bit of clarification to guide the discussion. We have not started the clock on your testimony. So feel free to go over now, Ms. Gentry.

- If I can get a minute just to kind of figure out what... If I could come back to that, I'd appreciate that.

- Sure. Yeah, we can slot you in at the bottom here.

- Thank you much.

- [Celestine] Yes, thank you, Ms. Gentry, I will come back to you. Next we have Ryan Kielar. Mr. Kielar, please unmute yourself and state your name and address for the council.

- Hello, my name's Ryan Kielar. I live in 1959 Evans Drive in Green Bay, Wisconsin 54304. I hope you can hear me okay. First off aldermen, thank you for taking your time to discuss this. I think the motion put forward is a great improvement. My concerns coming into this were primarily around the verbiage saying to halt immediately the current trial or the current promotion on fat bike unit Evans Drive, as many people are aware of that biking is predominantly a winter sport. We are still waiting for snow. So we were just getting into the heart of the season to really put the trial to use. We've seen tremendous public support for it. I believe there's a way that we can do this amicably with all the neighbors where we can coexist peacefully and improve the park together. So I'd like to see the trial continue. And I agree with the verbiage added with the same motion is so drastic improvement. So thank you for that.

- [Celestine] Thank you, Mr. Kielar. Next we have Fred Viste. Mr. Viste, please unmute yourself and state your name and address for the council.

- [Fred] Fred Viste, 112 West Florida Avenue, Little Chute.

- [Celestine] Go ahead.

- [Fred] All right, I know I'm not a currently a citizen of Green Bay. I lived at my family home, which still resides within walking distance of He-Nis-Ra Park for approximately 24 years. Even after I moved outside the city, I continued to recreate at He-Nis-Ra frequently over the past 13 years, since I left the area. 37 years of experience has given me a great appreciation for this park. My hobbies include, but are not limited to hiking, mountain biking, wildlife observation and plant identification. I attended UW Stevens Point and obtained my Bachelor of Science in Forest Recreation. My love and passion for the outdoors was sparked in a number of ways through my time spent at this park. In hearing

about the changes to the trail system at He-Nis-Ra Park, I could only question why. Why has there been such a direct sudden and seemingly secretive approach to changing the management of this park? I've taken note of my direct observations and concerns with the changes that have taken effect. By promoting He-Nis-Ra Park as a destination fat bike and mountain bike trail system, this will certainly increase use. The proposal for utilizing the almost two miles of bike trail will almost certainly increase erosion along the trail system at a significantly increased rate. For one biker to bike the equivalent of a trail system, similar to Bear Creek, they will have to cycle almost five times to the proposed He-Nis-Ra trail. If a group of 10 bikers do a similar ride through the park, this will create an to the trail system to that of almost 50 bikers on this short trail segment. This makes me wonder what exactly is the carrying capacity of such a short trail system. With the additional bikers utilizing these narrow trail corridors, traveling down steep graded fall lines on hillsides and traveling through wetlands, I have personally observed increased erosion and running through these areas already. With so many people traveling through the park, there are certain to be additional interactions between bikers and non bikers, especially at intersections. I'm concerned because bikers should always yield to pedestrians. And I've already heard of bikers ordering hikers, such as my mom out of the way so they can quickly traverse the trail system. As a biker and outdoor enthusiast, I agree that it would be great to have a bike trail on the West side of Green Bay. I would further urge the council to investigate other options or locations where the environmental impact would be less by dispersion of the user base throughout a longer system, perhaps by partnering with the tribe or investigating easements or acquisition of other property. I think this dream is possible just not logical as such a small postage stamp of a property. Thank you.

- [Celestine] Thank you, Mr. Viste. Ms. Gentry, are you ready?

- Oh, my apologies. I was gonna wait until further. Is that allowed?

- [Celestine] Yes, sure, I can take some other. I'll put you at the, kind of the bottom of the queue then. Thank you.

- Thank you much.

- [Celestine] You bet. Next we have C. Whitman. Mr. or Ms. Whitman, please unmute yourself and state your name and address for the council.

- [Catherine] Hello, my name is Catherine Whitman. I reside also at well 112 West Florida Avenue in Little Chute, Wisconsin. I come from the same Hardy households that grew up just mere minutes

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from the park. I was a resident of Green Bay for 32 years, and I moved to Little Chute five years ago. I continue to work in Green Bay on the West side of town and I visit He-Nis-Ra Park on a weekly basis. In the fall, we saw an uptick of usage in the fat tire bicycles prior to any snowfall or ground freeze in the park during the day, as well as organized night rides when the fat tire is Mount their lights on their helmets and ride through the park at night. After seeing the damage done to the trails, especially in the wetland area and the trees marked for removal, which have since then been removed for new trails for the bikes, which rotten within a foot of a Fox den, we were determined to understand if this was sanctioned by the city. From there, we discovered the fat tire group bikes and the proposals in the mix for the council meeting that occurred last week. In December, we did our best to inform the neighbors of the park to ensure that they were aware of these changes by going door to door and meeting with visitors of the park and collected petition signatures, which I believe had been submitted to Alderman Brunette. Many of the responses we received were based on the safety of the walkers at the intersections, including children and senior citizens, and whether the fat tire bikers would come in, do their damage and get bored of the park. As was cited previously, it takes about for two miles, it's about 10 minutes or so to get through the loop. So if you go do that for about an hour, you're gonna be going to about five times around the park. So whether or not it really makes sense that they wanna run in circles, that was one of the second things that really came to mind to some of the people we spoke to. And then during last week's meeting and tonight, the trial period seems to be determined that the fat tire bikers would only use the trails after a snow fall, similar to ski trails. If not for the presence of seeing the increase of usage evidence by the biker groups and the erosion on the trails, it shows that this activity is not being limited to the purposes of bikes of these bikes, which are as advertised are from dunes to drifts and snow to sand. Fat tire bikes, give you the incredible track, actual anything anytime, for any reason. Again, snow and sand, and indeed no snow at the time. This does not seem to be an activity that they are adhering to for this purpose of this particular bike. So if they're in limiting their activities after the ground has frozen, the layer of snow creates that buffer. That impact may be less with the usage during the trial. We are seeing a significant erosion in the trails, which impact not only the ecosystem itself, but it impacts the safety and enjoyment of the walkers and the hikers on the trails. If the trial period is extended, I seriously hope on impact study is considered by an independent source and that it is conducted. I appreciate your time and thank you for your consideration.

- [Celestine] Thank you, Ms. Whitman. Next week we have Julie Viste. Please unmute yourself and state your name and address for the council.

- [Julie] My name is Julie Viste. I live at 1424 Baumgarten Road in Green Bay.

- [Celestine] Thank you, go ahead.

- [Julie] I have been using these trails for 40 years and have not had any issues until recently. During that time, I have walked the trails with my spouse, children, my grandson, and alone. And I've always

felt safe on these trails. It is a legacy for families in a safe and natural environment. As a hiker, the park is so appreciated for its diverse plant and animal populations. Senior citizens use these trails every day and families bring their children here. I have met numerous hikers on the trail who have all express their fondness and appreciation for this park and the many who are now bringing their grandchildren, among the diverse people I have met, a soldier running in full gear, keeping in shape for deployment to a special assignment the next day, a grandmother with her granddaughter through to identify a pirated woodpecker and two Vietnam vets who walked the trail. The article posted by the bikers natural resource impacts of mountain biking like Gary International Biking Association is an article posted by the bikers regarding scientific research on bike trails. It is questionable written for a single interest group. It does not address a small neighborhood park and its high use impact on these trails. The Payor bikers, a single interest group is trying to educate a diverse population of users of both the park and are not listening to their concerns. This is a small park when a group of bikers exercises in the small park, the impact on the safety of hikers snowshoers and runners is involved. Yelling to your left or to your right or coming through on a narrow trail is a warning to get off the trail. Bikers have taken the right of way. Also expose routes are being chopped or cut off on the trail in certain areas opening up the trees to disease. We are already dealing with old wilt disease, Emerald Ash borer and gypsy moth. Perhaps impact studies are needed that relate to increase trail usage without high increase of bikers in a small park. Thank you for your time.

- [Celestine] Thank you, Ms. Viste. Excuse me, next we have Matt Berg. Mr. Berg, please unmute yourself and state your name and address for the council.

- [Matt] Berg, 3090 Sandy Drive. I represent a group of cyclist who not only enjoy the usage of the park for cycling around, whether it's on regular fat bikes, mountain bikes, or cyclocross bikes. Everyone that I have interacted with from a non cyclist perspective has always been more than gracious to us and have been more than welcoming to us on the trails through the last 40 years that I've written on these trails, like everybody else has used them, apparently. Until recently, I got thanks for being polite, thanks for being considerate of other trail users. And all of a sudden there's a huge turning point and I'm concerned that someone is trying to spearhead a fashion of not allowing us to ride in a park that has been utilized for decades as it has been. I've never experienced a bad end situation, except for those with dogs not on leashes. I think the need to have a mountain bike park in West green Bay as it is necessary. And I think He-Nis-Ra was a perfect place. Many people say, how can two miles be a big enough loop for you to do a lap and enjoy it. That trail system in He-Nis-Ra Park has such variety that allows for everybody to enjoy a little bit of what makes mountain biking, a sport that we all participate in. On another note, I would like to add that most of us cyclist do also run, we also hike. We snowshoe cross country ski, and we do care about mother nature, the wilderness and the animals inside of the park as much as any of the next person. I recommend that you follow through and allow mountain biking, and cycling to continue in this park as it has for the past 40 years. Thank you.

