



AGENDA OF THE COMMON COUNCIL

**TUESDAY, AUGUST 21, 2018, 6:00 PM
COUNCIL CHAMBERS
ROOM 203, CITY HALL**

- A. Roll Call.**
- B. Pledge of Allegiance.**
- C. Invocation.**
- D. Approval of Minutes.**
 - I. Approval of the minutes of the July 17, 2018 meeting.
- E. Approval of the Agenda.**
- F. Report by the Mayor.**
- G. Announcements.**
- H. Appointments**

I. NEW APPOINTMENTS:

Ethics Board

Chari Graham, 115 E. Walnut St., Apt 315, Green Bay, WI 54301

Term to expire: March 1, 2021

Redevelopment Authority

Deby Dehn, 1010 S. Jackson St., Green Bay, WI 54301

Term to expire: March 1, 2021

Zoning & Planning Board of Appeals

Jim Hutchison, 1140 Livingston St., Green Bay, WI 54311

Term to expire: May 1, 2019

Sustainability Commission

Alder Randy Scannell, District 7

Term to expire: Term of Office

Essie Fels, City employee, Transit

Term to expire: August 21, 2019

Chase Hyland, 305 George St., Crivitz, WI 54114

Term to expire: August 21, 2019

Stephanie Ortiz, 520 Pine Terrace, Green Bay, WI 54303

Term to expire: August 21, 2020

Debora Hutchison, 1140 Livingston St., Green Bay, WI 54311

Term to expire: August 21, 2020

Seth Hoffmeister, 1136 Lawe St., Green Bay, WI 54301

Term to expire: August 21, 2021

Mark Walter, 1350 Servais St., Green Bay, WI 54304

Term to expire: August 21, 2021

I. Presentations

- I. Anti-harassment training by Rick Bayer, CVMIC Director of Loss Control.

J. Public Hearings.

- I. 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).

2. 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.
3. Zoning Ordinance No. 11-18
An Ordinance creating a Planned Unit Development (PUD) overlay district for Property located at 1060 Gray Court.
4. 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.

K. Ordinances - Third 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 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.
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. Zoning Ordinance No. 11-18
An Ordinance creating a Planned Unit Development (PUD) overlay district for Property located at 1060 Gray Court.
6. General Ordinance No. 16-18, Section 8.11(4)(a), Green Bay Municipal Code, relating to Unmanaged Plant Growth.
7. General Ordinance No. 19-18, an ordinance creating Section 4.18, Green Bay Municipal Code, relating to Municipal Vehicle Registration Fee.
8. General Ordinance No. 13-18. An ordinance amending Sections 2.04, 2.05 of the Code relating to Protection and Policy Committee.
9. 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.

L. Report of the Redevelopment Authority (August 14, 2018).

1. To approve Development Agreement 18-04 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.

The 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 Development Agreement 18-05 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.

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3. To recommend Common Council consent to request by Hometown Bank to release its interest in Historic Tax Credits per the Continuing Guaranty (Limited) RailYard: North at 420 N. Broadway and 520 N. Broadway (Tax Parcels 5-1756 and 5-1757).

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M. Report of the Improvement & Services Committee (July 30, 2018)

1. To refer to staff to study request by Ald. Galvin for Department of Public Works to develop and implement a five year plan to inspect sidewalks and repair or replace them to code.
2. To receive and place on file the request by Ald. Lefebvre for partial reimbursement (or temporary waiver of wheel tax) for residential properties that paid road improvement assessments in the past three years.
3. To receive and place on file the request by Ald. Lefebvre on behalf of a resident at 1855 Eastman Avenue for a review of the overnight parking ordinance related to multi-family residential property.
4. To approve the request by Ald. Scannell to install monument in public right-of-way on the north side of Main Street at the Fox River Trail.
5. To approve the request by the Department of Public Works to replace sewer combination truck 95 as amended, the Utility must replace the funds borrowed from the replacement fund for this purchase.
6. To approve the request by the Department of Public Works to have approval to award contracts associated with the construction of the Big Wheel ride at the Bay Beach Amusement Park, including site work and foundation construction, and to report out any contracts awarded at the next regularly scheduled meeting of the Improvement and Services Committee.

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

A. Award of contracts - None

B. Granting of Licenses

1. Concrete Sidewalk Builders

- a. Complete Flatwork Specialists LLC
- b. Malcore Concrete Inc.

