

**MINUTES
ADVISORY COMMITTEE
Thursday, November 5, 2009
City Hall, Room 604
6:00 p.m.**

Members Present: Council President Chris Wery, Council Vice-President Tom DeWane, Ald. John VanderLeest, Ald. Tom Weber, Ald. Jerry Wiezbiskie, Ald. Andy Nicholson

Members Excused: Ald. Celestine Jeffreys

Others Present: Ald. Amy Kocha, Ald. Tony Theisen, Ald. Guy Zima, City Attorney Allison Swanson, Chris Phelps, Derek Lord, Chad Weininger, John Vetter, Scott Matejov, Paul Srubas (*Green Bay Press-Gazette*)

1. Call to order.

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

2. Approval of the agenda.

Motion made by Ald. Nicholson, second by Ald. De Wane to approve the agenda. Motion carried.

3. Approval of the minutes of the August 31, 2009 Advisory Committee meeting.

Motion made by Ald. Nicholson, second by Ald. De Wane to approve the minutes of the August 31, 2009 meeting of the Advisory Committee, as submitted. Motion carried.

4. Request by Ald. Nicholson to review guidelines for Council meeting presentations (referred back from April 8th Council meeting)

Ald. Nicholson said he brought this forward because he feels there should be a policy drafted for Council to follow and said Council should be professional and show respect and professionalism even if they do not agree with what is being presented. He indicated that he or staff could draft a simple policy as a guideline for members of Council to follow when presentations are presented. Ald. Wiezbiskie stated that he agrees and said he would like to propose a time limit on presentations. He stated that it's up to the Chair to chair the meeting more rigidly.

Motion made by Ald. De Wane to have Ald. Nicholson to work with staff to write guidelines he feels would fit this proposal, and to bring this back to Advisory. Second by Ald. Nicholson.

Ald. Kocha expressed concern that we have Robert's Rules and said if we follow them, shouldn't this take care of it? Ald. Wery commented that we do not want to duplicate what we already are doing and will see what is brought back. Ald.

Wiezbiskie agrees that if we follow Robert's Rules many of these things will be taken care of.

A vote was taken on the motion. Motion carried.

5. Report by Ald. Kocha regarding NEW Community Shelter and St. John's Homeless Shelters collective efforts to fight homelessness.

Ald. Kocha stated that she had asked for an opportunity to meet with representatives from these shelters to uncover possible communication gaps and said during the summer she met individually with these organizations. In recent weeks she met jointly with them and said they discovered communication gaps, some assumptions being made by each other, unanswered emails due to systems being down and some gaps regarding referrals. She indicated that they cleared the air on these things and the two parties met jointly with their staff and she is satisfied that any communication gaps that she thought might have existed last spring have been cleared up.

Ald. De Wane expressed appreciation to Ald. Kocha to take the time to follow-up on this issue and to report back on it. He motioned to receive and place on file. Motion was seconded by Ald. Nicholson. Ald. Wery also thanked Ald. Kocha for her report and said hopefully some of the items that appeared to be big have fallen under the bridge and things will run smoother this year. A vote was taken on the motion. Motion carried.

6. Request by Ald. Wery for report on cost of lawsuit the City Attorney's Office lost vs the Green Bay Press-Gazette regarding open records documents.

Atty. Swanson stated that as was discussed earlier this week, she had initially received an estimate from Ruder Ware that the amount to defend this would be \$5,000-\$6,000. She indicated that their actual bill was almost \$9,000 and the bill from the *Press-Gazette* was \$18,000. She said the attorneys for the *Press-Gazette* are billing at \$350 per hour, which is one of the highest in the state. In reviewing that bill, she indicated that at least one entry is not related to this case and said she is questioning two other entries as to how they are related to this case. She indicated that she will discuss these items with them and said these bills will be paid out of the City's litigation expenses. Ald. Wery stated that a lot of people feel this was a needless fight and an expensive one, adding that other municipalities handed over the information. Atty. Swanson responded that she didn't agree that it was needless and said she was contacted by many attorneys from throughout the state regarding any outcome and she feels it's important. She indicated that she spoke with Atty. Dennis Duffy from Ashwaubenon who represents many municipalities in the area and he had concerns that the invoices would be released and drafted his bills in accordance with that. She said De Pere did significant redactions and indicated that if they wanted a different breakdown they would be charged for the cost of all of the redactions in addition to the cost for all of the copies. She stated that in the end she believed the PG did not get all of the invoices because they didn't want to pay for all of the redactions, adding that she believed some of the articles to be skewed. She stated that the bills contain a lot of information and said she spoke with outside Counsel in terms of adjusting our bills in how they describe things so that they can prevent disclosure of attorney-client privileged information. Atty. Swanson

said based on the volume of invoices, it took twenty hours to review the bills and said we charged .25 per page for the copies.

