



AGENDA OF THE COMMON COUNCIL

**TUESDAY, JUNE 19, 2018, 6:00 PM
(NOTE NEW TIME)
COUNCIL CHAMBERS
ROOM 203, CITY HALL**

- A. Roll Call.**
- B. Pledge of Allegiance.**
- C. Invocation.**
- D. Approval of Minutes.**
 - 1. Approval of the minutes of the May 15, 2018 meeting.
- E. Approval of the Agenda.**
- F. Report by the Mayor.**
- G. Announcements.**
- H. Presentations**
 - 1. Anti-harassment training by Rick Bayer, CVMIC Director of Loss Control.
 - 2. Emergency Contacts-Celestine Jeffreys
- I. Appointments**

I. New Appointment

Police and Fire Commission

Vanya Koepke, 880 B Liebman Ct., #8, Green Bay, WI 54302

Term to expire: June 1, 2023

Green Bay/Brown County Professional Football Stadium Board

William Galvin, 1244 Emilie St., Green Bay, WI 54301

Term to expire: July 1, 2020

Kristen Johnson, 3504 Layden Dr., Apt #9, DePere, WI 54115

Term to expire: July 1, 2020

Leah Weycker, 425 S. Military Ave., Suite 206, Green Bay, WI 54303

Term to expire: July 1, 2020

2. Re-Appointment

Economic Development Authority

Pam Parish, 2214 Nicolet Dr., Apt 15, Green Bay, WI 54311

Term to expire: May 1, 2021

J. Public Hearings.

1. General Ordinance 10-18

An ordinance amending Green Bay Municipal Code Section 13-205(d)(1), to repeal regulation related to conditional use protest; Section 13-205(g), to amend regulation related to conditional use expiration; Section 13-404(b), to amend the provision requiring nonconforming lots be combined; and Sections 13-602, 13-702, 13-802 and 13-902, to amend conditional uses within various zoning districts (TA 18-02).

2. Zoning Ordinance 8-18

An ordinance creating a Planned Unit Development (PUD) Overlay District for 215 North Webster Avenue for the redevelopment of Whitney School and proposed townhomes (ZP 18-14).

3. Miscellaneous Ordinance 1-18

An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay to amend the Future Land Use of property located at 1060 Gray Court from Commercial and General Industrial to Medium and High Density Housing (CPA 18-01).

K. Ordinances - Third Reading.

1. General Ordinance No. 8-18
An ordinance creating section 8.16, relating to the practice of massage or bodywork therapy requiring state licensing.
2. General Ordinance 10-18
An ordinance amending Green Bay Municipal Code Section 13-205(d)(1), to repeal regulation related to conditional use protest; Section 13-205(g), to amend regulation related to conditional use expiration; Section 13-404(b), to amend the provision requiring nonconforming lots be combined; and Sections 13-602, 13-702, 13-802 and 13-902, to amend conditional uses within various zoning districts (TA 18-02).
3. Zoning Ordinance 8-18
An ordinance creating a Planned Unit Development (PUD) Overlay District for 215 North Webster Avenue for the redevelopment of Whitney School and proposed townhomes (ZP 18-14).
4. Miscellaneous Ordinance 1-18
An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay to amend the Future Land Use of property located at 1060 Gray Court from Commercial and General Industrial to Medium and High Density Housing (CPA 18-01).

L. Reports of the Redevelopment Authority (June 12, 2018 and June 15, 2018).

1. To approve Development Agreement 18-02 with the City of Green Bay for The Shipyard at 100 W. Mason St., 515 S. Broadway, 517 S. Broadway, 525 S. Broadway, 531 S. Broadway, S. Broadway, 613 S. Broadway, S. Pearl Street, 505 S. Broadway, 419 S. Maple, 511-513 S. Broadway, 239 Arndt Street, 101 Bridge Street, 119 Bridge Street, 401 S. Broadway, S. Broadway, 420 S. Broadway, and 402 S. Broadway (Tax Parcels 2-78, 2-70, 2-71, 2-76, 2-77, 2-107, 2-109, 2-945, 2-946, 2-947, 2-949-A, 3-554-A, 3-551, 3-556, 3-568, 3-568-1, 3-569, 3-572), subject to minor legal and technical revisions. (June 12 RDA Meeting)

The Authority may convene in closed session pursuant to Sections 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the sale of public properties, investing of public funds or conducting other specified public business as necessary for competitive or bargaining reasons. The Authority 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.