2. Underground Sprinkler System by RainMaster Irrigation Inc.

C. Real estate acquisition for Webster Avenue

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

13, 1002 Harvey Street, Beverly Moeser, \$108,000

14, 1001-05 Day Street, Brown County, \$8,457.31

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

7a, 1108 N. Webster Avenue, Anthony Shea, \$569

22a, 1005 Berner Street, Regina Donaldson, \$89,376

24a, 1008 Vanderbraak Street, Don Lecher, \$360

24a, 1008 Vanderbraak Street, Don Lecher, \$500

3. Administrative Revision (Parcel Number, Address, Owner Name, Amount)

16, 918 N. Webster Avenue, William L. Moehring, \$37,000

17, 1024 N. Webster Avenue, Debra L. Mlezvia, \$85,000

20, 1002 Reber Street, Crooked Wood Corp., \$86,000

N. Report of the Protection & Welfare Committee (August 13, 2018).

1. To approve a request by Turn it Up! Tap, 1689 E. Mason St., to temporarily extend their licensed premise to hold an outdoor event in their parking lot on Aug 24, Sept 22, and Sept 29, subject to complaint.
2. To approve a request by Richard Craniums, 840 S. Broadway, to temporarily extend their licensed premise to hold an outdoor event prior to each of the 2018 Packer home games, subject to complaint.
3. To approve a request by Richard Craniums, 840 S. Broadway, to temporarily extend their licensed premise to hold an outdoor event on Aug 25 – Aug 26 from 12 pm to 10 pm., subject to complaint.

4. To grant a "Class B" (wine only) license by Badger State Brewing Company LLC at 990 Tony Canadeo Dr. with a licensed premises description of building including production facility, tasting room & offices & patio event garden and beer garden adjacent to building, with the approval of the proper authorities and to waive requirements of ordinance regarding the outdoor patios (requires 2/3 vote).
5. To grant an available "Class B" Combination license by The Tarlton Theatre, LLC at 405 W. Walnut St., with the approval of the proper authorities.
6. To grant a "Class B" Combination license to State Street Pub of GB LLC at 1238 State St. (Formerly Loch's Bar) with a licensed premises description including bar and storage room (description amended to exclude outdoor patio), with the approval of proper authorities.
7. To grant an available "Class B" Combination license by 304 North Adams Green Bay LLC at 304 N. Adams St. with a licensed premises that includes hotel building (see attached), restaurant, bar, banquet and meeting rooms, and guest rooms, with the approval of the proper authorities.
8. To receive and place on file 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.
9. To deny an appeal by Lisa Trotter objecting to the decision that her dog was declared dangerous.
10. To deny an appeal by Robert Hudson, objecting to the decision that his dog was declared dangerous.
11. To approve a request by Green Bay Sports Service, Inc. at 1265 Lombardi Ave. to amend their liquor license to include an additional plaza area in front of the Johnsonville Tailgate Village and to waive requirements of the ordinance for fencing (requires 2/3 vote by Council).
12. To approve an appeal by James Tesch in regards to the denial of his operator's license.
13. To approve an appeal by Amy Geronimi in regards to the denial of her operator's license.
14. To approve submitting questions to the Legal Department by September 4 and then refer the ethics ordinance to CityEthics.org for review, at a cost not more than \$500.
15. To receive and place on file the Liquor Violation Report from the Police Department for August 13, 2018.
16. To grant a "Class B" Combination license by Jam-Rock GB, LLC at 700 Bodart St. (Formerly Pour Decisions), with the approval of the proper authorities.

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

- I. Report of the Protection & Welfare Committee granting Operator Licenses.

P. Report of the Personnel Committee (August 14, 2018).

1. To approve request to award a 3-year contract, with two 1-year renewal options, to provide Health Risk Assessment (HRA) Services for City employees and spouses to Bellin Health for \$216,000 (\$72,000 per year).
2. To approve the 2018 - 2020 labor agreement between the City of Green Bay and Local 420, Bus Mechanics.

The Council 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 Council 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.