**Ald. Vander Leest arrived at this time and inquired about the rationale behind not releasing the information. Atty. Swanson responded that the bills contain attorney-client privileged information that would reveal some of the city's legal strategies and said also communication and preparations before things go into litigation. She stated that in terms of the general public reviewing the bills, it wouldn't mean a lot but said the attorneys on the other side would understand it. Atty. Swanson said she provided the amounts of the invoices and they PG was looking for detailed entries of each invoice. Ald. Vander Leest said he serves on the Executive Committee at the County where they review details of bills and expressed disappointment that the City was forced to pay \$27,000 over a minor issue. Atty. Swanson responded that she received no contact from Council members if they felt it was a minor issue or were disappointed or had concerns about the issue. Ald. Wery stated that the \$18,000 invoice from the *Press-Gazette* seems like a ridiculous amount for a one hour trial, adding that he didn't believe the City was in the right for what they did, but had no way to anticipate the invoice from the PG being so huge. He feels the *Press-Gazette* should be brought to task for that. Ald. Weber inquired if Atty. Swanson talked to the Mayor's Office regarding this request? She responded in the affirmative. Ald. Weber inquired why this matter was brought to Advisory? He said the Council gets on a witch hunt a lot and said when Department Heads make correct decisions, they are not brought up for review. He said the actions were done in what was felt to be in the best interest of the City and our Attorney probably does not agree with that decision. He said they usually see Council bring up such things around budget time and election time. Ald. Wiezbiskie stated that in Atty. Swanson's professional opinion, she made the decision based on the fact that providing the information could have harmed the city's case. She said that is correct and said in some actions they are asked in litigation to produce those and maintain that it is attorney-client privileged information and aren't forced to. He said he feels Council should not micro manage our directors' decisions and should let them do their job.

Ald. VanderLeest said maybe we should disband Council and let staff run everything, adding that Council is in the right to ask. He said Council was elected to perform oversight duties and said he is not one to bury his head in the sand. He stated that we should learn from this, like the Younkens case. Ald. Kocha inquired if those who are critical of the Law Dept. have looked at any of the bills? Ald. Wery responded that he had reviewed them. Ald. Kocha expressed concern that they are judging without understanding Atty. Swanson's concern and she feels this is unjustified. Ald. Theisen inquired if the adversary requested to see the invoices in the Younkens case? Atty. Swanson responded yes, but they didn't pursue it or contest it. Ald. Theisen said based on that, he can see the basis of the legal argument and also understands the concerns of the public with the article in the paper. He added that we could have gotten a Judge who would have agreed with our position. He said the public should be told the dollar amounts but not necessarily the details. Ald. Weber commented that just because you have the right to do something doesn't make it right to do it and said he is not sticking his head in the sand because he doesn't agree with the process that has gone on and finds this comment insulting. He disagrees

that it's right. Ald. Wery summed up by stating three things that he felt had to happen 1) reminder that bad decisions can cost of a lot of money 2) the *Press-Gazette* bills are exorbitant 3) we needed to have this discussion in a public forum.

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

7. Request by Ald. Wery for review of the Watermark Riverfront Project to include construction timelines and design specifics for the proposed structures.

Ald. Wery asked John Vetter to give the Committee an update on the Watermark Riverfront project. Mr. Vetter thanked the Committee for inviting him and said this project will go forward, adding that they are on the last two pieces of the process and it involves Calumet County Bank and their final commitment and said the Bank is still working through the final commitments with their participants. He said once he has that commitment, he can initiate a six-eight week process that involves Wheda, our Tax Credit Buyer, the City, and ourselves. He said they will all come together with the various specific attorneys who have been selected and will close the Tax Credit Finance Deal, which is very specific. He indicated that this process takes 6-8 weeks. He said he has commitment from Maltese Farshad of Wheda that this project is Wheda's number one priority and they have given to the Children's Museum as well. He stated that once we have the final commitment letter from Calumet Bank, the attorneys will divide up the work and set closing dates and Ganther Construction will probably mobilize the site ahead of closing. The construction period is aggressively stated as an eight month schedule but he puts it at ten months from start to finish. Mr. Vetter said about 2/3 of the way through that process, Hagemeister Park Restaurant and the Children's Museum will be able to clean their space and begin their build out. He stated that Paul Meier from Calumet County Bank had planned to attend tonight but had another meeting that he couldn't excuse himself from. Mr. Vetter relayed a message from Mr. Meier stating that Calumet County Bank is totally committed to this project and he has no doubt that he will be able to finalize his piece of the deal.