2. To approve Term Sheet with GB Real Estate Investments, LLC, for Whitney Park Townhomes: Phase IV at 827 Cherry Street, 829 Cherry Street, 205 N. Van Buren Street, and 211 N. Van Buren Street (Tax Parcels 10-71, 10-72, 10-72-A, and 10-72-B), subject to minor legal and technical revisions. (June 12 RDA Meeting)

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3. To approve Term Sheet with GB Real Estate Investments, LLC, for 901 Main at 901 Main Street, 907 Main Street, and 913 Main Street (Tax Parcels 9-48, 9-47, and 9-46), subject to minor legal and technical revisions. (June 12 RDA Meeting)

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4. To approve borrowing one million, five hundred thousand dollars (\$1,500,000.00), in three draws of five hundred thousand dollars (\$500,000.00) each, as needed, from the State Trust fund for the Neighborhood Enhancement Fund. (June 12 RDA Meeting)
5. To approve the draft 2018 Annual Action Plan as recommended to the RDA. (June 12 RDA Meeting)
6. To approve the Development Agreement with Green Bay Packaging, Inc. for a Project at 1500 N Quincy St, 1600 Leo Frigo Way, 900 Radisson St, 733 Weise St, 1802 Webster Ct, 1700 Webster Ct, 1800 Webster Ct, 831 Radisson St, 1910 N Quincy St, N Quincy St (Tax Parcels 20-308, 20-452-1, 20-464, 20-494, 20-619, 20-650, 20-665, 20-678, 20-682, and 20-684-A). (June 15 RDA Meeting)

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M. Report of the Improvement & Services Committee (June 13, 2018).

1. To approve a \$20.00 wheel tax with the following stipulations:
 1. Staff annually present to the Improvement & Services Committee the status of the wheel tax funds with the 5 year projection of road projects and a report of projects completed in the previous 5 years;
 2. I&S Committee review and approve allocation of amounts or percentages to road priorities;
 3. The revenue be used to eliminate all residential special assessments for these purposes, and half of non-residential special assessments; and
 4. The anticipated \$2.1M in revenue be allocated as follows: \$1.675M to street improvements, \$175K to off-set the reduction in revenue from non-residential special assessments, \$250K to railroad crossings.

(No Recommendation: Motion failed on a vote of 2-2).
2. To approve request by Ald. Wery to allow City Council members a second parking permit contingent upon Personnel Committee approval adding the second parking pass to the Alder's benefit package.

3. To approve request by the Department of Public Works regarding approval of the annual Compliance Maintenance Annual Report (CMAR) and resolution for Wisconsin Department of Natural Resources (WDNR) sanitary sewer collection permit and to authorize the Mayor and City Clerk to execute the resolution, and allow the Director of Public Works to forward these documents to the Wisconsin Department of Natural Resources.
4. To approve request by the Department of Public Works to authorize the Department of Public Works to execute contracts related to asbestos abatement and demolition of properties associated with the Webster Avenue project, consistent with the terms and conditions previously established for authorizing the Department of Public Works to execute other construction contracts.
5. To approve a single source purchase of Warning Gates and Gate Arms from B&B Roadway in the amount of \$75,590.
6. To approve the report of the Purchasing Manager:
 - A. To purchase a Front End Loader with Bucket and Snow Plow from Airing Equipment Co. for \$181,835.
 - B. To purchase Variable Speed Drives from Graybar for \$21,685.
 - C. To award a contract for Masonry & Tuckpointing Repairs at four lift stations to R.J. Jacques, Inc. for \$19,439.
 - D. To purchase a new Hytera portable radio system from Nielson Communications Inc. for \$171,636.

