



AGENDA OF THE COMMON COUNCIL

**TUESDAY, JULY 17, 2018, 6:00 PM
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 June 19, 2018 meeting.

E. Approval of the Agenda.

F. Report by the Mayor.

G. Announcements.

H. Appointments

1. **New Appointment:**

Economic Development Authority

Michael Peot, 1134 S. Baird St., Green Bay, WI 54301

Term to expire: June 1, 2021

Water Commission

Marty Briggs, 1907 Fiesta Ln., Green Bay, WI 54302

Term to expire: October 1, 2023

2. **Re-Appointment:**

Board of Review

Richard Laurent, 538 Robert Ln., Green Bay, WI 54311

Term to expire: July 1, 2023

I. Public Hearings.

1. 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.
2. Zoning Ordinance No. 10-18
An Ordinance Amending the sign standards for an existing Planned Unit Development (PUD) located at 865 Lombardi Avenue.
3. 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.

J. Ordinances - Third Reading.

1. 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.
2. Zoning Ordinance No. 10-18
An Ordinance Amending the sign standards for an existing Planned Unit Development (PUD) located at 865 Lombardi Avenue.
3. 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.
4. General Ordinance No. 11-18. An ordinance amending Section 29.307, Green Bay Municipal Code, relating to traffic regulations.
5. General Ordinance 9-18. An ordinance creating Section 1.67 in Green Bay Municipal Code, relating to the sustainability commission.

K. Report of the Redevelopment Authority (July 10, 2018).

1. To refer to staff the communication from June 19, 2018, of the Common Council by Ald. Brian Johnson, to direct staff to draft a percent for the arts proposal that would assess a specified percent on all new and/or redevelopment projects for the purpose of public art installation, maintenance and funding staff to support the public arts commission.
2. To recommend Common Council borrow two million dollars (\$2,000,000.00) to fund the first phase of The Shipyard (Development Agreement 18-02), including property acquisition; geotechnical and environmental testing; architectural, structural, and civil engineering and design; and preliminary site work. And to direct staff to bring the request for proposals back to the RDA.

The Common Council 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 Council 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.

3. To recommend Common Council adopt Resolutions designating the Redevelopment Authority (RDA) to perform all acts necessary for creating, amending, and/or closing Tax Increment Finance Districts (TID) Seven (7), Eight (8), Nine (9), Twelve (12), Seventeen (17), Twenty (20), Twenty-One (21), and Twenty-Two (22).

L. Report of the Improvement & Services Committee (July 11, 2018).

1. To approve request by Gary Baranowski for additional on-street overnight parking allowances at 1239 Shadow Lane through the end of 2018.
2. To approve request by Platten Place Building (owner: Skip Heverly) to establish a rental agreement for 40 parking stalls in Lot F.
3. To approve request by Downtown Green Bay, Inc. to establish a new agreement with Department of Public Works for installation and maintenance of banners on downtown light poles.
4. To approve request by Bay Settlement Investments, LLC to dedicate the Eaton Heights Storm Water Facility to the City of Green Bay to take ownership of the pond.
5. To receive and place on file the 2017 Department of Public Works Annual Report.
6. To approve request by the Department of Public Works to amend General Ordinance No. 16-18, Section 8.11(4)(a), Green Bay Municipal Code, relating to Unmanaged Plant Growth.

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

A. Award of contracts

1. To approve the contract PAVEMENT 2-18 (METRO TRANSIT DRIVEWAY) to the low, responsive bidder, Peters Concrete Co., in the amount of \$82,355.

2. To approve to award SEWERS 5-18

Part A was not awarded.

Part B to the low, responsive bidder, Visu-Sewer, Inc., in the amount of \$318,798.90.