- [Celestine] Thank you, Mr. Berg. Next we have Kurt Schwisow. Mr. Schwisow, please unmute yourself and state your name and address for the council.

- Hello. Kurt Schwisow, 142 North Broadway. I appreciate the discussion here. I appreciate everyone's time. I also appreciate that we can keep some perspective. I know a lot of us have a lot of passionate ideas about how the parks should be used, but we are talking about discussing how people are gonna recreate in a park. So in the end, it's really not a life or death situation, but I agree with Matt. I similarly have been cycling in the park for 30 years. When I was 15 years old, I used to ride over to my grandma's place on heinous rock trail and visit her. And I would go do a couple laps in the park. It's always been a nice place to ride, but it's always been a little bit of wild, wild West, like a lot of unmaintained trails, kind of unofficial trails. There's really no rhyme or reason. You'd go one time, there might be one trail here. You'd go another time, there might be another trail there. There was riding through the wetlands, there was rutting, there was erosion. I think the only changes that are being proposed right now are really in the name of trail stewardship, getting rid of some of the more poorly laid out trails, rearranging them in a more sustainable manner that reduces trailer erosion. Any human use in the park is going to result in erosion, whether it's hiking, walking, dog-walking or cycling. Human powered recreation across all those methods really shows no variance in the amount of erosion that we see. Fortunately, all those uses are far less than motorized recreation. But I agree with Matt, we've all groups have been getting along in the park nicely for decades. There's no reason all groups can't continue to get along nicely in the park for decades. And I think it makes sense to make small common sense changes to combat trail erosion. So thanks for the consideration, appreciate it.

- [Celestine] Thank you, Mr. Schwisow. Next we have Andy Whitman. Mr. Whitman, please unmute yourself and state your name and address for the council.

- Hi, my name is Andy Whitman. I live at 14 West Florida Avenue, also in Little Chute. I used to live in Green Bay on 1264 in Chicago Street. And lived there for about five years and I'm in fear of a bit of mountain biking. And when I first say, I appreciate you allowing me to speak. And Green Bay from time to time not quite as much of an avid mountain bicyclists these days, but that's due to some of the things that I'm hearing from some of the bicyclists here where hard to find trails. It's hard to find trails near you. When I did bicycle, I met a lot of people in the bike lane community and they were delightful. And one of the things that we do, we'd made sure find suitable bike trails that we could ride at. And so we went to bear Creek and to a reforestation camp And it's quite a bit of a drive. What I didn't do was go down the street to Joannie's Park and ride around there although the East River Rochelle goes through there. So it's paved and wouldn't have caused nearly as much erosion. But the thought never would have crossed my mind to go to a park like He-Nis-Ra which I visited and I still go to the area. It's clearly, if you've ever been there, it's a fun little loop, but for pedestrians walking, I can't imagine doing serious mountain biking and having and walking trails like that. And one of the things I appreciate is the motion that you presented. And one of the things you mentioned was I think the erosion and figure out what damage is being done. But you can clearly see there's already increased damage. And so talking about being on the trails for the past 30 or 40 years, I'm pretty confident that fat bike players there were not as popular 30 or 40 years ago as they are now. And I think the increased usage has contributed to that. So we're not saying eliminate all bikes and I think we're looking for other answers. And to me, it just seems crazy that not being wanting to find a

proper trail system that works. And in my experience it just makes so much sense I didn't even consider going to park down the street because it was nice to ride it 'cause they weren't suitable for bikes. And it seems like in He-Nis-Ra isn't suitable for the type of usage that we're seeing today, which from what it sounds like is very different from the usage that has been more leisurely over the last 30, 40 years, especially since I've never seen any pictures of fat tires from back then. I'm sure a few existed, but not nearly like today. So I think today's damage and usage has increased quite a bit and it just doesn't seem like expanding the use beyond what it's been used for, really makes a whole lot of sense. And I would like visit a park again. I would like to walk through it and I'd like to experience the nature a little bit as it's intended on such a small parcel of land, it's not really suitable for biking. So I'd rather use it for what it is suitable for and use other parks that are more suitable for bikes. But that's my viewpoint. And again, that I would like to visit. The park's not just for people who live in the immediate area, I live across town and I visit the area. Now I don't even live in town, still visit the area. I guarantee you people from Appleton of Green Bay all the time, people from Green Bay probably go to Appleton when they go to our parks. And it's for everybody, everybody uses it and we introduced--

- Thank you, Mr Whitman, your time has expired.

- Thank you. Have a great night.

- Thank you. Next we have, excuse me, Salz. Salz please unmute yourself and state your name and address for the council.

- Yes, my name is Jason Salz Ordell. I live at 3100 North Gothic Circle, Green Bay, Wisconsin 54313. I've got a 19 or 18 year resident of this district right here in He-Nis-Ra Park. I've been using He-Nis-Ra Park for running, biking since I moved here. It is a small park, but it has quite a diverse terrain to it, which makes it a challenging, but not so challenging as say Baird's Creek, actually in some cases it scares bikers away. So from that perspective, it does offer some things to the local community that we don't get elsewhere. A reliable trail that's also challenging. I appreciate Alderman Brunette's adjustment to the motion. I think we're a little concerned after coming out the Parks Committee meeting and I sent a few notes out to that, so appreciate listening to that. I think we need to give this a fair trial. As was stated, we have not had snow yet this year, without snow bikes tend to, they're gonna wander throughout the park system. If we can get snow, get off the ski trails and the bike trails groomed appropriately, it will force the bikes to adhere to the trail system that has been marked and designated. It will keep the skiers on that. That will provide safety for folks as well, and hopefully make for a better enjoyment for everybody involved in the park system. Again those are, again, a designated trail system is much safer than just a chaotic trail system that we've had historically. We've been biking there, that's probably not gonna go away and designating it and making it a right for everybody is probably the best and safest approach. So thank you for your time and appreciate it. Thank you.

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- Thank you, Mr. Salz. Next we have, I believe Amy Ottens. Ms. Ottens, please unmute yourself and state your name and address for the council.

- [Amy] It's actually right at inside. I live at 1623 Coronation Court, Green Bay, Wisconsin, 54313. First of all, I just wanna say thank you to Mr. Brunette for extending that, because that was one of the big things that I said. I'm an educator by trade and if we need to change behavior, if we're gonna change long enough. 'Cause in four to five weeks that Mr. Brunette said that there was, I didn't think that was long enough. We also need better signage. Currently there's only two big signs that are on the far sides of the park. We need some that are right by in the parking lot and over by the entrance off of Oakwood Drive. I think if there was signage there, then the users of all activities are gonna be able to understand which trails are for which 'cause currently there's nothing in the parking lot which would... It does indicate that there's gold look at the site, but people aren't gonna take the time to do that. Whether you're a walker, biker, hiker runner. Also this would allow the trial that Mr. Brunette just extended to me will give us time to voice opinion, because right now I really honestly believe that just like Jason said there was no snow. Cross country skiers haven't had to interact with us at this point in time. So really they have no say in that. So I think giving this extension would, if we don't get much snow, I think it should be pushed off to even 2022. One of the other things that I feel that needs to change, and I've wrote this into a letter is a bigger issue than the actually safety of the bikes, it's the dogs that are off the leashes. We are biking or walking or snow shoe. There are constant dogs that are off their leashes coming up to us. If you're not a dog lover, there's a chance you could be bit, which my wife got bit on He-Nis-Ra Road, and I live close to there but now she's nervous even going there by herself because she's been bitten. So with those dogs being off leashes, that's a more of an issue than the safety issue, I think from coming from the bikers that are crossing paths. We also need better signage within the park because I think that there's gonna be paths that we cross, there need to be bigger signs so everyone can see them because especially with the bikers, some of them are small are to see when you are traveling at six to eight miles an hour. I hope that there's more consideration if we don't get any snow to continue that there's fat biking in the area, because I truly believe that we can co-exist. Thank you for your time.

- [Celestine] Thank you Mr. Ottens. Next we have Jamie and then Jordan. And then we will have Heather, Gentry and I see Mr. Schwisow is here for a second time. So next we have Jamie. Jamie, please unmute yourself and state your name and address for the council.

- Hi, this is Brandon Sesofky, not Jamie. Jamie's husband here.

- [Celestine] Oh, okay, thank you.