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

A. Award of contract

1. No bids received 2018 LIFT STATION REROOFING.

2. To approve to award PARKING RAMP REPAIRS - 2018 to the low, responsive bidder Central Restoration LLC, in the amount of \$455,850.

3. To approve to award SEWERS 4-18 (INCLUDING WATER MAIN) to the low, responsive bidder Advance Construction Inc., in the amount of \$1,037,554.50.

4. To approve to award SUPERIOR ROAD STORM WATER POND to the low, responsive bidder PTS Contractors Inc., in the amount of \$784,323.80.

B. Granting of licenses

1. Concrete Sidewalk Builders

- a. Blaser Construction, LLC
- b. Paul Conard Construction Co., Inc.
- c. Ramco Construction Services

2. Tree & Brush Trimmer by WB Tree Service.

3. Underground Sprinkler

- a. Lizer Lawn Care
- b. Conserva Irrigation

C. Real estate acquisition for Webster Avenue

1. Agreement for purchase (Parcel Number, Address, Owner Name, Amount)

- a. 3 820 N Webster Avenue Sheri A. Drummond \$93,000
- b. 18 1102 N Webster Avenue Cover Rentals \$70,000

2. Relocation payments (Parcel Number, Address, Owner Name, Amount)

- a. 5a 1003 Smith Street Brian Kohls \$2,200.50
- b. 8 1110 N Webster Avenue Carol Petasek \$34,752
- c. 9 1002 Berner Street Molly Barron \$5,625
- d. 14a 1001 Day Street Jenny Sill \$1,200
- e. 4 1000 Smith Street Reginald & Jean Doxtater \$2,098.43
- f. 4a 1000 Smith Street Thomas Doxtater \$21,027
- g. 7a 1108 N Webster Avenue Anthony Shea \$1,550
- h. 14a 1001 Day Street Jenny Sill \$6,800
- i. 14b 1001 Day Street Rebecca Eckhart \$2,300
- j. 15 916 N Webster Avenue Craig J. Process \$55,000
- k. 15 916 N Webster Avenue Craig J. Process \$1,540

N. Reports of the Protection & Welfare Committee (May 22, 2018 and June 11, 2018).

1. To approve the change of agent for The Cannery Market LLC at 320 N. Broadway (May 22 P&W Meeting).
2. To approve a request by Tenet LLC at 2475 W. Mason St. to have an extension to issue their liquor license application due to a remodel/addition and renew for the 2018-2019 license year, pending the approval of the proper authorities (License granted March 6, 2018). (May 22 P&W Meeting)
3. To approve a request by Green Bay Sports Service, Inc. at 1265 Lombardi Ave. to change their liquor license description to include an additional plaza area in front of the Johnsonville Tailgate Village. (May 22 P&W Meeting)
4. To grant a "Class B" Combination license for Wally Spot Supper Club LLC at 1979 Main St., with the approval of the proper authorities (Currently an Individual Ownership by Thomas Adamany). (May 22 P&W Meeting)
5. To grant a "Class B" Combination renewal license to Wally Spot Supper Club LLC at 1979 Main St., pending the approval of the license at the June 19, 2018 City Council meeting and with the approval of the proper authorities. (May 22 P&W Meeting)
6. To grant a "Class B" Combination License by Alisa Marie LLC at 1542 University Ave., with the approval of the proper authorities (Currently Big N Rich LLC). (May 22 P&W Meeting)
7. To grant a renewal application for a "Class B" Combination license by Alisa Marie LLC at 1542 University Ave, pending the approval of the liquor license at the June 19 City Council Meeting and with the approval of the proper authorities (If not approved, renewal to be granted to current owner Big N' Rich LLC). (May 22 P&W Meeting)
8. To approve the renewal application for Cannery Market LLC at 320 N. Broadway, pending the approval of the change of agent and with the approval of the proper authorities. (May 22 P&W Meeting)
9. To approve an appeal by Nicole Mommaerts to the denial of her Operator License application. (May 22 P&W Meeting)
10. To approve an appeal by Kristi VanRemortel to the denial of her Operator License application. (May 22 P&W Meeting)
11. To approve the renewal applications for various beer and/or liquor licenses for the 2018-2019 license year (Attached). (May 22 P&W Meeting)
12. To approve a request by Ald. Scannell to rename the Protection and Welfare Committee to Protection and Policy Committee and have the committee include not only Fire, Police, safety, health, licenses, and permits, but also redistricting, administrative procedures, policies, or any other item that does not fit into the agenda of any other standing committee. (May 22 P&W Meeting)
13. To receive and place on file the Liquor Violation Report from the Police Department for May 22, 2018. (May 22 P&W Meeting)

