



AGENDA OF THE COMMON COUNCIL

**TUESDAY, SEPTEMBER 18, 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 August 21, 2018 meeting.
- E. Approval of the Agenda.**
- F. Report by the Mayor.**
- G. Announcements.**
- H. Appointments.**

I. NEW APPOINTMENTS:

Sustainability Commission

Nathaniel Dorff, 1321 Emilie St., Green Bay, WI 54301

Term to expire: September 18, 2020

Julie Noordyk, 2420 Nicolet Dr., MAC 212, Green Bay, WI 54311

Term to expire: September 18, 2021

Landmarks Commission

Ian Griffiths, 1023 S. Van Buren St., Green Bay, WI 54301

Term to expire: September 18, 2020

David Siegel, 144 Rose Ln., Green Bay, WI 54302

Term to expire: September 18, 2020

Susan Ley, 3303 Beach Ln., Green Bay, WI 54311

Term to expire: September 18, 2021

Paul Martzke, 1125 S. Monroe Ave., Green Bay, WI 54301

Term to expire: September 18, 2021

Veronica Corpus-Dax, 335 Traders Point Ln., Green Bay, WI 54302

Term to expire: September 18, 2019

Military Avenue Business Improvement District Board

Elizabeth Collins, 2725 Hawthorne Dr., Saukville, WI 53080

Term to expire: December 31, 2019

Eric Dombrowski, 232 S. Ontario St., DePere, WI 54115

December 31, 2021

I. Public Hearings.

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.

J. Ordinances - Third 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. 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.

K. Report of the Personnel Committee (September 11, 2018).

1. To receive and place on file the presentation by M3 on the City's Health Insurance plan.
2. To approve the health insurance plan as presented to be effective January 1, 2019.
3. To approve request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Cleaner (part-time) - Parks, Recreation & Forestry
 - b. Bridgetender - Public Works
 - c. Housing Administrator - Community & Economic Development
4. To approve request to provide benefits for the 4K Teacher and 4K Naturalist positions as presented effective October 1, 2018. The contingency fund will be used to cover the cost of these benefits through December 31, 2018.
5. To approve request to modify Personnel Policy, Chapter 9 by adding a Bone Marrow and Organ Donor policy for City employees.
6. To refer back to Ald. Wery the request on restoring an Assistant to the City Council position for clarification on the job duties of the position.
7. To refer to staff the request by Ald. Galvin to investigate contracting for a grant writer versus creating a full-time grant writer position and report back with recommendations on costs and process.

L. Report of the Economic Development Authority (September 10, 2018).

1. To approve the Economic Development Revolving Loan Fund Policies and Procedures Manual with the changes as outlined and subject to minor legal and technical revisions:
 - Page 2 - add Aldermanic representation to the loan committee
 - Page 5, Item #5 - add clarification to include only minority businesses within this loan
 - Page 7, Item #1 - add Military Avenue
 - Page 10, Miscellaneous - add clarification to say working capital loans shall not consist of more than 25% of the individual loan application and additionally no more than 20% of available loan funds may be awarded for working capital loans
 - Page 13, Section 10.3 - add that a letter will be sent after 30 days as well as after 60 days

M. Report of the Improvement & Services Committee (September 10, 2018).

1. To deny request by Richard Monfils to rescind the special charges of \$58.30 at 2931 Beth Drive.
2. To hold request by Pete's Annex, LLC to enter into an agreement for Parking Division to manage and enforce parking in the BMO-Harris Bank Building parking lot located in the block surrounded by Broadway, West Walnut, Hubbard, and Pearl Streets (Lot BW) until the September 26, 2018 Improvement and Services Committee meeting and staff to renegotiate the agreement whereby the profit left after all expenses shall be split 80/20 with 20 percent to the Parking Utility.
3. To approve request by On Broadway Inc. and Green Bay Metro Transit for a public trash can at the bus stop on the southwest corner of Dousman Street and Chestnut Avenue.
4. To approve request by Green Bay Metro Transit to place trash cans at the new transfer station in the 2200 block of Main Street, and have Department of Public Works add that stop to its collection route.
5. To approve request by the League of Wisconsin Municipalities to adopt the Strategic Transportation Aid Resolution.
6. To approve request by Kerry F. Rathburn, doing business as Star Electric, to install and maintain groundwater monitoring well in public right-of-way.
7. To approve as amended the award of bids for rubber surfacing for the DOWNTOWN POCKET PARK project with the option of 1/2-inch thick coating.
8. To approve request by Ald. Lefebvre to extend special assessment payments for pavement construction from 5 years to 10 years when requested by residents.
9. To hold until the September 26, 2018 Improvement and Services Committee meeting the request by Ald. Wery to review how sidewalk replacements are funded.
10. To approve as amended the request by the Department of Public Works on proposed 2019 Parking Division rates and fees report to include a 3% increase for the long term parking rate in place of the proposed 2% increase.
11. To approve request by the Department of Public Works on proposed 2018-2019 winter contractor rates report.
12. To approve request by the Department of Public Works to reimburse Greenwood Hospitality \$30,000 for repairs to the Pine Street Ramp Skywalk in accordance with the provisions of the Hotel Northland Developer's Agreement.
13. To approve request by the Department of Public Works to approve Amendment IX of the Brown County Municipal Recycling Agreement.
14. To approve request by the Department of Public Works to enter into an agreement for professional services for the Nitschke Bridge hydraulic pump replacement design in the amount of \$68,732.36.