- I guess on our side of this and I obviously, Oh, sorry, 2772 Oakwood Drive in Green Bay, Wisconsin. We're a local, I guess everyone's local here and most people are local park daily, I guess. One of our big groups with the process to date is just sort of the timeline of when this started. It's been brought up to a lot of people's attention that the trail has only been in place for a couple of weeks, or the guy said five weeks or something like that. I guess this was originally brought up by the Parks Department in January of '19. There was no action on it until December of '19, when we noticed they were starting to groom trails out here. At that point in time, they did not have the snow dog groomer. They were dragging tires around on the trails to pack the trails down. At that time they had group rides. March of 2020, there was I guess, a Parks Committee in which James acknowledged just that multiple groups of 20 riders out there two times a week. And I guess we just feel that it's been ... I mean, by this point in time over and over again, just the park size of 1.8 mile loop. I mean you get 20 bikers in there. You can ask if you but sometimes it just doesn't mean that you should make it work. I am a mountain biker. I mountain-bike at Bear Creek every summer and I mountain bike in He-Nis-Ra. I guess the difference between that is the occasional mountain biker out there from time to time isn't an issue, it's when you get these coordinated group rides and all of a sudden that's a destination for bikers to come and it's advertised online. I mean, there's a lot of bikers in there on, say a Wednesday night and it really lights up the park and it does deter the local residents from going on Wednesday night. Not only that, I guess another big concern is the first time the residents received a letter on any of this, if they did not seek out the information was December 23rd of 2020. It's almost a year after all this started and it was after they made all new trails. dug into the side of the hills out there to make new trails. Like it was mentioned before, cut down trees. All this work happened before the first outreach to the actual neighbors in the area even occurred. So I guess that's sort of our main... The whole process, I guess not only that, but it wasn't mentioned in March that the fat tire bike group, which is highly organized, it's great, that they made a donation of a \$4,000 grooming machine. And having received our notice in December after everything has already been changed, it seems a lot less like a trial and sort of a rushed decision to go ahead and change the entire park. So I guess that's all I have to say. Thank you for your time.

- [Celestine] Thank you very much. Next we have Jordan. Jordan, please unmute yourself and state your name and address for the council.

- Yes, this is Jordan Follett, 1377, Sand Acres 54115. I just wanted to voice comments saying about the environmental impacts of recreation in general at the parks and potential negative people in general. I think I'm speaking for everybody from mountain bikers or skiers, snowshoers don't want bad environmental impacts in general. So having things where trees are cut down or bad environmental impacts are occurring. That's not the wish of any mountain biker, skier or whoever. Everyone wants to have a good place to go that's environmental friendly to wildlife and nature in general. Another point I would wanna agree Andy Whitman saying that the trails are for everybody. And when we say everybody, it should mean everybody, not just a certain subset of the population, whether or not you're a walker, snowshoer, dog-walker biker or whatever, and just wanted to voice my support. That's all. Thank you.

- [Celestine] Thank you so much, Mr. Follett. Next we have Heather Gentry and then Ryan Goemans and then Kurt Schwiesow for a second time. Ms. Gentry, please unmute yourself and state your name and address for the council.

- Yeah, Heather Gentry 249 Kenny Street, Green Bay, 50301. So for those of you Alders that I'm not familiar with yet, my name is Heather Gentry. I'm the director of the Green Bay Bicycle Collective. We are an education and advocacy group for cyclists and pedestrians, 'cause at the end of the day, the vast majority of us are pedestrians. With this debate, I'm hearing a lot of different concerns from the neighbors and cyclists alike. I just want the neighbors to know that we hear you loud and clear. Nobody should feel unsafe in our parks, and we've made it very clear to other cyclists to be respectful of everybody out there. There's etiquette, there's cycling etiquette out there that you yield to the slower vehicle. In this case, it'd be hikers and pedestrians. We will continue to educate lesser experienced cyclists when they're out there. The fact of the matter is bikes have always been allowed out here. I think bikes have only been around less than a decade, so that that's definitely a newer type of bicycle that you'll see out there. And that bikes aren't just meant for snow, they're actually meant for any kind of terrain, but they do very well on snow, which makes them so attractive in the Midwest. I kind of wanna just point out quickly about the environmental concerns. I know that the Parks Department, I believe James is on this call tonight as well. James Anderson from the Parks Department. And I asked him to correct me if I'm wrong with some of these things. But when it came to building new trails, the plan for the parks was approved in July of 2020. The Parks Recreation, and Open Spaces Plan. And I invite the neighbors to look at that plan because there's quite a bit about He-Nis-Ra and possible expansion. This is something, if it really concerns you, talk to Brunette and the Parks Department about this plan that has been approved. The trails that have been extended, I believe it was just one series trail. And they do look off putting, when you see a foot in, the vegetation will come back. And once those trails are stabilized, there will be very little erosion that they're intended and they have been built to the International Mountain Bike Association specifications, so they're stable. In the back corner where it is wet, I believe that the intention is to take those trails out or away from bicycle use because they are soft soils and we don't want to impede on those soils and cause any degradation to any wetlands or lowlands. And as far as the Fox den, I believe that the director from the wildlife sanctuary went out and inspected that area and saw no problem with a footpath or a bike path near it. Foxes are pretty resilient and it was actually more of a concern of dogs scaring off wildlife than people. Ultimately, I'm gonna try make this real quick. We're talking about a public park that some new groups are interested in using. I spoke with two of the larger bike shops in town, ask them how many times they were having these group rides out there. And in the last year, it was about nine times with these organized fat bike groups. Nine times are 365 days. I don't think there's an excessive amount to be using that for a different group of people. I don't wanna use everyone else's time. I know it's getting late, so I guess I'll close it up. Thank you.

- [Celestine] Thank you, Ms. Gentry. Next we have Mr. Ryan Goemans then Kurt Scwiesow and then Cathy Amundson. Mr. Goemans, please unmute yourself and state your name and address for the council.

- Thank you for allowing me to save a couple of words today. So Ryan Goemans, my address is 2765 Green Bay, Wisconsin, 54311. I've lived in Green Bay for almost 40 years. As soon as I could start riding a bike, I recall riding in He-Nis-Ra trails with my family. Enjoyed those times, and now today I enjoy the opportunity to ride my bike at He-Nis-Ra with my family, just the same as I did as I was growing up. I've always loved He-Nis-Ra Park. I feel it's a really safe place to ride. There's even benefits of being able to ride at a local park as just opposed to on the city streets or away from traffic and just the general safety that He-Nis-Ra Park has provided and always has provided throughout my time in Green Bay. These neighborhoods and parks, I feel really should be accessible for everyone, not just for a specific recreation type activity, the recreation being proposed biking, being a human powered sport. I think Kurt Schwiesow brought up earlier in the call today about the impact of the And I think the parks should be open for in those recreation forums that are human powered. And again, really just my comments here are in support of biking. I've enjoyed the privilege to be able to bike my entire life and hope we can continue that privilege accessible for myself, my family, and the entire community. Thanks.

- [Celestine] Thank you, Mr. Goemans. And now we have Mr. Schwiesow again. Mr. Schwiesow, please unmute yourself and state your name and address. No, you don't have to state your name and address, so sorry. Please unmute yourself and start speaking. Thank you very much.

- Thanks, I just wanted to kind of, after hearing further discussion mainly about the park size, I think it's been said many times that, oh, the park is tiny. I think the phrase postage stamp was used, it's a little park, is no room for bikes. It's a 55 acre park, that's pretty substantial. And in fact, there are a lot of mountain bike trail systems that are contained in parks and the similar size. I sent a letter out to the alderman indicating that I've been working with the town allege view to develop some mountain bike trails in a similarly sized property. And step one was to talk to a few professional trail boulders, and I asked them, "Look, why don't you give me some guidance, "how many miles of trails can we fit in?" And they said, "Well, very easily, 10 to 20 trails, "or 10 to 20 miles of trails in a 55 ." and surprise me, but the two miles of trails that He-Nis-Ra are not going to... They're gonna fit in there very nicely. It's granted, I'd love hundreds of acres, but 55 is fine. So there's plenty of room for those two miles and it is a short trail system. So, nobody's gonna go there and ride for hours and hours. But I think it's these short trail systems that aren't necessarily local destinations that are really great for the local community. You can go get a short ride or a short hike or a short trail run, or a short ski and have a good time, get a little dose of nature, kind of get your endorphins going and then get back to the real world. So I actually think it's a small local parks like He-Nis-Ra that are really important. The other thing really, and Heather covered a lot of this also. But the work that's been done again is to create a more sustainable trail system. Heather had mentioned the in betrayal standards, that's International Mountain Bike Association trail standards. They've got very hard and fast rules. For grades, it can be used, side cuts, which are appropriate for running trails across a grade, but also, Heather spoke to trail etiquette. Under no circumstances should a cyclist yell at a pedestrian to get off the trail. I'm sure that has happened, I'm sure people have had that experience. It should not happen. So I think that a better trailed stewardship and some of these group rides are really great way to teach basic trail etiquette to newcomers to the sport. I think the increased usage is due to the pandemic. People wanna side. So you've seen increased use on the part of hikers, cyclists all across the map. So a lot of these interactions and becoming more common. But also

mountain biking, fat biking has really grown in popularity, more fat biking recently. But as you get more newcomers to the sport, it's really important to have some of these group rides presence so that you can mentor newcomers to the sport and teach them about what's appropriate and what isn't. And to touch on one final point, if there are routes being cut on the trail, again, that isn't absolute, should never happen. You're absolutely right, those trails are important, I'm sorry, the ruts are important for the health of trees. So if that's happening, the Parks Department should know about it and we wanna try to get to the bottom of who's doing that. Thank you.

- [Celestine] Thank you very much.