B. Granting of Licenses

N & L Concrete Const. LLP

C. Real estate acquisition for Webster Avenue

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

22, 1005 Berner Street, Ronald Tordeur, \$84,000

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

2a, 816 N. Webster Avenue, Maria Hernandez, \$950

2a, 816 N. Webster Avenue, Maria Hernandez, \$7,050

2a, 816 N. Webster Avenue, Maria Hernandez, \$1,140

7a, 1108 N. Webster Avenue, Anthony Shea, \$6,450

10, 1032 N. Webster Avenue, David & Jeanne Klaus, \$1,350

14a, 101 Day Street, Jenny Sill, \$1,350

14b, 1001 Day Street, Rebecca Eckhardt, \$5,700

14b, 1001 Day Street, Rebecca Eckhardt, \$1,140

15, 916 N. Webster Avenue, Craig Process, \$2,147

22a, 1005 Berner Street, Regina Donaldson, \$375

8. To approve the report of the Purchasing Manager:

To purchase streetlight poles and related equipment from Neher Electric for \$74,152.

9. To approve the following plat of right-of-way:

Sitka Street from Superior Road to Ontario Road AND Superior Road from Gilbert Drive to Sitka Street AND proposed streets north of Sitka Street between Superior Road and Easy Street AND Superior Road Storm Water Management Facility.

M. Report of the Protection & Welfare Committee (July 9, 2018).

1. To hold an appeal by Lisa Trotter, objecting to the decision that her dog was declared dangerous.
2. To receive and place on file a request by Ald. Wery to review, with possible action, the ongoing illegal keeping of five dogs at 1271 Hickory Hill.
3. To recommend that Council waive the ordinance requirements for an outdoor licensed premise and to approve the proposed outdoor premise as presented by Green Bay Sports Service Inc. at 1265 Lombardi Ave., which includes an additional plaza area in front of Johnsonville Tailgate Village (subject to 2/3 votes at Council and with the approval of the proper authorities).
4. To approve a request by Delaware North at 1265 Lombardi Ave to hold a special event July 26-29, 2018, subject to complaint.
5. To approve a request by Richard Craniums to hold an outdoor event on July 28 & 29, subject to complaint.
6. To approve a request by Brewski's On Broadway to hold an outdoor event on Aug. 4, 2018, subject to complaint.
7. To approve a request by Brewski's On Broadway to hold an outdoor event on Aug. 25 and Sept. 15, subject to complaint.
8. To approve a request by Anduzzi's at 900 Kepler Dr. to hold an outdoor event July 26-July 29 with music on Friday and Saturday until 11 p.m., subject to complaint.
9. To approve a request by ZZQ at 1035 Vanderbraak St. to have an outdoor event July 27, July 28, July 29, subject to complaint.
10. To approve a request by Soriah Hospitality LLC at 1139 Main St. to amend their liquor license to extend to the adjoining building (currently used as Al's Upholstery) and include an outdoor seating area, with the approval of the proper authorities.
11. To approve a renewal application by Karaoke Mexican Restaurant, LLC at 418 S. Military Ave. (Filed with Clerk's Office June 7, 2018), with the approval of the proper authorities.
12. To hold for 60 days a "Class B" Combination renewal application for Los Banditos East at 1258 Main St. (filed with Clerk's Office June 26, 2018).
13. To grant a "Class A" Liquor License to Kwik Trip, Inc. at 935 Lombardi Ave. (Currently has a Class "A" Beverage and "Class A" Cider License), with the approval of the proper authorities.
14. To deny an application for a "Class A" Liquor License by Kwik Trip, Inc. at 515 W. Walnut St. (Currently has a Class "A" Beverage and "Class A" Cider License). (3-1 Vote)
15. To grant a "Class A" Liquor License by Kwik Trip, Inc. at 1712 E. Mason St. (Currently has a Class "A" Beverage and "Class A" Cider License), with the approval of the proper authorities.