15. To approve a sanitary sewer credit / refund at 2355 Eastman Avenue in the amount of \$2,025.64.
16. To approve as amended the report of the Purchasing Manager to contract with Rotating Equipment Repair (RER) for the repair of two (2) pumps at the Harvey Street Storm Sewer Lift Station for \$74,514 to include an additional \$2,700 for pump delivery.
17. To approve request by Wisconsin Public Service Corporation for an Easement across City owned Parcel 7-741-1 for the N. Webster Avenue project.

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

A. Award of contracts

1. To approve to award contract PAVEMENT 3-18 (METRO TRANSIT DRIVEWAY) to the low, responsive bidder, Peters Concrete Co., in the amount of \$611,385.73.

2. To approve to award contract SEWERS 6-18 (INCLUDING WATER MAIN) to the low, responsive bidder, PTS Contractors, Inc., in the amount of \$2,124,144.

3. To approve to award contract SEWERS 7-18 to the low, responsive bidder, Wood Sewer and Excavating, Inc., in the amount of \$161,867.

4. To approve to award contract SIDEWALKS 2018 to the low, responsive bidder, Al Dix Concrete, Inc., in the amount of \$303,465.

B. Granting of Licenses

1. Tree & Brush Trimmer

- a. Bucklin Tree Service LLC
- b. Treeo's Tree Service, Inc.

2. Underground Sprinkler System

- a. Irrigation Doctors
- b. Fox Valley Irrigation Inc.
- c. 4 Season Landscaping Solutions LLC

C. Real estate acquisition for Webster Avenue

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

- | | |
|----|---|
| 14 | 714 N Webster Avenue, James Siudzinski, \$73,000 |
| 23 | 1000 Klaus Street, Avenue Investments, LLC, \$101,000 |

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

- | | |
|-----|--|
| 2C | 816 N Webster Avenue, Sherri King, \$8,000 |
| 3A | 820 N Webster Avenue, Aaron & Kristin Vandermuss, \$23,500 |
| 6 | 1012 N Webster Avenue, Roger Delaruelle, \$1,140 |
| 6 | 1012 N Webster Avenue, Roger Delaruelle, \$625 |
| 13 | 1002 Harvey Street, Beverly Moeser, \$51,900 |
| 14 | 714 N Webster Avenue, James Siudzinski, \$8,000 |
| 20 | 1002 Reber Street, Crooked Wood Corp., \$2,800 |
| 22a | 1005 Berner Street, Regina Donaldson, \$1,765 |
| 24a | 1008 Vanderbraak Street, Don Lecher, \$33,832 |

N. Report of the Redevelopment Authority (September 11, 2018).

1. To receive and place on file the communication from August 21, 2018, of the Common Council by Ald. Steuer, to study and report on partial City funding for a garden coordinator position that is presently funded by Brown County. Nearly 3/4 of community garden users live in the City of Green Bay.

O. Report of the Protection & Policy Committee (September 10, 2018).

1. To approve an application for a "Class A" Liquor License by Kwik Trip, Inc. at 515 W. Walnut St., with the approval of the proper authorities (currently has Class "A" Beverage and "Class A" Cider Licenses). (2-1)
2. To not renew a "Class B" Combination application for Los Banditos East at 1258 Main St. due to the business not being in operation in excess of 60 days.
3. To approve an application for an available "Class B" Combination License by Sunshine N' Wally's Bar, Inc. at 1332 S. Broadway St., with the approval of the proper authorities and to recommend that Council waive the requirements for an outdoor licensed premises and to approve the proposed outdoor premises as presented.
4. To approve the draft ordinance amending section 2.06(7) of the Green Bay Municipal Code relating to reconsiderations as presented by staff.
5. To receive and place on file an endorsement of Police Chief Smith's proposal for school safety, regarding retired policemen in all Green Bay Public Schools.
6. To refer to staff a request by Ald. Wery, which reads: "Request a legal opinion from the State Department of Justice Office regarding walking quorums, mayors that are legally a member of the City Council, and the practice of meeting individually with Council members regarding upcoming business that the City Council will be voting on."
7. To approve the draft ordinance to amend Section 6.206(8) of the Green Bay Municipal Code relating to the reading of ordinances as presented by staff. (2-1)
8. To approve General Ordinance No. 21-18 amending Section 27.307, Green Bay Municipal Code, relating to animals prohibited at certain events.
9. To refer to staff to present a general report on the research that staff has gathered as to what other communities are doing with respect to fines and other research supporting the proposed ordinance changes amending Section 27.902(2), Green Bay Municipal Code, relating to penalties for marijuana possession.
10. To direct staff to implement a request by Ald. Johnson on the creation of a web page on the city's website for residents to submit rat sightings within the City of Green Bay. Data should be used to create map overlays, track progress of inspections, ID problem areas or any other purpose deemed appropriate by city staff to reduce the number of complaints.
11. To receive and place on file the report from the Water Utility Department regarding the lead pipe removal project.