- Mr. Mayor Genrich, are you present? Can I just make a statement real quick?

- Yup, I'm here Alder, go ahead.

- Mr. Schwiesow, great points. Love all your points. But I think out of a sake of fairness, I mean, if we're gonna allow someone to speak twice for three minute speech, I think we need to make a commitment to allow people to speak six minutes. Not trying to be snarky with that comment, but I think we need to be fair if people decide they wanna speak longer than the three minutes. Thank you.

- Can I speak longer than

- Go ahead, Ms. Jeffreys.

- [Celestine] Thank you, Mr. Mayor and Alder Brunette and Mr. Schwiesow. Next we have Kathy Amundsen. Ms. Amundsen, please unmute yourself and state your name and address for the council.

- Hi, my name is Kathy Amundsen. I live at 1973 Mulberry Lane, Green Bay, Wisconsin 543043. I do agree the park is for everybody, it's a city park. I would like to see it kept as the it's always been used. There's been bikes in there, there has been walkers in there and there's been skiers in there. But when you start talking about a regional destination and you're pulling people in from all over the place, I know everybody's sick of hearing a park is too little. I really do think the park is too little. I mean, we've always had bikes in there. One time we had a car trying to drive through there. But

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when you have 20 bikes and they just keep coming and coming, and then somebody tells somebody else that, "Hey, this is a really cool park." 'Cause it is a really cool park. Then you might have 40 bikes in there. There was one bike group that took the survey. They had 702 people on their list. I like the bikers, I've talked to the bikers. It's just too little to have it a regional destination. So if you could keep it as the existing use, I think that would be great. Everybody would probably be happy 'cause there's quite a few bikes in there right now. So please just try not to make it a regional destination. Thank you for your time.

- [Celestine] Thank you, Ms. Amundsen. Next we have Ryan Jolly. Mr. Jolly, please unmute yourself and state your name and address for the council.

- My name is Ryan Jolly and I live on the East side of Green Bay over in 54311. I actually work right over by He-Nis-Ra. I'd like to start by saying the size of the park is part of the beauty of it. My son just took up mountain biking this past year. He's six years old. And part of the reason he loves this park is that it's a short loop, can actually get through the whole thing without being overly tired before getting hungry or anything like that. I mean, he loves it, it's got challenging hills that he can do, some that really push him and he can't do quite yet. And it's got some fun, little downhills for him. We've been looking into fat bikes for him and either this winter or next winter, we'll be getting him one. And he's already talking about biking in that park. I know it's in its infancy as far as the trial period goes, but I think they've done a really good job keeping the trail separate and keeping the bikers and the skiers and hikers separate. You only cross in a few spots and like in winter, especially there's no vegetation so you can clearly see intersections, you can look for walkers. And yes, all bikers know the etiquette that you need to let people know generally, if you're coming up behind someone, which when the trails are separate, you don't, but you slow down and you call out, "Hey, I'm coming up behind you or excuse me," something like that. And then you pass them respectfully, all bikers have this etiquette, at least any that I've seen, the biking community is made up of really good people that know that this type of stuff. In regards to erosion, the wonderful thing about fat biking is when you go generally, the ground is gonna be frozen or there's a hard snow pack to protect the ground. And if there are areas of erosion, again, this is just the trial period. It's something that can be fixed, it's trial and error. If there's some problem areas, maybe they'll reroute it. It's gonna be a work in progress. Any park, any recreational activity, it just requires maintenance. And I think that's something that the biking community or the parks, anyone can work together to keep this park in good shape and minimize any environmental impacts. And as far as too many people on group rides or the increase of people in the parks, I just wanna say that's a good thing. We should get into the parks. There's 20 or 30 bikers there, that's 20 or 30 people that wouldn't have gotten or I would say enjoy in He-Nis-Ra and it's a beautiful park. And yeah, I just wanna say, getting upset about that.

- [Celestine] Thank you, Mr. Jolly. I believe our last speaker, Mr. Mayor is Ryan Kielar. Mr. Kielar, please unmute yourself and state your name and address for the council.

- Hello, thank you again. I spoke earlier, I just had a quick follow-up question for alderman. As I understand it, the trial didn't originally have an end date, the original motion put in by the department ended with the adjusted motion which this discussion does spend to put a three month term on a trial. Can you speak to how you envision the process going forward for these next three months, as well as after that? What kind of processes will continue the discussions? Thank you.

- Mayor, do you want me to make those comments when we returned to regular order?

- I'd entertain a motion to return to regular order.

- So moved.

- [Scannell] Second.

- Seconded by Alder Scannell. All in favor, signify by saying aye.

- Aye.

- Aye.

- Aye.

- Opposed nay. We are back in regular order of business. Appreciate all the testimony from the public. Alder Brunette, you have the floor.

- Mr. Mayor, I will try to keep my comments right. about 100 people, at least. It's hard to keep track of them. I wanna let the committee know that or the council know that Ms. Viste mentioned that she circulated a fixation sheet over the weekend. We received 19 signatures with the petition to save

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He-Nis-Ra trails and under the subject line of say, keep the trails as they are for So basically maintain the park the way that it has been for years. Another constituent had the same petition that she circulated received 49 signatures. So between the two of them, 68. So I think that the main issue at hand is the neighbors felt that they were not properly communicated with regards to this change. One of the constituents here who spoke, he actually looked up previous Parks Committee meeting, where this was first introduced. And as a , he said that what I said, and now that I come to think of it, I do remember this was that when introduced the idea of putting He-Nis-Ra as a trial basis for mountain bikes or static expansion, I said, make sure you let people know in that neat area, because I know from representing the area that that park is a jewel in the neighborhood and the city. There are very few parks like that in our city. So it's something to be preserved. So coincidentally, the constituents who brought forward this idea with Alderman Steuer have send some from the wanting fat tire bike usage to be expanded at . They looked at it, they've been out there and they believe that it's just not the right place for it. So my motion that I made was basically to find some common ground after all of my conversations. If I gave the impression that I wanted to end biking as it stands now, that was a wrong motion. I spoke extemporaneously, probably created a lot of consternation in the public with the intention. I think we for now, the way that it is. And then if we're going to extend this trial period until May, we really need the Parks Department to have comprehensive plan. It just feels like we put the trial in place. The fat tire bike people on the bicycle and groups are ecstatic as they should be if that's their primary desire for that park. And now, there's great plans to expand it. And it's almost like now we're trying to justify it into that decision. And I don't mean any disrespect to anyone involved in the process, but think of the Green Bay Packers. When the Green Bay Packers first started here, they were playing at city stadium in Lambeau field and now even greater and expanded Lambeau field. So it's sort of like for my constituents who live in that park who have grown accustomed to walking the trails for years, they're concerned with the Green Bay Packers would look like five years from now. They're grown accustomed to something. If we make it a regional draw, we really think about this long-term, what are the environmental impacts, long-term effects on the animals and the wildlife there? I think we could maybe accommodate it for a few years, but we don't know where this is going. And without a comprehensive plan that's a little more well thought out, a little more engaging to the local people in that neighborhood, little more engaging to the fat tire bike people. I don't want to permanently alter a park into something that it is currently not and not do so in a very haphazard way. So a couple of things I just quickly wanna go through a list 'cause I had some thoughts when I was reaching out to people and talking to them. The lack of a public awareness. One thing I've heard this from a few people who say, well that the neighborhood people are saying, it's our park, it's our park, so we don't want anything different from our park. And granted, perhaps they do take a rather involved interest in the park, but let's just remember as a city government, we want our residents to be involved with their local park, their neighborhood park. We want them to take it some sort of ownership. The community around a cultural entity while our neighborhood associations are named for parks. A lot of our neighborhood associations meet in the parks. Think of any of your neighborhood parks in your district, a little tiny park, all of a sudden there's a drastic change in use of what has historically been a use of that park. A lot of your neighbors and constituents would be equally concerned. So I think there's a level of compromise here. One thing to keep in mind that survey, I'm hoping you all watch the Parks Committee. The survey that went out to the entire community. There were a lot of people that didn't get that survey. I don't think it was a fair representation of a sample, 'cause it seemed like it went to a lot of the biker groups who have a very large Facebook following and they're able to generate a lot of results that might skew the results a little bit. That's about it. I think my emotions a good one that the answer to the gentleman's question, I anticipate working very closely with the Parks Department. The inner circle group have created a Facebook group. I think long-term, we need a neighborhood association for that park and we need to

really engage the neighbors. They're not against biking. They've had biking there for 40 years. They're just concerned, as I said, about the Green Bay packer philosophy, what will fat tire bike look like at that park if we don't regulate it properly, we don't regulate large group rides. So I'm looking forward to some compromise. I will personally be involved with it. For any issues with lack of public awareness and notice, I'll work hand in hand with the Parks Department and all the neighbors and bikers to work on something. But I really think we shouldn't make permanent altered plans to the trail system, to the vegetation, to the wildlife habitat that happened. I don't know if that was really, there was not ill intent by anyone. It's just that you have to understand how people feel about that change when for years, the natural habitat of the park is something that people admire the most about it. So with that, I mean, I think the motion I have is valid. It extends this conversation a little bit. Less people will be heard, and to be fair to the bikers, they have shown a willingness to engage the community, to police themselves, to let their members know, "Hey, respect the park, respect the people in the park." They've also offered to clean out invasive species like plants and things like that. There's a lot of sensibility with the folks that I've spoken to. And I don't sense that there's nothing that we can't figure out. We can extend this discussion until May 15th and do a lot of work can between now and then.