Ald. Wery inquired about a date for the financing to be finalized? Mr. Vetter said he could only say that Mr. Meier is very committed and working as hard as he can to finalize things as quickly as possible and said he is hopeful that in weeks, rather than months it will be finalized. Mr. Vetter said next week they will be meeting with a potential great local business who will hopefully rent some office space and said every indication they have is that this business is interested in the space. Ald. Wery inquired about the design and said one building was put up and said many people are not overly impressed with the look and said Council and the City want to be assured that the next building that is put up is going to be nice and will be the center of the CityDeck. Mr. Vetter responded that this was a major concern with RDA and said during the summer they moved through all the different issues on the aesthetics and materials and said it was approved at the Council level as well. He indicated that what was presented at the RDA and shown to Council continues to be what they will go with. Ald. Weber said Dan Dallich who is an architect, was part of the Task Force that was involved during the summer and he understands materials and brought samples and the Task

Force were pleased with it. He did not see any reason to come back to the RDA again. Ald. Weber inquired if the participants are the same participants that they had some time ago, or did they have to go out and pursue new? Mr. Vetter said, "both" Mr. Meier did have to pursue new ones as well as following up with his initial participants. He indicated that Mr. Meier is looking at one participant doing the whole thing and opening up for several participants to do smaller amounts; he's doing multiple things. Mr. said there is also a private equity group that Mr. Meier is talking to and said all of the investors will have the same position on the loan. He stated that Mr. Meier has heard that the banks that are passing up on this isn't because of the deal, it's because of the economy. He stated that his mother wanted him to write a letter to President Obama because he talks about small business, with Ald. Weber saying that it wouldn't hurt to write to our congressman and senators. Ald. Weber inquired about Wheda having a buyer for the credits and said other than timing, Wheda would need to look for another buyer? Mr. Vetter stated that Wheda is not concerned about that and said their accountant has everything all teed up and are just waiting for the commitment letter from Calumet Bank. Mr. Vetter said this project will happen and any doubt in the community that can be defused by Council would be great. Mr. Meier is open for any suggestions from Council or any other committee of the City.

Ald. DeWane thanked Mr. Vetter for coming and inquired if Mr. Vetter has something in hand that if they don't get their full commitment amount from Calumet Bank, are they committed to a portion? Mr. Vetter said they have a lending limit and are lending the full amount and said he has their commitment and their commitment letter. Ald. DeWane inquired what is the backup if Calumet Bank doesn't come through? Mr. Vetter said we need to round out that loan and they are continuing to talk to more banks and more participants with smaller increments and said no one is going to give up. He said the project not happening is not an option they are looking at and said we have to deal with the current environment. Ald. Nicholson inquired if the taxes are current? Mr. Vetter said "yes" they are current.

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

Ald. Wery thanked Mr. Vetter for coming and giving the update. A vote was taken on the motion. Motion carried.

8. Report from the Economic Development Director on summary of the feedback of the city's retention efforts, suggestions for being more aggressive in seeking new business and an example of incentive versus retention.

Derek Lord addressed the committee stating that this is a follow-up to a meeting held June 1st and said he has 30 slides to review. He indicated that they visit 75 companies a year in the city (mostly manufacturing and financial services companies) and go through a long survey with them and the company fills out a scale and rates various city services, business climate and their expectations for the future. He reviewed the various areas that were rated by the businesses including: code enforcement, public water & sewer, building inspection & permitting, zoning & land use, local road network/conditions, (Derek said if they rate something poor, they ask why and identify problems before the business

decides to move somewhere else) airport, utility/gas & electric (rated very high), phone, internet, broadband, Police & Fire Services both rated good to excellent, public transportation, workforce quality (Ald. Weber said he would be curious to see if those numbers declined over the years) workforce availability (37% said "fair" so it's clear businesses have trouble recruiting) local government, 58% said good to excellent, local tax structure (gets better rating than the state tax structure) workers comp rates, economic development (one business rated it poor because they drive by a store that's been vacant for a long time and there's a perception that we're not doing enough) recreation/cultural amenities, housing (strong) k-12 education and colleges and universities, both very strong, technical training, very strong, local business climate, 70% said good to excellent, climate today versus five years ago much worse is the general sentiment, but they are optimistic that it will be better in five years. 82% have a positive attitude toward this facility and the community it's located in, and 89% favorable attitude toward this community.