12. To receive and place on file the Liquor Violation Report from the Police Department for September 10, 2018.

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

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

Q. Report of the Plan Commission (August 27, 2018).

1. To amend the Larsen Green Planned Unit Development (PUD) for the Rail Yard Development, 400-600 Blocks of North Broadway, subject to the Draft Planned Unit Development.
2. To authorize a Conditional Use Permit (CUP) to construct a detached garage beyond the maximum height requirements found in Chapter 13-615, Table 6-4, in a Low Density Residential (R1) District located at 3503 Nicolet Drive, subject to:
 - 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. Continuance of similar style of architecture, exterior construction material, and color of the structure.
3. To vacate a portion of Donald Driver Way and to close a portion of Kellogg Street to the public, subject to the following conditions:
 - a. Approval of the corresponding Subdivision Plat (CP 18-01) showing the vacation and closure areas.
 - b. A Maintenance Agreement for the closure area on Kellogg Street with the Department of Public Works.
 - c. Final roadway design of Donald Driver Way matching this vacation request shall be approved by the City prior to construction.
4. To approve appointments to the Military Business Improvement District (BID) Board, as nominated by the BID and approved by Mayor Schmitt.

R. Report of the Finance Committee (September 11, 2018).

1. To hold the request by Ald. Nicholson for the records on finances charged by Mr. Kalny for the years of 2016 through 2018 with specifics and explanations for each charge to the City of Green Bay until the next meeting.
2. To approve the request by the City Assessor's office to cancel certain personal property taxes.
3. To approve the request by Ald. Wery to take all costs for the referendum enacted by city council from the contingency fund. Per city clerk, the estimated cost is at least \$15,000.

4. To proceed as directed in closed session on Notice of Decision from the US Dept of the Interior regarding the intent to take land into trust – Baumgart and Orlando parcels.

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.

S. Report of the Traffic, Bicycle and Pedestrian Commission (August 27, 2018).

1. To receive and place on file the report by the Police Department of the 2018 2nd quarter serious injury and fatality crashes.
2. To receive and place on file the request for a traffic study of the intersection of Mirage Drive and Ferndale Drive, including potentially installing YIELD or STOP signs.
3. To remove the NO PARKING zone on both sides of East Shore Drive from a point 385 feet east of East Shore Circle to Nicolet Drive. (GO 23-18)
4. To establish and adopt by ordinance a NO PARKING zone on the north side of East Shore Drive from a point 385 feet east of East Shore Circle to Nicolet Drive. (GO 23-18)
5. To establish and adopt by ordinance a NO PARKING zone on the south side of East Shore Drive from a point 1550 feet east of Irwin Avenue to Nicolet Drive. (GO 23-18)

T. Report of the Public Arts Commission (August 22, 2018).

1. To hold over the request on the approval of the new logo design for the Green Bay Public Arts Commission.
2. To approve Rusty Wolfe's Rotating Art Program application.
3. To approve Casey Early-Krueger's Annual Grant Program application.
4. To approve the creation and establishment of a temporary series entitled "Painted Pyramids" to be placed on all empty Rotating Art pads.
5. To approve of creating a letter of support for Dennis Downes' *Trail Marker Tree* sculpture.

U. Receive & Place on File.

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

V. Resolutions.

1. Resolution authorizing Conditional-Use approval at 3503 Nicolet Drive.
2. Resolution for state trust fund loan (financing the Shipyard Redevelopment Project).
3. Resolution for Purchase and Sale of Real Estate for Webster Avenue.

4. Resolution accepting Relocation Claims for North Webster Avenue.
5. Resolution accepting Administrative Revisions for Webster Avenue.
6. Resolution approving deed for Webster Avenue.
7. Resolution approving easement for N. Webster Avenue Project.
8. Resolution authorizing cancellation of 2017 personal property taxes.

W. Ordinances - First Reading.

1. Zoning Ordinance No. 15-18
An ordinance amending Zoning Ordinance 11-13 zoning certain land located on the east side of North Broadway (400 through 600 Block) as a Planned Unit Development District.
2. General Ordinance No. 22-18
An ordinance amending Section 2.06(7), Green Bay Municipal Code, relating to reconsideration.
3. General Ordinance 25-18
An ordinance amending Section 2.06(8), Green Bay Municipal Code, relating to reading of ordinances.
4. General Ordinance No. 21-18
An ordinance amending Section 27.307, Green Bay Municipal Code, relating to animals prohibited at certain events.
5. General Ordinance No. 23-18
An ordinance amending Section 29.208, Green Bay Municipal Code, relating to parking regulations.

X. Referral of Petitions & Communications.

Y. 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.