- Thanks Alder.

- Yeah, no problem.

- Well, I'm gonna go to director Diecheid and or assistant director Anderson, just to kind of provide a little bit of an overview from the Parks Department's perspective. I know a lot of work spend with your parts and by other members of staff. So just to offer your overview and any reaction to some of the testimony that we've heard tonight, or comments of Alders.

- Or I can start out. And then if James has anything to add to the conversation, he can jump in. But from the beginning of this project, the intent was to work with the neighborhood and work with the bikers to find something that would work for everybody. So that's always been our intent. And if I recall from last year's discussion, the controversy all started because we didn't have a separate trail system for the fat tire bikers. And there was some conflicts with those cross-country ski trails last winter, and that's what began this whole conversation. And so we are in the trial period still. We haven't had much snow to really see if the separate trail system that we put together is going to work well in the winter months. We're hopeful that it will. We're definitely willing to continue to investigate it and to bring back alternate suggestions or listen to feedback over the next few months. So I really am in favor of alderman Brunette's proposed motion. I think that that's the right direction moving forward. I know we've gotten a lot of input, both pros and cons on this matter. And I think we really do need to take a real in-depth investigative look at the trail system that's out there now as of what we put together and just see how well that functions. And if there are problems, we can

tweak it and we can find solutions hopefully. And if not, then we can reevaluate the entire system and how the bikers interact with it.

- Mr. Mayor, could I ask a quick question? Is that okay?

- Yes, go ahead.

- Would you agree then to not do any major alterations to the trails as they stand now? I think that's a lot of the frustration for the neighbors. They're like, what the heck are we doing? Tolls.

- James can speak to this more because he's actually been out there more recently than I have to look at what's out there, but I don't see a reason for us to do any major renovations to the trail system at this time. We have a system put in place, let's see how it work. And then come springtime, we'll see what's happening with erosion and see what needs to be addressed at that point.

- Thank you.

- Assistant director Anderson, any comment? Okay. Hearing none--

- I mean.

- Oh, go ahead.

- Yeah, sorry, just real quick. I mean, pretty much consistent with what Dan said, but I actually do agree. I think the trial period, I mean, essentially was voted at the November 18th park committee meeting to do this trial, which actually didn't go to council until December 1st. So, I mean, as a department, we started working on this trial and getting everything prepared the first couple of weeks with signage and which trails we would do and looking at how we can designate the various user groups to accommodate everybody. And honestly it is a short trial, especially when we've had essentially only one snowfall. And now if anybody's been out to the trails lately, as I'm sure a lot of

people on this call have been, as well as myself. I mean, you'll see that it's all ice right now. It's hard to even walk. You definitely can't cross country ski right now. I would say very well. And unless you have studs on your bike, you're not gonna be riding the trails very easily right now. But I will say we'll definitely take a look at not drastically changing the trails, but we will take a look at some of those areas that people have identified. For instance, the Fox den, some of the environmental concerns that people have brought up. We'll definitely take a look at those areas and make appropriate changes if needed.

- Mayor, could I ask assistant director Anderson a question?

- Yup, go ahead.

- validate that resonance that maybe the way that they felt was that a decision was made and it wasn't perhaps communicated the way that it should have been. I'm not criticizing the Parks Department, but perhaps the process that this played out with, do you acknowledge that those are valid concerns for the neighbors to have?

- I guess, are you asking me if I think that the process that we did was... I guess what are you asking--

- No, I'm not putting you on the spot, James. So we have this personal conversation, but here's the thing, in regards to the survey and the public meeting, the neighborhood had, maybe they said that the survey was sent out to 40 some people. And how many people received this survey for that neighborhood meeting that we had? Not the survey .

- 44 residents received the postcard with the invite in their mailbox. And that's consistent upon the same, what we do with any changes, whether it's community and economic development or other departments, we sent it out within a certain range of the park. So that's consistent in what we do with anything like this.

- Yeah, and we discussed that. I think a lot of the alders here have discussed that through the years. When things like this happen to a neighbor park, we need to find a better way. And so COVID caused a lot of that 44 neighbors who are involved, to have the chain, the little pebble in the pond and the ripple out to more people in the neighborhood. It's harder to do to the level of say a biker

group with 2000 bikers that get a Facebook post. What I'm saying is you understand how the neighborhood could feel, perhaps their level of awareness wasn't to the level that the bikers groups

- Sure, I mean, I get what you're saying in general, but I do believe that, like I said, on the trial period that we had and what we had to deal with with the Christmas and holiday season in there, and also the timeline, actually what we did essentially worked. Because you'll see how many people showed up, you see how many people are talking about it. So essentially a trial period did work in my view because I've never received, like I said in park committee, I mean, personally, I've never received this much input from almost any other community. And I've been with the city for 13 years. So whatever we did actually did work because it got people talking and I got people out there and awareness to what we're doing. So in general, I do think it worked.

- Well, that's good to hear. I mean, so you and I will talk about that offline because I think there's still more work to do in regards to this. You're reasonable, is what I'm getting at. Everyone I talk to is reasonable. A lot of times right now we're so divided as a culture. I just want everyone to know that. I shouldn't say almost they are entirely reasonable with everyone, so thank you.

- All right, well, we have had a very robust discussion here. Alder Brunette, could you just repeat your motion?

- Yeah and I think we have kind of a bit of a scribble, but I'm thinking the motion was to continue biking use as historically He-Nis-Ra Park and extend the "trial" of expanding expanded biking to May 15th, 2021 under the condition that the Parks Department and the user groups make no permanent or hard to reverse changes to the existing trails, vegetation, animal habitats, and for the Parks Department to continue to locate another fat tire bike destination on the West side of Green Bay. I believe that the kicker there was that they would continue to report to the Parks Department monthly from now until May.

- The park's committee.

- The park's committee, correct. Yes, sir.

- All right, do we still have that second from Alder Gerlach.

- And I would like to speak, I have my button pushed.

- Yep, we've got a few in the queue here. Well since you're seconded, we'll go to you, Alder Gerloch and then I'll get to every everybody else here.

- Okay, and I'll try not to talk too long. Alder Brunette and I are both on the Parks Committee and we want to agree and we want to work together. And I did not want to... I did oppose his motion at the committee and I didn't want to, because this is his district and he knows this park and I don't. But what I have seen is that everybody loves this park and everybody wants all these wonderful outdoor recreation activities to continue. And we don't have a typical situation here where people are accusing each other of doing bad things or anything like that, they simply want a park to be preserved. And what I appreciate the things I appreciate about this motion from Alder Brunette, which I will absolutely support are, first of all, it gives our professional parks people a chance to do more analysis and study. And that's important. They're the ones who know what they're doing, they're trained for this. And I like that we're going to be reporting back to the Parks Committee. A really, really important thing and I hope everyone is noticing this is that in this motion, Alder Brunette is asking for the Parks Department to search for a long-term solution. I said, I don't know this park, but I've looked at that map and it does scare me a little bit, it looks pretty crowded. And I don't think if we're really going to grow biking in Green Bay, which I think we should, I don't think He-Nis-Ra Park is the long-term solution. And I've been told there is no other site on the West side. I absolutely don't buy that. I just don't believe that, we just haven't found it yet. Even if it means partnering with someone else. I mean, even if it means asking the Oneida Nation, if they wanna partner with us to make them a biking venue. We need it recreational activities that will continue to attract a young professional workforce. And this is a wonderful opportunity. So yes, continue to study what we can do in He-Nis-Ra Park, do what we can and in He-Nis-Ra Park, but let's find a good solution long-term. And thank you Alder Brunette for that motion.

- Thanks Alder. Alder Johnson.