16. To grant a "Class A" Liquor License to Kwik Trip, Inc. at 1871 Shawano Ave. (Currently has a Class "A" Beverage and "Class A" Cider License), with the approval of the proper authorities.
17. To grant a "Class B" (wine only) license by Badger State Brewing Company LLC at 990 Tony Canadeo Dr., with the approval of the proper authorities.
18. To grant an available "Class B" Combination License by the Booyah Shed LLC at 1800 S. Ashland Ave., with the approval of the proper authorities.
19. To approve an appeal by Ian Geurts in regards to the denial of his Operator's License.
20. To approve an appeal by Vongilay Khounanan to the denial of her Operator's License.
21. To refer to Clerk staff a request by Ald. Wery that all City campaign finance reports shall be accessible on city website for duration of elected official's term and five years after leaving office. Records are to be permanently kept (electronically) and available upon request.
22. To hold until next month the request by Ald. Wery, which reads: "Due to constitutional concerns, conduct a complete review with possible action of changing or removing the City's Code of Conduct & Ethics Ordinances."
23. To receive and place on file the Liquor Violation Reports from the Police Department for July 9, 2018.

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

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

O. Report of the Plan Commission (July 9, 2018 and July 12, 2018).

1. To revise properties located at 1003 Pine Street and 1000 Main Street from Medium Intensity Retail Office Housing (MIROH) to Commercial (C). (July 9, 2018 meeting)
2. 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, subject to the following conditions:
 - a) Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval.
 - b) Hours of operation for the car wash shall start no earlier than 7:00 a.m. and end no later than 10:00 p.m. per the daytime hours as part of Chapter 27.203 Regulation of Noise, Public Peace and Good Order.
 - c) All lighting shall be of the sharp cut-off variety and shall comply with the requirements of the Zoning Code.
 - d) Retention of the existing east elevation façade transparency.
 - e) Approval of a circulation plan and signage that permits one-way travel behind the subject building acceptable to the Zoning Administrator, City Traffic Engineer and the applicant. (July 9, 2018 meeting)

3. To authorize a Conditional Use Permit (CUP) for a two-family home in a Low Density Residential (RI) District at 891 Howard Street, 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. (July 9, 2018 meeting)
4. To amend the previously approved Conditional Use Permit for a shelter facility in an Office/Residential (OR) District located at 1660 Christiana Street, subject to the following conditions:
 - a. Affected Tax Parcels are combined into one Tax Parcel.
 - b. The capacity of facility is limited to 27 bedrooms and there shall be no expansion of the use without Plan Commission review and approval.
 - c. Compliance with the former program statement and operating plan.
 - d. A site plan is submitted and approved by staff as part of the standard site plan review. (July 9, 2018 meeting)
5. To amend the previously approved Conditional Use Permit for a shelter facility in an Office/Residential (OR) District located at 411 St. John Street to permit a temporary summer shelter use, subject to the following conditions:
 - a. The temporary COTS emergency homeless shelter is limited to the former St. John's School gym located at 411 St. John Street (Tax Parcel No. 13-106) through October 2018. Hours of operation are limited to 9 pm to 6:30 am and no residential occupancy shall be permitted on the second floor of the structure.
 - b. If the temporary emergency facility use at 411 St. John Street is discontinued, the operation is dissolved, or if the Green Bay Catholic Diocese of Green Bay no longer manages the facility, the use shall terminate immediately. The use/operation shall not be renewed or reestablished without the Plan Commission and City Council review and approval.
 - c. At the discretion of the Common Council, Plan Commission, or the Planning Director a review may be required by the Plan Commission and Common Council to ensure compliance with this conditional use permit and identify any areas of concerns with the temporary emergency homeless shelter including but not limited to: Police calls, other documented safety concerns and inadequate facilities.
 - d. Sex offenders required to register under §301.45, Wis. Stats., are prohibited from any stay at the facility.
 - e. A mandatory background check for all shelter residents is required.
 - f. St. John the Evangelist Homeless Shelter staff shall maintain a history of residence during the temporary use.
 - g. A site plan is submitted and approved in compliance with Chapter 13-1700 Green Bay Zoning Code.
 - h. Approved building plans shall be made available to staff and available on site. (July 9, 2018 meeting)
6. To create a Planned Unit Development (PUD) for the development of an apartment campus at 1060 Gray Court, subject to the draft PUD. (July 9, 2018 meeting)

7. To amend the Green Bay Zoning Code Sections 13-1500 and Section 5 of 13-200 as related to Historic Preservation, as proposed in the attached draft text amendment. (July 9, 2018 meeting)
8. To create a Planned Unit Development (PUD) in the 200 Block of North Van Buren Street, subject to the draft PUD. (July 12, 2018 meeting).