Retention/Incentive efforts – Derek said the only formal program we have is the Revolving Loan Fund which has been in existence for 19 years and said we have loaned just over \$3.2 million to 32 companies and for every dollar we loaned we have leveraged another \$4.65. We created 550 jobs and said this number is only jobs created when the loan was made. The average loan amount per job was \$5,943, which he said was very low. Six loans were written off; for a total of \$591,260 half manufacturing (\$430,000) and half restaurant businesses (\$130,000). He reviewed the use of funds industry sector and said two loans were made this year. Ald. VanderLeest commented that the County is attempting to have the Revolving Loan Fund run by Advance, with Mr. Lord stating that this City is not looking at this. He said the County cannot use their funds in the city and said the city is an entitlement community. Discussion ensued on whether other communities are more or less aggressive with better results and Derek discussing the Micro Loan Program which is a much more risky loan to make. He said Advance is looking at creating a program like that for the County. Ald. Weber inquired if we have any data as to how we compare with other communities. Derek responded that we have data that compares how each major community in Wisconsin is using TIF money and how those programs are structured but no other data on how we compare. D. Lord said Wisconsin as a state has a budget of \$6 million budget for business recruitment, which is very low and gave an example of Iowa who recently recruited a 1300 person IBM office and the state and city and everyone kicked in \$52 million.

Derek reviewed business recruitment strategies and provided the committee with a list of things they are already doing as well as suggestions for some new things. He said the two big things are 1) to select and hire either a regional or national lead generation firm that will guarantee a minimum number of qualified leads that the City can pursue and 2) to join an office and retail expansion service that provides clients a list of businesses that are actively growing in our state, regional and local market. He said the first option could cost \$5,000-\$7,000 a year but does provide information. He said the companies you are working with are competing to find a site in the country and will go where they are paid the most. Ald. DeWane said he liked the ideas Derek is presenting and inquired about holding a convention in the former Port Plaza Mall. Derek responded that an Entrepreneur's Conference was held the past four years and had about 200

participants. This year they are holding a Small Business Conference on November 19th at the Holiday Inn and is open to suggestions. Ald. VanderLeest thanked Derek for his presentation and said Council would be interested in exploring and doing some of these initiatives and he would be in favor of adding \$8,000-\$10,000 to be allow the city to join an office & retail expansion service and said if there are trade shows that Derek and the Mayor or ED Dept. could attend, he would be open to talking about that. Derek said he has some cost estimates and said their marketing budget is the same as it was in the past and said if they restructure some of their expenses, they could cover the cost of these new initiatives and wouldn't need more money to do this. Ald. VanderLeest said he believes Council is interested in doing more than they have done previously and Mr. Lord could bring suggestions to the joint Personnel & Finance Committee meeting. He said Mr. Lord was a good manager of money and indicated that he would not be opposed to adding \$10,000-\$15,000 in the ED budget to be more proactive.

Ald. DeWane commented that people have opinions when they drive around Green Bay and said since Derek Lord has been on board, he has seen the accomplishments that have been made, and he appreciates that and he feels Derek can take us where we need to be. Ald. Wiezbiskie inquired if Derek was working with Better By the Bay, with Derek responding "yes". Derek reviewed the Enzymatic Therapy project at the request of Ald. Wiezbiskie and said this effort took over 6-9 months and they brought the State in early in the project. He said over 100 packets of information were sent to the Utah headquarters to show the employees of Enzymatic that Green Bay was a great place and it worked to our benefit.

Motion made by Ald. Nicholson, second by Ald. Wiezbiskie to receive and place on file. Motion carried.

9. Update on Ordinance revisions to 27.620, the Sex Offender Residence Ordinance.

Atty. Swanson distributed a copy of the proposed ordinance revisions that were discussed at the last meeting. She said they tried to look at some things in terms of re-writing to make them more clear. Discussion on what changes were made that would specifically change the ordinance with Atty. Swanson stating that the definition didn't cover all crimes against children and now includes all crimes against children. Ald. Nicholson inquired what changes were made to make the ordinance more lenient with Atty. Swanson stating that it exempts the person who lives at the TLP directly rather than having people that go to the TLP come to the committee (and they would only be allowed to live there for 120 days). She said what they are seeing is that people end up being housed in the jail because they cannot find another location are they are waiting to get on our agenda. She stated that the Police Dept. feel it's good to get people into the TLP as they are closely monitored there. Also, people usually get out of Green Bay after they have been at the TLP rather than going before the Board. She reviewed the clarification to the portion of the ordinance that refers to people in medical facilities like the Jackie Nitschke Center. Ald. Nicholson clarified that the change to the item regarding the TLP would allow the sex offender to bypass the Board and go directly to the TLP. Atty. Swanson said Atty. Decker had talked to the Dept. of Corrections and it was their recommendation. Ald. Nicholson stated

that he does not like this change and it is not protecting the citizens of Green Bay and said this change makes the job of the Parole Officer easier.