- Thank you, Mayor. Just wanna congratulate director Diecheid and assistant director, James Anderson on your Leslie Knope moment. So for anybody who's a parks and rec fan, this is kind of a routinely watched that show and you're like, gosh, nobody ever shows up for these meetings. And here we have an example of an issue that has really galvanized a lot of community members who are very passionate about the park system here in Green Bay. And I think that's wonderful to see. Personally, I'm a huge trail advocate. I use them routinely all over the place. And so I feel like I kind of understand the issue fairly well. And as we walk through this process, I'm going to support all due Burnett's motion because I feel like it's a reasonable compromise caveat. And that caveat is that I would prefer not to see the access lapse. And I don't think it meaning that I would like to see council

make a decision one way or the other before that May 15th deadline. That we take care of the business we need to take care of over the next couple of months. And through that process, I think it's really important that we really separate facts from perception. And I think there were a number of things that have been shared throughout this process that I trust staff will explore. Things like the erosion of the trails, the vegetation damage, the habitats all the way to things like unleashed pets. Is that an enforcement issue that we need to address? And so I think that there are a number of things there that it's gonna be really important that we address as we go through this process. Every community I think is in this battle for talent right now. And you're trying to create amenities that attract residents to your community and amenities that people want and are demanding. And I think it's evidenced that biking is really a growing thing. You're looking at what Dr. Schwiesow had talked about over in Ledgeview. I mean, a property that's 10 acres smaller than this particular park, but it's proposing five to 10 times more mileage and trails. And so now I'm not suggesting we do that at He-Nis-Ra, but what I am suggesting is that different skill levels are necessary when you're talking about parks. And I don't think that this park needs to be that intermediate or that high level skill level, but at 1.8 miles, it does offer that entry level, elevation changes. I mean, something that is very desirable by the bikers. And in fact, I think most of the feedback that I received is actually from neighborhood residents who are bikers that you use the park a lot advocating for how accessible and how easy it is to get to the park and use it. One of the responsibilities of the parks is really to be too responsive and relevant. And that's exactly what they've done here. They were asked to figure out how do we grow usage in our parks, this is an underutilized park. Can we figure out different ways to do that? And they really did what was asked of them. But I think now we do this all the time, right? Where we adapt usage of parks. I think of the growth in demand for pickleball courts. And we took out some tennis courts, replaced them with pickleball courts. And so we have to respond to changing market conditions as well. And biking has grown in popularity all across the country, but especially here in Green Bay. And I think that's something that we need to respond to. So I like the fact that we're continuing to look at other alternatives, but we're continuing to maintain access to the trail right now as it stands while we can figure some of this stuff out. So I am gonna support the motion and I look forward to the continued dialogue. I think everybody's brought to the table some really important points to consider. And I think it's important that we continue to work together to find a solution so that all users can have access to these trails.

- Thanks Alder. Alder Dorff.

- I no longer need to speak, thank you.

- Thanks Alder. Alder Galvin, Alder Galvin.

- Mayor.

- Alder Steuer.

- Thank you, your honor. I was gonna ask director Diecheid and director Anderson, I just had a couple of quick questions on the map. Is there any way to bring the map up onto the screen? Now I wanna bring it up too much longer, but I just--

- No, I don't so, Alder Steuer.

- Oh, okay. All right, well, I did go to the park on Sunday and did walk for what an hour and a half, trying to get a feel for the park. And I know some of the other alders have done that as well. I think it is important that members to take a look at these things when you can. It was I see, I ended up taking the green trail, which is basically from Lombardy Middle School parking lot area all the way over until I ran into the orange bike trail. And it was very interesting. There's a lot of topography. There's a lot of the signage was iffy to say the least. I had a hard time kind of following what... There was nobody else there. So I had a pretty good feel for it. I know there are concerns saying with this multi-use set, there could be an issue and a problem. I noticed on a couple of the big hills, I went on a couple of large hills and I was trying to imagine, what would it be like me walking there and then having bikes come over the top. And that would be a concern. There were maybe two or three areas that I thought there would be an issue. And I did take some pictures of that, that I can share in the future. There's some things were brought up. In fact Alder Brunette brought up the fact that I had brought this up on the behalf of some constituents some time ago, and he had to refresh my memory on that. And these people now are somewhat against it. And I guess my points were, and some of the constituents mentioned that for a good workout, a fat tire bike might have to go around a trail five times in order to get the full benefit. So it's not like you're going around once. So that's an issue. But then Heather Gentry brought up the fact that nine times out of 365 days a year, these fat tire bike groups use the trails. Now, is there a way to say that, well nine times a year is fine. It's a free country, you might wanna do it 10 times, 30 times, who knows? So those are issues I think that need to be talked about. I had some old, I have some citizens say that the reports of folks throwing screws and other debris on the trails to deter some of the bikers. I hope that's not true. The natural areas that I saw, will the Parks Department clean up some of the brush and trees and encroach on the trails. And some people wanna keep it natural. Dogs off the leash, it's a big problem. Better signage, like I said. I also have talked to some people and they said, what about the possibility of teaming up with or the Oneida nation? I have them involved as well. I think it was Alder Gerlach said, I think there's room. I know that park committee, they said, "Well, there are no other areas on the West side." The West side is a huge area. And I think that there could be some other areas. To build a brand new park would be very expensive, but I can see that with the private and public sector, I think that we can do some good things. So I appreciate Alder Brunette bringing up his motion. I think it's a good compromise. And the report every month to the Park Department is important. Many, many citizens know about this now, more so than I thought. And I'm glad that they're all engaged in this. I know the council is engaged in this as well. So I will support Alder Brunette's motion. Thank you.

- Thanks Alder. Alder Galvin.

- Thank you, your honor. I'm sorry, I had a little problem with bandwidth. I used to live off in the 12th district and for years I use the He-Nis-Ra Park. In fact, my first biking venture, there was probably over 35 years ago. And I've been walking my dog there until it passed away recently for the last 13 years. Beautiful park. And I have been impressed with the improvements that I've seen that the Park Department has done with some of the trails there. And I appreciate what they've done because as we all know, Park Department tends to operate on a kind of a shoestring budget. And for them to be able to do what they've been able to do, I think is pretty impressive. As one observer earlier said, I do have concerns about the trails, the markings and the maps. That's been a big concern of mine for years, both with this park and with Bears Creek. It's very hard to follow them. I tried following one of them the other day, some of the new trails, and I ended up totally off the trail and then on a different another kind of trail. So I agree with the extension. I'd like to see it permanently in place, but I would like to see the Park Department do as good a job as possible with getting the trails properly marked. So there is no confusion. And then as to people complaining about the bikes, my biggest complaint has been dogs off-leash in that park. It has been my biggest complaint. And the enforcement is gonna be difficult at best. I don't know how you station a enforcement officer in a 55 acre site waiting for that person to come through with their dog off-leash. I think they're gonna have to get more inventive, maybe puts up some trail cameras in a parking lot to see if they can identify the people and their pets as they get out of the cars with the dog off leash and get a license plate number and follow up with warnings and that from there. But I think this is a great idea. It's a beautiful park. And I'm not sure if I agree as I understand the lay of the land on the West side, I'm not sure if there is that much land available to set up other bike trails that are off road. That's why I've been a big advocate ever since I was elected. Have more bike trails teaming up with our city streets so that people can get out and about with their bikes on the city streets or get to other areas where they do have off street bike trails. But I think that's where we need to be looking as a community to get people healthier. Get people who are more involved with these sports and give them places to go and interact with each other. Thank you.

- Thanks Alder. So we do have a motion and a second.

- One quick comment, Mayor, if I could. Real quick, not gonna take long. I did have a discussion with Mr. Anderson at the Parks Department, and it is possible there may, I'm not gonna say where, but there may be some park possibilities or land on the West side that was recently identified as a potential location. So the idea of why included in the motion is that maybe with a couple locations, He-Nis-Ra on this other side, that the number of bikers may be disperse a little bit evenly, or at least some of the higher volume doesn't necessarily go entirely to He-Nis-Ra. So Alder Galvin loud and clear, I hear you. And I think there are some possibilities.

- Thanks Alder. All in favor of the motion will signify by saying aye.

- Aye.

- Aye.

- Aye.

- Opposed, nay. The ayes have it. Thanks again to everybody from the public for coming out and testifying. Thanks also though, to our Parks Department, Mr. Anderson, Mr. Deicheid for all the work that they've devoted to this. This is not an easy thing to do and inviting public input and making some needed changes to our parks. So really appreciate all that work. On to the report of the personnel committee.

- Move to approve.

- Second.

- Motion made by Alder Dorff, second by Alder Scannell to appropriate port T, which is the report of the personnel committee from the meeting on January 12, 2021. Any items here to be handled separately? Hearing none, all in favor of approving that report, please signify by saying aye.

- [All] Aye.

- Opposed, nay. The ayes have it, the report has been approved. On to report to the ethics board.

- Move to approve.

- I want to turn things over to deputy attorney Bungert to give us a little bit of an overview here.

- Mayor, it's Alder Vander Leest. I'd like to recuse myself and I'm not gonna be doing any voting.

- Very well, thanks Alder. Attorney Bungert.

- Yes. Oops, I accidentally turned off my video. Yeah, so just wanted to kind of briefly go over some procedural matters before we move forward. Just wanted to know that the matter in general are judicial in nature. The ethics board held the hearing testimony and evidence was presented. And upon that the board deliberated rendered its decision and its decision of dismissal, and also issued a written findings of fact and conclusions of law, which is up for confirmation by the council. So the council can either accept remand the findings and vote up or down on the board's decision. Consider the findings of fact and conclusions of law, the written objections that were filed by the complainant in opposition to the findings of fact, and then written arguments that were filed by the parties in support of, and in opposition to the written objections. Counsel can ask questions as a party and of Attorney Bill Vander Castle who's the chair of ethics board, who's in attendance this evening. But the questions do have to be limited in scope to the record before you, which includes the reports, the objection and the written argument. given no additional evidence can be presented. There's not gonna be any oral arguments that are presented as consult previously folded in December to have written arguments presented in lieu of oral. Once counsel is done, then we can move into closed session for council to deliberate and then take action on the report and the items and the dismissals and open session. To ensure that all due process considerations are protected, any conflicts and biases need to be staged for the record. As a summary, Alders have to recuse themselves when they are actually biased with regards to a particular matter before them, if there's an impermissibly high risk of bias, or if an alder has prejudged the matter and is not able to make a fair and impartial decision on it. Generally alders have to decide for themselves whether the alder is biased and is unable to be impartial. However, when there is a serious risk of bias existing, recusal is required as in a situation when an alder is one of the parties that the matter being considered. Also any alders that have participated as witnesses in the matter, excuse me, should also state on the record, their conflict and their participation as such and state whether they can reach an impartial and fair decision on the issue. Recusal and understatements of conflict can be accomplished by a point of order before the discussions begin. Alder Vander Leest already has put in his recusal for the matter. And if any other alders want to recuse themselves or provide any conflict or statements of conflict, the time to do so would be now.