14. To deny an appeal by Jeff Sanders to the denial of his animal permit requesting more than two dogs at his premise. (June 11 P&W Meeting)
15. To hold a request by Wal-Mart Stores East, LP at 2250 W. Mason St. to amend their liquor license to include stalls and /or canopy locations in parking lot specifically designated for online grocery pickup. (June 11 P&W Meeting)
16. To approve a change of agent for Shopko Stores Operating Co., LLC at 2430 E. Mason St. (June 11 P&W Meeting)
17. To approve the renewal application for a Class "A" Beverage and "Class A" Cider license for Shopko Stores Operating Co., LLC at 2430 E. Mason St., pending the approval of the change of agent at the June 19, 2018 City Council meeting and with the approval of the proper authorities. (June 11 P&W Meeting)
18. To grant a Class "A" Beverage and "Class A" Cider License to Shopko Stores Operating Co. at 216 S. Military Ave. for the 2018-2019 license year, with the approval of the proper authorities. (June 11 P&W Meeting)
19. To approve a request by Main St Dreams LLC at 1238 Main St. to extend issuing their liquor license until early July (Granted at the Feb. 19, 2018 meeting). (June 11 P&W Meeting)
20. To grant an available "Class B" Combination License to Francisco Soto at 1805 N. Irwin Ave., with the approval to the proper authorities (June 11 P&W Meeting).
21. To grant a "Class B" Combination License for the 2018-2019 license year to Baker & Mac Arthur Inc. at 1605 University Ave., with the approval to the proper authorities (Currently WTF-Kim, Inc.). (June 11 P&W Meeting)
22. To grant a "Class B" Combination License to R&K Neil LLC at 708 Bodart St. for the 2018-2019 license year, with the approval of the proper authorities (currently Mc Neils GB LLC). (June 11 P&W Meeting)
23. To grant a "Class B" Combination license to SV2 LLC at 1911 University Ave. for the 2018-2019 license year, with the approval of the proper authorities (Currently Shannons Haystack LLC). (June 11 P&W Meeting)
24. To grant a "Class B" Combination License to Quilts and Beers LLC at 500 N. Baird St. for the 2018-2019 license year, with the approval of the proper authorities (currently JACB, LLC). (June 11 P&W Meeting)
25. To approve an appeal by Ricky Atkinson regarding the denial of his Public Vehicle Operator License. (June 11 P&W Meeting)
26. To approve the renewal applications for liquor and/or beer licensees for the 2018-2019 license year, with the approval of the proper authorities (attached). (June 11 P&W Meeting)
27. To receive and place on file the report from the Water Utility Department regarding the lead pipe removal project. (June 11 P&W Meeting)

28. To receive and place on file the Liquor Violation Report from the Police Department for June 11, 2018. (June 11 P&W Meeting)