Motion made by Ald. Nicholson to delete item #3b5, second by Ald. VanderLeest.

Ald. DeWane inquired if there are any changes to the 2,000 foot radius? Allison stated that as an alternative you could change it to 1500 feet. Ald. DeWane does not support this change. Ald. Wery stated that it is not a change but a comment that was put in that it could be 1500 feet. Ald. VanderLeest stated that he supports the deletion of #3b5 and said we have done a good job of controlling the placement and he wants to maintain that control.

A vote was taken on the motion to delete item #3b5. Motion carried.

Ald. Wiezbiskie referred to the distance question and inquired of Atty. Swanson to explain the comment that the distance could be reduced alternatively to 1500 feet and make the ordinance unconstitutional. Atty. Swanson stated that she believed at the time there was the question of eliminating the Sex Offender Residence Board or not and looking at the parameters of what could those distance requirements be at the same time of reducing those parameters and allowing more places for the sex offenders to live. Ald. VanderLeest mentioned the penalty portion with Atty. Swanson stating that on page 3 this section was rewritten to bring more clarity, and was not deleted. Atty. Swanson said the application form was revised to be more clear. Ald. VanderLeest questioned about security deposits and said some people are losing those deposits if they are denied by the Board or if the place was no longer available. Atty. Swanson said the only way of getting around that would be to ask for a blanket approval but said we usually require specific addresses.

Motion made by Ald. VanderLeest, second by Ald. DeWane to adopt the revisions to Ordinance 27.620 as amended. Motion carried.

10. Request by Ald. Zima, on behalf of the citizens of Green Bay, to have Congressman Kagen introduce legislation to redraw lines of the Green Bay Transit District into two distinct transit districts, one for Green Bay and one for Brown County, in an effort to maintain all State and Federal support for transit in Green Bay and Brown County.

Ald. Wery stated that the Committee received a copy of a letter from Cong. Kagen and turned the floor over to Ald. Zima. Ald. Zima stated that Cong. Kagen brought this idea up at committee but has no response yet. He indicated that Cong. Kagen signed onto a bill which if it goes through, would allow us to keep our funding with the "Under 100 bus limit". He said his idea was to have one transit district for Green Bay and one for the rest of it, and said that doesn't mean that the districts couldn't contract and have the same person manage it. He stated that Chad Weininger had the idea to pursue two separate transit districts. He feels this is still worth pursuing and said he wants to avoid establishing another taxing authority and said an RTA would be his last option. He wants us to pursue all options for funding operation of our transit system and would like to see our staff working on these.

Chris Phelps said the Bill that Cong. Kagen signed onto is 2746 and that limits and gets us up to 50% of eligible funding for operating assistance and we need 100%. He said we'll continue to work on this and said there are over 150 other communities on this as well. He said the administration has asked for an 18 month extension and they'll continue to meet with the Congressman's staff as well. Ald. VanderLeest said a group including Ald. Jeffreys and himself met with the congressman's staff and said he called the Congressman's office today to let them know the item was being discussed this evening and invited them to attend if there were any updates. He would like to have this item remain with Advisory as an item of interest and bring updates as they are received.

Motion made by Ald. VanderLeest, second by Ald. Nicholson to refer to staff to follow up with outreach to other communities on the transit issues and to follow up with Congressman Kagen's office to continue working on redrawing the lines for two transit districts. Motion carried.

Ald. Kocha asked that even if the lines are redrawn, would we only get 50%? Mr. Phelps responded "no" and said if we keep current law, we would be well under the 100 bus limit and would then qualify for 50% funding.

11. Request by Ald. Kocha to consider and take action on a possible resolution showing Council support for the development of the East River Trail connection to the Fox River Trail.