3. To approve request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Administrative Clerk - Community & Economic Development
 - b. Building Inspector - Community & Economic Development
 - c. Administrative Clerk - Police
 - d. Assistant Fire Chief - EMS, Training and Support
 - e. Carpenter - Parks, Recreation & Forestry
 - f. Administrative Clerk - Public Works
 - g. Mechanic - Public Works
4. To approve request from the Police Department to fill (1) additional Patrol Sergeant position and all subsequent vacancies resulting from internal transfers.
5. To approve out of state travel for Fleet Manager Nathan Wachtendonk for pre-delivery inspection of two automated sanitation collection trucks at AutoCar Manufacturing in Birmingham, Alabama, September 2018 at no cost to the City for transportation, room or board.
6. To hold review of Compensation for a Shift Change grievance until the next Personnel Committee meeting.
7. To put to binding referendum the following: Beginning with the 2019 election and for all elections thereafter, shall the total length of service for the position of Mayor, Alderperson and Municipal Court Judge be limited so that no person may be elected to consecutive terms totaling more than 12 years.
8. To refer to staff to prepare a policy and recommendation on the request by Ald. Galvin that the City adopt Wisconsin Statute 230.35(2d) as it pertains to City employees who are in the process of being organ donors.

Q. Report of the Plan Commission (August 13, 2018).

1. To deny the request to amend the City of Green Bay Smart Growth 2022 Comprehensive Plan Land Use recommendation for properties located in the 3400-3500 Block of E. Mason Street from Commercial to Business Park land use.
2. To deny the request to amend the City of Green Bay Smart Growth 2022 Comprehensive Plan Land Use recommendation for properties located in the 1600 Block W. Mason Street from Low Density Housing to Commercial land use.

3. To authorize a Conditional Use Permit (CUP) to permit a minor auto repair in a Downtown One (D1) District at 523 N. Broadway, subject to the following conditions:
 - a. Compliance with all regulations of the Green Bay Municipal Code.
Stripe stalls as indicated on site plan including one required handicap stall.
 - b. Close portions of Bond Street curb-cut and unneeded pavement and return to grass.
 - c. Close entire North Broadway curb-cut and return to grass.
 - d. Wheel stops be installed for stalls along North Broadway property line/sidewalk.
 - e. No outdoor storage of any materials.
 - f. Outdoor display is in a professionally constructed case that can either be locked or brought in after business hours.
 - g. No inoperable or unregistered vehicles not associated with repair work to be stored on-site. Those associated with repair may be parked no greater than 30 days.
 - h. No outdoor repair work permitted.
 - i. Hours of operation limited to between 6 a.m. – 10 p.m.
4. To authorize a Conditional Use Permit (CUP) to permit a single-family dwelling in a Varied Density Residential (R3) at 720 N. Broadway, 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 single-family dwelling.
5. To rezone the property at 1000 Main Street and 1003 Pine Street from General Commercial (C1) to Highway Commercial (C2).
6. To authorize a Conditional Use Permit (CUP) to permit a two-family dwelling in the Office/Residential (OR) District at 225 N. Ashland 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. Submittal of a site plan and building permit(s) establishing minimum parking in compliance with Chapter 13-1700, Green Bay Zoning Code.
 - c. Compliance with the applicable Uniform Dwelling Code (UDC) building requirements related to a two-family dwelling.
7. To rezone a property located at 1532 Shawano Avenue from Office/Residential (OR) to General Commercial (C1).
8. To approve a Plat of Right-of-Way for Sitka Street and Superior Road.

R. Report of the Finance Committee (August 14, 2018).

1. To receive and place on file the 2017 year-end financial results and management letter for the City.
2. A. To pay the 2017 tax amount for the property at 606 S Broadway St., plus accrued interest, less the amount paid by the previous owner during closing from the Contingency Fund.

B. To waive the 2018 taxes for the property at 606 S Broadway St.

3. To refer to staff for further revisions the amendments to Claims Administration Procedure Ordinance (GBMC 7.01 et seq) providing for changes to the City's claims committee and establishing a relief fund.
4. To proceed as directed in closed session regarding the litigation in the following matters:
 - 4A. City of Green Bay v. CVMIC arbitration
 - 4B. Tipler v. City of Green Bay, et al.
 - 4C. City of Green Bay v. Denny, et. al.

The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The 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.

5. Consideration with possible action on report of the Purchasing Manager.
 - 5A. Request approval to purchase ammunition for GBPD from Kiesler Police Supply Inc. for \$34,028.
 - 5B. Report on the purchase of 16 vehicles for various City Departments off of the 2018 State of Wisconsin Vendornet Contract for \$480,677.
 - 5C. Request pre-approval to purchase new cars and light trucks that have been approved in the 2019 City budget through the State of Wisconsin Vendornet Contract, and report the results back to the Finance Committee after the purchases have been made.