- Yes, I would like to recuse myself.

- Mr. Mayor.

- Alder Brunette is requesting recusal. Alder Lefebvre.

- I got a question for Alder, I mean alder, Attorney, sorry... Attorney Bungert. If I should recuse myself, I've known John Vander Leest a long time, he was my electrician for years. I don't know if that's something that might cause a problem.

- It's sufficient for you to state that on the record, which you've done so. And ultimately Alder Lefebvre, it's up to you to decide whether you can still make an impartial decision, a fair and impartial decision. If you feel that you can still make that decision, then recusal is not required. If you feel that the nature of your relationship and your acquaintanceship with the Alder impedes your ability to make a fair judgment, then you would need to recuse yourself.

- I don't think I need to recuse myself. I think I can make a fair judgment on from what I've been reading in the, what we have before us. Thank you.

- All right.

- Thanks Alder.

- So with that, if we have no other statements, then I can turn this over to Attorney Vander Castle, who like I mentioned before is the chair of the ethics board. So he can go over some of the main points of the board's decision.

- Great, thank you Attorney Bungert. Attorney Vander Castle.

- Thank you, Mr. Mayor, alders. As chair of the ethics board, I was asked to be here tonight to provide a brief summary of the ethics boards proceedings related to the April, 2020 complaint filed by Mr. Knight against Alder Vander Leest. And I will do that and also happy to answer any questions that you might have. In doing so, I would caution that because an appeal has been taken from the ethics board decision that you have before you, my remarks regarding these proceedings and

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discussion will probably be somewhat tempered. And I would certainly defer to attorney Bungert if I get too far out of line here, she can reel me back in. So in terms of a brief summary last spring. So this started in April of 2020 when Mr. Knight filed a complaint against Alder Vander Leest under the provisions of the city's code of conduct. And as you're aware, two principle areas of jurisdiction. The first being the city, and then the second being the city's code of conduct for elected officials. Mr. Knight's complaint was strictly within the conflict for elected officials. So that's what we were limited to. Again, generally, Mr. Knight's complaint alleged Alder Vander Leest violated the code of conduct in regard to the administration of Alder Vander Leest Facebook page. I'm not gonna go into the specifics of Mr. Knight's factual allegations, because an important part of this is the ethics board never got to a hearing on those factual allegations. And I sat out in the ethics boards findings and decision. This matter was decided on the basis of really the underlying some substantive legal issues that were presented to the board. Procedurally after Mr. Knight's complaint was approved by the clerk's office and sent on to the ethics board for our review as is the usual process, the board scheduled an initial appearance, and we do this routinely to set up a time to get all the parties together, to look at our calendars and set up time for a hearing for the trial phase of this. But prior to that initial appearance date, Mr. Knight and Alder Vander Leest through his attorney, Rob Miller filed a number of motions related to the complaint. And that's where this really got started from our perspective. And I believe throughout the course of the proceedings, there were six, possibly seven different motions filed by the parties and responses to those motions. So as a consequence of all of that, the initial appearance date on this matter was used as a scheduling conference to set a deadline for the parties to file any new motions that they had, and also to file any responses to the other side's motions. And again, there were several new motions that were filed and there were also several responses to the existing motions that were filed. The effect of these motions and their responses required the board, not only to review those motions and address the complex legal aspects of those issues raised, but it also required the board to address all those issues before there could be a hearing on the actual facts of Mr. Knight's complaint. And at this point, just let me say that in my nearly 20 years of service to the ethics board, these proceedings were by far the most complicated legal issues that we've ever dealt with as a board. There were a number of issues, both constitutional and related to the code of ethics. I also wanna state at this point, a thank you to the members of the board for the amount of time spent in this. They were hours and hours of time dealing with this, including that hearing that we had just on the motions was over two hours long to give the parties a chance to address the board. But in the end, based on the nature of the complaint and the motions filed by the parties, as well as their subsequent presentations to the board at that hearing date, the board determined after extensive deliberation that the substance of Mr. Knight's complaint was ultimately beyond the scope of the authority given by this council to the ethics board under the code of conduct. And I can get into the more details of that if you have any questions. But it's essentially the nature of Mr. Knight's complaint gave the ethics board the ability to considerably expand the scope of its authority under the code of conduct. And that was Mr. Knight's request, essentially. In the end, however, as laid out in the findings and decision, there was unanimous approval by the board that the board decided and determined only to look at the plain language of the code of conduct and to not attempt to interpret the council's intent beyond that plain language. And it was decided not to expand our oversight authority under the code, but simply limited to what it was stated in the code to be our authority. And as a result, as this laid out again, in detail in the findings and decision, the board unanimously decided not to expand its scope and to recommend to the council, the dismissal of Mr. Knight's complaint on the ground that the substance of that complaint was beyond the scope of the authority given by the council to the board to address ethics issues related to elected officials. So with that, if there's any questions, I'd be happy to attempt to interpret all of this in light of what's going on subsequent to our decision.

- Well, thank you Attorney Vander Castle, and I have to say you and your fellow board members deserve some kind of special gold star for citizenship for hearing all of these questions and for weighing in on them in such a professional way. So, especially to you as chair, I wanna extend my thanks for dealing with this question.

- Thank you, your honor. Any questions for Mr. Vander Castle?

- Mayor, I have a point of order first.

- Alder Steuer.

- As far as recusal, I'm thinking that I might have to as well. I know Alder Vander Leest very well, and I had some business dealings with Mr. Knight as well. So I feel kind of conflicted and I just wanted to make sure if Attorney Bungert would listen to that and see if that's fine. I don't know, I just feel .

- Yes, so situations where recusal is required is when bias absolutely exists when there's a direct financial interest at play, where you will be personally benefited directly in one way or another, or if you feel that you cannot make an impartial decision on the matter. So just having a relationship with someone or having an acquaintanceship with someone may not necessarily lead to required recusal. At that point, it is up to the individual to decide whether you can still make a fair and impartial judgment. If you feel that despite your implications that you've stated for the record, you can still make a fair and impartial decision, then recusal is required.

- Well, I guess in my case, there's a nonprofit that I belong to that has some financial dealings with his group and we're working on things together financially. So it's not a burden initial benefit to myself, but to my non-profit, there's a bit of that. So I do feel a little torn about that. And then I think I need to recuse myself.

- All right, that is noted, Alder. Any questions for Attorney Vander Castle? Any desire to go into closed session? Seeing no one. Alder Johnson.

- Yeah, thank you, Mayor. I do have a question for Mr. Vander Castle. As I'm looking at the initial complaint, obviously the complaints regarding deletion of comments and other things of that nature. And obviously we drawn the conclusion that I believe the way that this is framed is that it's kind of... Because social media is not specifically called out in the code of conduct. It kind of falls outside of the scope of your jurisdiction responsibility oversight. The thing that comes to mind for me, however, and I just wanna get your perspective on this so that I've got a clinks. I mean, clearly it would be difficult for any code of conduct to document every possible instance of misconduct that could occur. So how would you respect .

- Again, as we've addressed this over the years, we've specifically looked at what the council gave us to work with. And you're correct that it would be, I think, impossible to address every issue that could possibly come up. But I think in drafting this, and I've been around long enough that I worked with Attorney Wokowitz and Attorney Mueller from the law department over the years when this was being put together to do some of the drafts of this. I think some choices were made when it was put together to focus on certain areas. And I think there's discussion ongoing of revisiting all of that. But at the time that it was drafted, there were certain areas of focus that you can see by looking at the code. And so it doesn't really go to all issues that could possibly come up. I just think that probably people smarter than me could come up with some better ideas on this, but it is limited to the direction that the council at the time gave to us to deal with. You certainly have... It's the city's code of conduct for elected officials. So, you have the right to change it, modify it and rechange the focus. But frankly, I think it's a fairly decent starting point from what we have, but there is certainly room for improvement and areas that you could change the focus on. So I don't know that I've necessarily answered your question, but we're really limited by what the council gave us to do. To be honest, we struggle with that every time we have one of these issues.

- Thank you Mr. Vander Castle. Alder Johnson, did you have anything further?

- Mayor.

- Yeah, just checking with all the Johnson to see if he had anything further.

- Sorry, I was muted, No, I'm good.

- Okay, Alder Galvin.