Ald. Kocha said she is on the Advisory Board for the East River Trail and there was some discussion among the group that they would appreciate seeing support from Council, and with the change in Council every two years, they would like to have a resolution stating that this Council supports this trail. She indicated that the Olde Main District is very excited about this. Ald. Wery said he recalls bits and pieces have been bought and approved all along and said it makes sense to connect the trail. Ald. Wiezbiskie asked if a resolution would insure that the trail would be done, and questioned the worthiness of the resolution. He does support this connection but said it could be overturned in the future. Ald. VanderLeest inquired where the resolution would be directed; to the County, the State? He inquired who would bear the cost? Ald. Kocha said they are looking at grants and donations and said the funding is separate, she is asking the Committee to support the concept. Ald. VanderLeest said he would not support city purchase of lands for this project. Ald. Kocha asked him if he liked the idea in and of itself of connecting the trail? He responded he does support that idea but said you cannot separate funding for the project, adding that if a funding source was brought forward he would support a resolution. Ald. Wery said funding would be a separate discussion.

Ald. DeWane inquired how large of a project this is? Baird Street to Monroe Ave. was the response from Ald. Kocha. She said it's a very challenging task and are taking it one step at a time. Ald. DeWane would support this project. Ald. Weber stated that he also likes the idea and can judge the other areas when they come to it; he supports the resolution. Ald. Nicholson commented if a resolution is even warranted to say that we are for the trails?. Ald. Wiezbiskie said we are close to finishing this trail and supports the resolution if it strengthens heading in the direction of completing this trail. Ald. VanderLeest again stated that they need to define how they plan to fund it, i.e. grants or donations and he would

support the resolution and doesn't want to use levy dollars and borrow to fund this. He added that typically trails have been done with grants from the DNR. Ald. Zima believes this should be referred to staff to come up with a cost estimate and then bring forward a resolution, and if it's a larger amount of money, contingencies may want to be placed on it. Ald. Theisen reviewed past funding of trails with donations from Cletus Vanderperren and Red Lewis. He stated that the city has declined buying property for trails when the seller wanted an exorbitant amount. He said there is a section in the East River Trail which will run through a commercial section and will be more difficult and believes Bill Landvatter could provide the amount that the city has paid on other trails.

Motion made by Ald. VanderLeest second by Ald. De Wane to refer to staff to come back with cost estimates for development of the East River Trail connection to the Fox River Trail and to bring this to the Parks Committee.

Ald. Weber said he is not in favor of the motion to come up with a cost estimate where we will spend a lot of time and resources of staff time and said he would support a resolution stating that we will connect that trail in the next year or eighteen months and will acquire what we need to do it. He said trails are developed piece by piece and a resolution in favor of a good project doesn't require a cost effort and said nothing in the resolution says you have to buy it or spend it or where you get the land, the effort or anything else. He said if you don't like it when the item comes up in the budget, take it out of there and said he is not in favor of the motion. Ald. Theisen said in the '70's there was a vote to purchase property which is now just behind the slide at Bay Beach, and said over the years the city purchased all of the property there and there was never an estimate as to how much that purchase would cost, it was done one step at a time. Ald. Wiezbiskie said there has been discussion at the Parks Committee regarding this trail and he feels it is almost impossible to put a budget to this project. Ald. DeWane seconded the motion for discussion and asked Ald. Wiezbiskie if this item could be sent to the Parks Committee and get some questions answered? Ald. DeWane withdrew his second of the motion by Ald. VanderLeest.

Motion made by Ald. Weber, second by Ald. Wiezbiskie to refer this item to the Parks Department to draft a resolution and to bring it back to the Park Committee for further discussion on the details of completing the East River Trail. Motion carried.

12. Request by Ald. Piton to consider allowing meetings of the Standing Committees to be scheduled by a petition signed by two members plus the vice-president of the respective committee.

Motion made by Ald. VanderLeest, second by Ald. DeWane to receive and place on file. Ald. Weber inquired if the wishes of the committee was to hold this item? He stated that he is against this motion. Ald. Zima said the rule at the County is that whenever a majority of a committee wants to have a special meeting, they can call a meeting. He does not agree with taking the authority to schedule meetings away from the committee chairman. He feels committee members should have the power to hold a meeting by petition and would be in favor of amending the ordinance. Atty. Swanson said the Advisory Committee can schedule a meeting at the call of the Chairperson or by petition signed by 3

members of the committee, but said this does not apply to the other standing committees and the ordinance would need to be amended to have that type of rule apply. Ald. Zima said the Chairman of the committee should be the determining factor of when meetings are scheduled. Ald. Theisen said his understanding is that the chairman can call a meeting at any time and Advisory call be called with a petition of three members and this rule has not been abused. He would not be opposed to having a policy that in addition to the chair, they would have the option of the majority of the committee being allowed to schedule a meeting. Ald. Wiezbiskie said this was Ald. Piton's agenda item and he should be involved in this decision. Atty. Swanson said a motion could be made to table this item until the next meeting and this motion would supersede the motion to receive and place on file.