To approve items 5A & 5C, and to approve item 5B as amended changing the number of vehicles purchased off the 2018 State of Wisconsin Contract from 16 to 18.

6. To accept the report of the Claims Committee.

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7. To receive and place on file the informational report of the Hotel Northland Audit completed by Cowie Management Group appointed by Paul Swanson, Receiver.

S. Report of the Park Committee (August 15, 2018).

1. The Park Committee to consider the request to install a baseball field at Red Smith Park at a future Park Committee meeting as part of the 2019 Capital Improvements Plan approval.
2. To approve the transfer of all available 2018 Bay Beach revenue from the Bay Beach 214 Operations fund to the Bay Beach 436 Capital Improvements fund to pay for the site work associated with the Ferris Wheel donation at Bay Beach Amusement Park.
3. To approve the amended Design, Construction & Dedication Agreement with the Green Bay Optimist Club for the construction of a concession stand with restrooms at East River Optimist Park, removing the fee for City inspections listed in Section III.E.

4. To approve a WPS utility easement for the relocation of an electric service at East River Optimist Park for the proposed concession stand, contingent upon the review and approval by the Law Department.
5. To approve the lease agreement for the construction and maintenance of the downtown pocket park contingent upon the review and approval by the Law Department, with the expectation that the final draft will be completed by the next City Council meeting.
6. To approve the purchase of the Green Bay Council Presidents plaque, contingent that no City funds will be used.

T. Committee of the Whole.

1. Consideration with possible action on the request by the Department of Public Works to execute contracts necessary for rehabilitation and buildout of the buildings at 420 S. Broadway associated with the relocation of facilities currently located on the 2200 block of N. Quincy Street. This relocation is necessary as part of the Green Bay Packaging Mill project. Any contracts so awarded shall be reported to the Improvement & Services Committee at the next regularly-scheduled meeting following award.

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

1. Request for reconsideration of the Council's June 19th decision on the report of the Ethics Board dated June 14th based on reading the opinion of the lawyer representing the Ethics Board.

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V. Receive & Place on File.

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

W. Resolutions

1. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the dissolution of Tax Increment District (TID) Number Seven (7), Ashland Avenue and Lombardi Avenue Corridors.
2. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the dissolution of Tax Increment District (TID) Number Eight (8), Henry and Morrow Streets.
3. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the dissolution of Tax Increment District (TID) Number Nine (9), State Highway 54/57 Business Park.
4. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the amendment of Tax Increment District (TID) Number Twelve (12), I-43 Industrial Park.

5. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the dissolution of Tax Increment District (TID) Number Seventeen (17), 900 Block North Broadway.
6. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the creation of Tax Increment District (TID) Number Twenty (20), Whitney Park.
7. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the creation of Tax Increment District (TID) Number Twenty-One (21), Green Bay Packaging.
8. Resolution designating the Redevelopment Authority as agent of the City of Green Bay for the creation of Tax Increment District (TID) Number Twenty-Two (22), The Shipyard.
9. Resolution for Purchase and Sale of Real Estate for Webster Avenue.
10. Resolution accepting Relocation Claims for North Webster Avenue.
11. Resolution accepting Administrative Revisions for Webster Avenue.
12. Resolution authorizing Conditional-Use approval at N. 523 Broadway.
13. Resolution authorizing Conditional Use approval at 720 N. Broadway.
14. Resolution authorizing Conditional-Use at 225 N. Ashland.
15. Resolution approving a relocation order for 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.
16. Resolution drawing final orders to contractors for August 2018.
17. Resolution authorizing transfer of funds.

X. Ordinances - First Reading.

1. Zoning Ordinance No. 13-18
An ordinance rezoning property located at 1000 Main Street and 1003 Pine Street from General Commercial (C1) District to Highway Commercial (C2) District.
2. Zoning Ordinance No. 14-18
An ordinance rezoning property located at 1532 Shawano Avenue from Office/Residential (OR) District to General Commercial (C1) District.
3. Planning Ordinance No. 3-18
An ordinance amending the Official Map of the City of Green Bay to approve a Plat of Right-of-Way for Sitka Street and Superior Road.
4. Charter Ordinance - A Charter Ordinance establishing term limits for the office of Mayor, Alderman and Municipal Judge.

5. Miscellaneous Ordinance No. 3-18. An ordinance authorizing salary increases for the Mayor effective April 16, 2019, April 21, 2020, April 20, 2021 and April 19, 2022.

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.