P. Report of the Finance Committee (July 10, 2018).

1. To approve the request to borrow two million dollars (\$2,000,000.00) to fund the first phase of The Shipyard (Development Agreement 18-02), including property acquisition; geotechnical and environmental testing; architectural, structural, and civil engineering and design; and preliminary site work.

The Common Council 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 Council 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 the request by the Purchasing Manager to amend the Purchasing Policy from the \$10,000 approval threshold, to \$25,000 for all single expenditures and all yearly supply/service agreements over \$25,000 which require a Committee or Commission and Council approval prior to award." Quarterly reports are to be brought back to Finance Committee on said purchases between \$10,000 and \$25,000.
3. Purchasing Report
4. To approve the purchase a Respirator Fit Testing System from Jefferson Fire & Safety, Inc. for \$13,267.
5. To approve the purchase a Gravelly UTV with Kimtek Slide in Transport Cot from Ambrosius Sales & Service for \$19,200.
6. To approve the issuance of a 2 year contract for Voice Over Internet Protocol Service through the Wisconsin State Contract to AT&T for \$55,512 (\$27,756 per year).
7. To approve action regarding entering into a 2 year agreement with Associated Bank for Banking Services, with options for four 2 year extensions by mutual agreement.

Q. Report of the Park Committee (July 11, 2018).

1. To approve the Dragon Boat Fundraising Event and allow beer on CityDeck for the event on Saturday, July 28th, 2018.
2. To approve the amended Design, Construction & Dedication Agreement with the Friends of the Bay Beach Wildlife Sanctuary Inc. for the construction of the 4K addition to the Nature Center, and waiving the fee for City inspections listed in Section III.E.
3. To approve the request by the Baird Creek Preservation Foundation to donate trail signage to the Baird Creek Greenway.

4. To approve a Wisconsin Public Service Easement at Edison Park for a new electric service for the ballfield and tennis court area.
5. To approve hiring Ramaker & Associates Inc. for a total cost of \$94,000 to complete engineering bid documents for Colburn pool upgrades, which include replacing the pool mechanicals/gutter system and installing a pool liner.
6. To approve the purchase of a pull behind brush chipper from Vermeer Wisconsin for \$74,000.

R. Report of the Personnel Committee (June 26, 2018 and July 10, 2018).

1. Informational Only: Approved adoption of findings of fact and conclusions of law on Standards of Conduct/SRO Expectations grievance. (June 26, 2018 meeting)
2. To approve request from the Police Department as amended to fill one (1) Lieutenant position with one (1) Patrol Sergeant position and all subsequent vacancies resulting from internal transfers. (July 10, 2018 meeting)
3. To approve request to amend the Public Arts Coordinator position from a limited term employee to a permanent part time employee (.75 FTE). (July 10, 2018 meeting)
4. To approve request to reclassify the hourly position of Deputy City Clerk (Pay Grade G) to a salaried Deputy City Clerk position (Pay Grade H) at a projected annual cost of \$5,777, and to fill the position and all subsequent vacancies resulting from internal transfers. (July 10, 2018 meeting)
5. To refer to staff the request by Ald. Wery to explore options to restore an assistant to the City Council position (full time, part-time, intern, etc.) (July 10, 2018 meeting)
6. To approve request by Ald. Dorff as amended to increase the Mayor's salary over the next four (4) years to \$94,863 in equal increments and that the Mayor's salary will be increased annually based on any general increase provided to general municipal employees on the date the increase is provided. (July 10, 2018 meeting)
7. To approve request by Ald. Johnson to have the HR Director prepare an orientation program for alderpersons and solicit items from alders and department heads. (July 10, 2018 meeting)
8. To deny request to add a second parking permit to the alderpersons' benefit package. (July 10, 2018 meeting)

S. Report of the Public Arts Commission (June 27, 2018).

1. To approve of the Strategic Plan for the Green Bay Public Arts Commission with recommended changes.
2. To approve the Annual Grant Program application from Navarino Neighborhood Association.
3. To approve the Annual Grant Program application from Beau Thomas.