Motion made by Ald. Wiezbiskie, second by Ald. Weber to hold this item until the next Advisory Committee when Ald. Piton could be present. A vote was taken on the motion. Ald. Wery said the motion passed by 3-2 vote. A roll call vote was then requested which resulted in a 3 to 3 tie vote. Ald. Zima stated that there should be a change to allow a majority of a committee to schedule a meeting. Ald. Kocha stated that at any other time if an alderperson is not present the item has been held over as a courtesy and questioned why this wouldn't be approved. Ald. DeWane stated that he thought they were voting on the motion to receive and place on file and wished to reconsider his vote. Another vote was taken on the motion to hold this item until the next Advisory Committee meeting. Motion carried with a 4-2 vote. Ald. Nicholson and Vander Leest voted nay.

13. Request by Ald. Wiezbiskie to consider allowing only two 5-minute discussion periods per attendee at Committee meetings.

Ald. Wiezbiskie said this falls in line with similar circumstances at City Council meetings and said he has attended many committee meetings when attendees take up entirely too much time and was hoping this committee would consider limiting to two 5-minute periods per attendee.

Motion made by Ald. Wiezbiskie, second by Ald. Weber to allow two 5-minute discussion periods per attendee at Committee meetings. Ald. Weber wished to amend the motion to make an exemption for presenters who are asked to be there and may need more time.

Ald. Theisen stated that he would prefer this be handled by each committee and cited the example of Anna & Sidney Cohen who would speak for long periods of time at the Plan Commission a number of years ago and the Chair decided to have a limit on the amount of time. He inquired if each committee could establish a rule for their committee? Atty. Swanson said they could establish a by-law. Ald. VanderLeest said he would not support this and said Committee level is when things get flushed out and prepared for Council. He said it's up to the chair to keep people on topic and feels this is the wrong direction to take. He said the Joint Finance/Personnel Committee meeting has gotten shorter each year. Ald. Kocha is questioning how this would relate to the kind of discussion they had last week at the Plan Commission, which went back and forth for some time and cited the event when presentations are given. She said she is not certain she is in support of this. Ald. Wiezbiskie said if people come prepared they can adequately cover their discussion in two 5-minute periods. Ald. Wery stated that

committees is where we do our work and may miss out on discussion if you only have two 5-minute discussion periods. Ald. Theisen inquired if this time limit is for both committee members and the public? Ald. Wiezbiskie responded “yes”. Ald. Theisen said he chaired the Park Committee for many years and they often have large groups of people who all want to speak and in these cases he would limit each speaker to two minutes and said it’s up to the chair to control this.

A vote was taken on the motion to approve attendees at committee meetings being allowed two 5-minute discussion periods, with the exception of people presenting. The motion failed with a 3 to 1 vote. Since there should have been six members voting, a roll call vote was taken. The motion failed by a 4 to 1 vote with Ald. Weber abstaining.

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

14. Request by Ald. Wiezbiskie to come up with a means of preventing disrespectful behavior or comments in light of an occurrence at a recent committee meeting. Also request to draft a resolution recommending keeping closed session information confidential.

Ald. Wery said it appears that there are two separate items in this agenda item, which was confirmed by Ald. Wiezbiskie.

Ald. Wiezbiskie said he already knows what the answer is to the first part of this item, which is having a strong chair to command respect at meetings. He indicated that he is tired of seeing disrespectful behavior, name calling, texting, people standing up, showing up late, leaving the room, etc. during meetings and said the chairs of these meetings, including the Mayor need to call the disrespectful person back to order. He inquired if we need an inservice to review Robert’s Rules of Order, and said he has documented a half dozen incidents where one individual has been completely out of order and not controlled properly.

Motion was made by Ald. DeWane, second by Ald. VanderLeest to have Ald. Wiezbiskie work with staff on bringing guidelines to improve respectfulness and orderliness at meetings and to bring this back to the Advisory Committee.

Ald. Weber said he supports what Ald. Wiezbiskie is trying to achieve and said we all need to support the Chair when they are trying to control a meeting. Ald. Wiezbiskie said if we just practice respectfulness, this will all go away; he said we’re looking ridiculous out there and people who watch the Council meetings say it looks like a circus. Ald. Theisen said the two general issues here are that we have Council members who don’t follow Robert’s Rules of Order and either they don’t care or they don’t know what the rules are. He said you wait to speak until you have the floor, there are certain things you can say without the floor like Point of Order and said there’s a big difference between feeling strong about your point of view and being forceful and said maybe we should review our Ethics rule. Another issue is treatment of the public and should tell them what our opinion is in a respectful manner. He reiterated what Ald. Wiezbiskie said in that the chairman should keep control of the meeting. He said the public is smart enough to see which member(s) are acting like a circus and which ones aren’t.