O. Report of the Protection & Welfare Committee granting Operator Licenses.

1. Report of the Protection & Welfare Committee granting Operator Licenses.

P. Report of the Plan Commission (June 11, 2018).

1. To table the request to amend the previously approved Conditional Use Permit to allow a car wash in a Community Center Commercial (C3) District, located at 1053 Velp Avenue, to allow for comments from the Green Bay Fire Department.
2. To create a Planned Unit Development (PUD) at 320 S. Military Avenue/1600 Block Western Avenue, subject to the approval of the draft ordinance.
3. To authorize a Conditional Use Permit (CUP) for a two-family home in a Low Density Residential (R1) District at 246 Oxford Avenue, subject to the following conditions:
 - a. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.
 - b. Compliance with the applicable Uniform Dwelling Code (UDC) building requirements related to a two-family dwelling.
4. To amend a Planned Unit Development (PUD) at 865 Lombardi Avenue, subject to the Planned Unit Development District Ordinance (PUD).
5. To enter into an agreement to complete a Safe Routes for Non-Drivers and Bicycle/Pedestrian Plan with Green Bay Area Public School District and Toole Design Group.
6. To amend the Green Bay Zoning Code Section 13-1911, adjusting the timeframe associated with expiration of Planned Unit Developments from one (1) year to five (5) years, subject to the draft ordinance.

Q. Report of the Finance Committee (June 12, 2018).

1. To approve the request by the Redevelopment Authority to borrow \$1,500,000.00 from the State Trust fund for the Neighborhood Enhancement fund.
2. To approve the request by the Law Department for allocation of additional funds in the amount of \$18,575.00 from the contingency fund.
3. To receive and place on file the report of the Claims Committee.
4. To receive and place on file the report of the Finance Director.

R. Report of the Park Committee (June 13, 2018).

1. To receive and place on file the request by Ald. Lefebvre for discussion on best practices the Parks, Recreation & Forestry Dept. implements for mulching and mowing.

2. To receive and place on file the request by Ald. Vanderleest to increase public communication on caring for diseased trees in Green Bay so residents are more informed on how to identify diseased trees and steps to get the City Forestry Department involved.
3. To receive and place on file the request by Ald. Vanderleest for an update on the fundraising for the 9-11 Memorial Monument next to the Neville Public Museum.
4. To direct staff to develop cost estimates for a few simple plaque designs listing all past Green Bay Council Presidents and dates served and bring back to Park Committee for discussion.
5. To approve the request by Wisconsin Public Service for a 12' wide gas easement on the west side of Danz Avenue, through the Wildlife Sanctuary property.
6. To receive and place on file the report by staff of expenses incurred to open Colburn Pool for the 2018 season.
7. To approve accepting a \$7,500 grant from the 2018 Wisconsin RPC and DNR Great Lakes Basin Tree Planting Grant Program.
8. To approve allowing staff to submit a \$50,000 Wisconsin Coastal Management grant application for the East River Trail engineering.
9. To approve the purchase of play equipment from Goric Inc. for \$13,904 for the Downtown Pocket Park.
10. To approve the purchase of an Electrical Scissor Lift from Sunbelt Rental for \$13,132.05.

S. Reports of the Personnel Committee (May 22, 2018 and June 12, 2018).

1. To approve request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Communications Technician - Public Works
 - b. Sewer Maintenance Worker (1 position) - Public Works (May 22 PC Meeting)
2. Informational only: Approved adoption of findings of fact and conclusions of law on Removal From Specialty Team or Assignment grievance. (May 22 PC Meeting)
3. To deny request by Ald. Wery to allow City Council members to be provided with printed agendas. (May 22 PC Meeting)
4. To approve request to fill new position of Erosion Control Specialist in Public Works and all subsequent vacancies resulting from internal transfers. (June 12 PC Meeting)
5. To direct staff to proceed as discussed in closed session on Bus Mechanic labor negotiations. (June 12 PC Meeting)

The Committee may convene in closed session pursuant to § 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating public employee contracts for competitive or bargaining reasons. The Committee may thereafter reconvene in open session pursuant to § 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

6. Informational Only: The Standards of Conduct/SRO Expectations grievance is denied and the findings of fact and conclusions of law will be made available at the next Personnel Committee meeting. (June 12 PC Meeting)

T. Report of the Public Arts Commission (May 23, 2018).

1. To approve the increase of work hours of the Public Arts Coordinator to better engage the arts community, create additional programs and commence fundraising.
2. To approve Ned Cain's Rotating Art Program application.
3. To receive and place on file the reevaluating of the Annual Grant Program for funding match.