T. Report of the Traffic, Bicycle, and Pedestrian Commission (June 18, 2018).

1. To deny the request to establish a NO PARKING zone on the south side of St. Anthony Drive between University Avenue and St. Lawrence Drive, including the cul-de-sac, and to establish a NO PARKING zone on the west side of St. Ann Drive between St. Anthony Drive and 2540 St. Ann Drive.
2. To refer to staff the request for speed control measures on 12th Avenue between School Place and the railroad intersection, with potential solutions including speed enforcement and establishing a 4-WAY STOP condition on 12th Avenue at School Place.
3. To establish and adopt by ordinance a 2-HOUR parking zone on the north side of Crooks Street from a point 105 feet east of Webster Avenue to a point 90 feet west of Clay Street.
4. To remove the 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY parking zone on the north side of Stuart Street from Monroe Avenue to Webster Avenue.
5. To establish and adopt by ordinance a 2-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY parking zone on the north side of Stuart Street from Monroe Avenue to Jackson Street.
6. To remove the eastbound RIGHT TURN NO STOP condition on Deckner Avenue at Alpine Drive.

U. Tax Incremental Districts Joint Review Committee (June 28, 2018).

1. Received and accepted the TID annual reports.
2. Receive and place on file the staff report on the performance and status of each district governed by the Board.

V. Receive & Place on File.

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

W. Resolutions.

1. Resolution authorizing transfer of funds.
2. Resolution for state trust fund loan / Neighborhood Redevelopment Projects.
3. Resolution amending the conditional-use permit authorized at 1660 Christiana Street.
4. Resolution amending the conditional-use permit authorized at 1053 Velp Avenue.
5. Resolution amending the conditional use permit authorized at 411 St. John Street.
6. Resolution authorizing conditional-use approval at 891 Howard Street.
7. Resolution accepting Relocation Claims for North Webster Avenue.
8. Resolution for Purchase and Sale of Real Estate for North Webster Avenue.

9. Resolution drawing final orders to contractors for July 2018.

X. Ordinances - First Reading.

1. General Ordinance No. 14-18. An ordinance amending section 29.307, Green Bay Municipal Code, relating to traffic regulations.
2. General Ordinance No. 15-18. An ordinance amending section 29.208, Green Bay Municipal Code, relating to parking regulations.
3. General Ordinance 17-18. An ordinance creating section 33.08(7)(i), Green Bay Municipal Code, relating to online ordering and curbside pickup of alcohol beverages
4. Misc Ordinance No. 2-18
An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay to revise the land use of property located at 1003 Pine Street and 1000 Main Street from Medium Intensity Retail Office Housing (MIROH) to Commercial (C).
5. General Ordinance No. 18-18
An ordinance amending and creating sections of Chapter 13, Green Bay Municipal Code, Relating to the Historic Preservation of Sites, Structures and Districts.
6. Zoning Ordinance No. 11-18
An Ordinance creating a Planned Unit Development (PUD) overlay district for Property located at 1060 Gray Court.
7. General Ordinance No. 16-18, Section 8.11(4)(a), Green Bay Municipal Code, relating to Unmanaged Plant Growth.
8. General Ordinance No. 19-18, an ordinance creating Section 4.18, Green Bay Municipal Code, relating to Municipal Vehicle Registration Fee.
9. General Ordinance No. 13-18. An ordinance amending Sections 2.04, 2.05 of the Code relating to Protection and Policy Committee.
10. Zoning Ordinance No. 12-18
An Ordinance creating a Planned Unit Development for the proposed residential development located in the 200 block of North Van Buren Street.

Y. Referral of Petitions & Communications.

Z. 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.