- I just wanted to tell Brian that and the rest of the council, we struggled with this on a committee and we went back and forth. And we looked at various different angles, the different sections that were cited. And basically that's what we came up with. We could extend out what we felt the purpose initially was for the rules that were in place. But I think you start going out on a diving board when the high dive from when you started doing that. And so the final decision was we would just look at actually what we could apply it to. And there just wasn't a, we think maybe then when it was being put together, people weren't thinking about Facebook pages and Twitter accounts and things like that. That's not to say that Mr. Knight certainly can't go and take his complaint to other courts of record if he wishes to, but we just felt in the end that the code that we have just doesn't apply to this. And so we, in essence, couldn't take any action. And that's why I think a couple of other alders are requesting to have the code looked at and revamped. And it started out, I think at one time it was a pretty good code, but as time has progressed, we've seen some of its weaknesses and we've seen some of the problems that can cause this, trying to come to decisions. And that's why I think it is good that the law department is looking at it and trying to get it updated and revamped. Thank you.

- Mayor, if I could ask a follow-up question to Alder Galvin.

- Go ahead, alder.

- If that's permitted, Alder Galvin, you mentioned, and I'd love to get your take on this. So you mentioned the point about higher court could potentially take up this issue. And specifically Mr. Knight has called out the court case. I believe that involved the Twitter account of President Trump. So if I'm understanding you correctly, and I just, I want to make sure that I'm in the same frame of mind that the ethics board is coming from. What you guys are saying is that there could potentially be a violation as it relates to that constitutional ruling. However, that's outside of the purview of the code of conduct that the city council is adopted. So therefore, if Mr. Knight wants to pursue some level of relief, he'll have to take it through that court system and that you guys, meaning the ethics board really doesn't have that level of jurisdiction. Would that be a correct assessment?

- That's it exactly.

- Okay, thank you.

- Thanks Alder. Any further comments or questions? All right, seeing none, we did have a motion, I think by Alder Dorff, seconded by Alder Scannell, was it to adopt the report.

- [Manley] Motion by Alder Scannell second by Alder Dorff.
- Thank you, assistant director Manley for that. Any further discussion?
- Mayor, just a point of clarification. Is this for the entire report or is this just for item one?
- It was made initially for the entire report.
- Okay, thank you.
- If there's a desire to split them up, we can certainly do that. But the motion was made for the report. Okay, so we do have a motion and a second, we do have a couple of recusals noted. All in favor of adopting the report will signify by saying, aye.
- [All] Aye.
- Opposed, nay. The ayes have it and the report to the ethics board is adopted. Thanks again to Mr. Vander Castle and all members of our ethics committee and our law department as well. I know it's taken up a lot of work on everybody's part there. So appreciate it. Onto report to the sustainability commission.
- Motion to approve.
- Made by Alder Dorff, seconded by Alder Scannell. Any discussion? All in favor will signify by saying aye.

- [All] Aye.

- Opposed, nay. The ayes have it. December 16, 2020 report has been adopted. Receive and place on file.

- Move to receive and place on file.

- Motion has been made to receive and place on file by Alder Dorff, seconded by Alder Scannell. Any discussion? Hearing none, all in favor, signify by saying aye.

- Aye.

- Aye.

- Aye.

- Opposed nay. Resolutions.

- Motion to suspend the rules.

- Second.

- [Manley] under suspension of the rules, adopt and resolutions one through nine with one roll call vote.

- A motion has been made by Alder Scannell, seconded by Alder Dorff to suspend the rules and take up items one through nine with one roll call vote. All in favor the motion please signify by saying aye.

- [All] Aye.

- Opposed nay. The rules are suspended. Yes, Alder Lefebvre.

- I want to vote no on number seven, sorry.

- Okay, we can note that.

- Mayor, I need to be recorded as abstaining.

- I want to vote no on number seven as well. Alder Vander Leest.

- Okay, Alder Vander Leest and Alder Lefebvre want it noted that they're voting no on--

- Likewise, Alder Wery.

- Number seven, same requests for Alder Wery. And there's an abstention requested by Alder Johnson for same item.

- Correct?

- Okay. Hearing that, any discussion? I'll entertain a motion to adopt resolutions one through nine.

- Did we vote on...

- Oh, we did.

- Oh, we didn't... Did we? Yeah, we voted. We did.

- Yes.

- It's getting really late.

- Yeah, motion to adopt.

- Too late, I already said that.

- Motion has been made by Alder Dorff, seconded by Alder Scannell to adopt resolutions one through nine and we will use the board.

- We used to start our meetings at 7:30, it would be 1:00 a.m. right now.

- Wouldn't that be great.

- Oh, that'd be wonderful.

- So, Mr. Mayor, I would vote yes.

- Yes, allow me--

- That's noted, my no on--

- Yes, is that acceptable attorney Bungert, to handle it that way.

- Why don't we treat number seven separately?

- We can certainly do that.

- I think because we suspended the rules to take it all off as one item, if we're going... It kind of complicate things.

- We could certainly just exclude item seven.

- Motion to reconsider.

- Yeah, motion to reconsider.

- Reconsider the suspension of the rules and then just vote to approve the items that everybody wants to approve with one vote and then wait for the exception of number seven and then have a separate board or role call on item number seven. I think that might be the cleanest thing for the record.

- Sounds good. So we do have a motion to reconsider made by Alder Johnson.

- Second.

- Seconded by Alder Dorff. All in favor, signify by saying aye.

- [All] Aye.

- Opposed, nay. The ayes have it. The item is up for reconsideration. So I would entertain a motion to suspend the rules and take up items one through six and eight and nine.

- So moved.

- So, moved.

- Motion made by Alder Scannell, seconded by Alder Lefebvre, to take up those items with one roll call vote. All in favor of the motion, please signify by saying, aye.

- [All] Aye.

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

- Motion to adopt.

- Second.

- So we have a motion to adopt resolutions one through six and eight and nine. And that's been made by Alder Scannell, seconded by Alder Dorff, we will use the board.

- I vote aye, Mayor.

- Thank you alder.

- I vote aye as well.

- Thanks Alder Steuer.

- [Manley] Alder Lefebvre, has it come on your screen? I voted. It didn't record it, I voted it.

- Or would you like to be recorded, Alder Lefebvre?

- Yes.

- Thank you. And those are unanimous, 12-0.

- Motion to adapt number seven.

- Yes, we will use the board. Motion's been made by Alder Scannell, seconded by Alder Dorff. And Alder Johnson has noted his abstention.

- I'm a nay, Mayor, on number seven.

- Thank you, Alder Vander Leest.

- Me nay as well.

- Thank you, alder.

- Alder Lefebvre, apparently it's not coming through. I didn't know.

- So the resolution is adopted seven to four with one abstention. Onto ordinances first reading.

- Motion to advance.

- Move to advance.

- Second.

- We have a motion by Alder Scannell, seconded by Alder Dorff to advance item one. Any discussion?
All in favor, please signify by saying aye.

- [All] Aye.

- I believe, Mayor.

- What's that .

- Do we need a roll call on that?

- Not on the first reading.

- Okay, then I need to be logged as abstaining.

- Okay, thank you Alder Johnson. Any opposed there? The abstention is noted. The ayes have it and this item has been advanced to final adoption. Petitions in communications.

- I have one, Mayor.

- Alder Steuer, go ahead.

- All right, thank you your honor. Holston repetitious, so if we find out later, so rather than anyhow. That's the parts, the communicating with Brown County, the feasibility for a county or regional fat tire bike outdoor park on the west side of Green Bay.

- Your honor, the park is taking that up with Alder Brunette communication that says--

- I was just wondering if I was spinning the wheel on that, I just wanted--

- You're spinning the wheel, I believe. I don't think it's necessary.

- I'll put your wheel back.

- Thank you, Alder Steuer.

- I have question, Mayor.

- Yes, Alder--

- Not a communication, but Alder Steuer was mentioning, he said Brown County did. Was that part of the... I don't think that was part of...

- No, we didn't talk about that before. We kind of intimated it, but we didn't really talk about Brown County actually getting involved 'cause that's something that the Parks Department would automatically look at?

- The Parks Department will look at all possibility. Now I just mentioned because Brown County was mentioned, I'm sure they'll maybe we can even check the state there or I'm sure that the Parks Department will leave no leaf unturned.

- I saw Alder Brunette nod his head. So, I'm fine with that.

- Okay, any other communications? Alder Brunette, sorry.

- A new one.

- All in favor of protection and policy versus for discussion with possible action on a draft resolution written, titled resolution in support of Green Bay area public school district students and parents and teachers and employees in urging the school board and administration to transition quickly, but safely toward an in-person option for all students. That's the first one, second one for an update, discussion and possible action on the status of all open records requests received by the city from November 1st to, until the date of the protection and policy committee meeting. And then finally also production of policy or discussion with possible action on a request of city council president Jesse

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Brunette to seek an outside attorney, client privilege, legal opinion for discernment on options to balance the incredibly important need for public disclosure and transparency with the need to protect the city against potential liability.

- Thanks Alder, any other communications? Hearing none, I'll entertain a motion.

- Motion to refer.

- Second.

- Motion made by Alder Scannell, seconded by Alder Stevens through referral all eight petitions communications to the proper authority. All in favor of the motion, please signify by saying aye.

- [All] Aye.

- Opposed nay.

- I move to reconsider.

- Adjournment.

- Moving to adjourn.

- Motion made by Alder Scannell, seconded by Alder Dorff. All in favor, please signify by saying aye.

- [All] Aye.

- Sweet dreams.

- Thanks everybody.

- Good night, thank you. Goodbye. Let's go.