Ald. Weber said as with every body, there goes with it a reputation and that reputation goes to the entire body and said we need to ask all of our members to be respectful. He said the reputation of this Council goes far beyond the City and County lines and the reputation isn't favorable. He said we should respect ourselves and others not to call names and be disrespectful to our citizens and to staff. He said we can disagree politely and get the same thing accomplished. He said our reputation harms us all.

Ald. Wiezbiskie inquired how we can enforce respectful behavior to ourselves, to each other, to directors and staff and said we need to address this right now.

Ald. Nicholson inquired if we are going to hold the Mayor accountable as well, and asked how we are going to hold him accountable. Ald. Wiezbiskie said this goes for chairs of all meetings. Ald. Wery said we all have a tendency to assume the floor rather than wait until we are given the floor. Atty. Swanson said there is a process in terms of Robert's Rules as to what should be done and distributed a memo and reviewed the steps to be taken; first offense, lightly rap the gavel and ask the member to confine his remarks or otherwise point out the fault; second offense, the chair shall call the offending member to order; third offense, chair shall "name" the offender and ask the clerk to note the offense in the minutes; fourth offense, chair shall ask the body what penalty should be imposed. Ald. Zima said disrespectful behavior is not an Ethics matter and said our Ethics code is about conflicts of interest. He said from time to time respect breaks down and said it's up to the chair to control this. He said beyond that, we have no right to become self-righteous and said the strength of the meeting is the strength of the chair. He stated that trying to make rules beyond Robert's Rules is self-righteous poppycock. He said when meetings break down is when people feel the chair isn't being fair. He said we should go by Robert's Rules of Order and review them if we need to.

Ald. Weber referred to #4 in the memorandum where if the chair is asking what penalty should be imposed, he should receive the support of the committee members with a response. With respect to Ethics, he stated that he didn't know if our Ethics Code addresses what we are discussing here and said it's time that we make sure the chair and then the body take appropriate action when people are out of order. He doesn't feel it's going to be one person's opinion and said what could be the problem to hold people to a certain standard? Ald. Wiezbiskie said he's happy to comply with Robert's Rules and enforce them and not to make new rules or change the rules.

Ald. DeWane said the memo distributed clearly defines what steps can be taken and said we aren't going to add anything more than following Robert's Rules and doesn't see any need to go further with this. Ald. Theisen stated that he will check Robert's Rules again and said it's not as simple as following these rules because some members don't follow these rules, and asked what we do then?

A vote was taken on the motion for Ald. Wiezbiskie to work with staff to draft guidelines for improving respectfulness and orderliness at meetings and to bring this back to the Advisory Committee. Motion carried with Ald. Nicholson voting nay.

Ald. Wiezbiskie said he witnessed a possible breach of the basic rule of not divulging information from a closed session to the opposing party, and at that point in time it cost the city a lot of dollars. He said this is another infraction of a rule and said we cannot have that happen. Ald. DeWane said the point is well taken and we need to replace and file and people will read about Ald. Wiezbiskie's concern in the minutes. He said everybody knows that they cannot discuss something that is in closed session.

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

Ald. Weber inquired if there is any recourse for violation of divulging closed session information? Atty. Swanson responded that the Ethics Ordinance specifically states that no employee or official can disclose confidential information regarding the property, government, or affairs of the City so you can either go through the Ethics Committee and file a complaint which would ultimately still end up going to the Council, or you could take it directly to Council for censure or apology, etc. Ald. Weber inquired if there is any action that could be taken here rather than receive and place on file? Ald. Wiezbiskie again said he is looking to this committee to decide if this should go to the Ethics Board and asked what the Ethics Board does? Investigate, prove it? Ald. Zima said you file an allegation. Ald. Wery suggested rather than making a motion, to reaffirm to Council and staff that closed session information remain confidential and to reiterate that there are serious penalties for breaching such information.

Ald. DeWane withdrew his motion to receive and place on file and changed his motion to refer to staff to reaffirm to Council and staff that closed session information remain confidential and to reiterate that there are serious penalties for breach of information. The motion was seconded by Ald. Wiezbiskie. Motion carried.

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