U. Report of the Traffic, Bicycle, and Pedestrian Commission (May 21, 2018).

1. To refer to staff the request to consider doing a study to lower the speed limit on Church Road between Nicolet Drive and Bay Settlement Road.
2. To receive and place on file the request to install a speed bump across both lanes of East Shore Drive in front of Wildlife Sanctuary entrance and the sidewalk from Bay Beach Amusement Park.
3. To refer to staff the request to establish a NO PARKING EXCEPT BY RESIDENTIAL PERMIT zone on the north side of East Shore Circle.
4. To refer to staff the request to discuss safety measures similar to the crossing by the hospital on Webster Avenue, for students crossing University Avenue to the Boys and Girls Club.
5. To refer to staff the request to propose remedies to speeding on 9th Street, especially between Oneida Street and Military Avenue.
6. To refer to staff the request to review the intersection of 9th Street and Ridge Road for options to slow traffic or reconfigure.
7. To receive and place on file the request to implement a city-wide study of all Green Bay Public Schools for crosswalk enhancements and crossing guard placement.
8. To establish a I-WAY YIELD condition on Raccoon Berry Way at Indigo Bluff Drive and adopt by ordinance.

V. Report of the Economic Development Authority (June 11, 2018).

1. To direct staff to begin the planning process and feasibility of expanding the I-43 Business Center.

W. Report of the Ethics Board (June 14, 2018).

1. The minutes of the April 30, 2018 meeting were approved stating that in light of the recent election results and because of the specific provisions of the Code of Conduct related to elected officials, the Ethics Board moved that these proceedings be concluded without a decision being made on the grounds of the board no longer has authority to exercise jurisdiction over Mr. Zima since he is no longer an elected official.

X. Receive & Place on File.

1. Building Permit Report for May 2018.
2. Municipal Court Report for May 2018.

Y. Resolutions.

1. Resolution authorizing the filing and execution of Urbanized Area Formula Program Transit Operating and Capital Grant Application with the Department of Transportation, United States of America, under the Urban Mass Transportation Act of 1964, as amended.
2. Resolution authorizing conditional-use approval at 246 Oxford Avenue.
3. Resolution authorizing entering into agreement with Green Bay Area Public School District and Toole Design Group to create a Safe Route for Non-Drivers and Bicycle/Pedestrian Plan.
4. Resolution approving the Wisconsin Department of Natural Resources NR 208 - Compliance Maintenance Annual Report.
5. Resolution for Purchase and Sale of Real Estate for North Webster Avenue.
6. Resolution accepting Relocation Claims for North Webster Avenue.
7. Resolution ordering sidewalks reconstructed and issuing 60-day notices.

Z. Ordinances - First Reading.

1. General Ordinance 9-18. An ordinance creating Section 1.67 in Green Bay Municipal Code, relating to the sustainability commission.
2. Zoning Ordinance No. 9-18
An ordinance creating a Planned Unit Development (PUD) overlay district for properties located at 320 South Military Avenue and the 1600 Block of Western Avenue.
3. Zoning Ordinance No. 10-18
An Ordinance Amending the sign standards for an existing Planned Unit Development (PUD) located at 865 Lombardi Avenue.
4. General Ordinance No. 12-18
An ordinance amending Green Bay Municipal Code Section 13-1911 to amend the expiration of approval of Planned Unit Developments.
5. General Ordinance No. 11-18. An ordinance amending Section 29.307, Green Bay Municipal Code, relating to traffic regulations.

AA. Referral of Petitions & Communications.

BB. Adjournment.

- 1) SUPPLEMENTAL INFORMATION: The Video of this meeting, Agenda, Agenda Packet, and Minutes are available online at www.greenbaywi.gov/Meetings.
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.