



AGENDA OF THE COMMON COUNCIL

**MONDAY, FEBRUARY 18, 2019, 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 January 15, 2019 meeting.

- E. Approval of the Agenda.**
- F. Report by the Mayor.**
- G. Announcements.**
- H. Appointments.**

I. **Re-Appointments:**

Redevelopment Authority

Gary Delveaux, 446 Stella Vista Drive, Green Bay, WI 54302

Term to expire: March 1, 2024

Matt Schueller, 1022 S. Van Buren Street, Green Bay, WI 54301

Term to expire: March 1, 2024

I. **Public Hearings.**

I. Planning Ordinance No. 1-19

An ordinance amending the Official Map of the the City of Green Bay to approve a Plat of right-of-way for the Erie Road.

J. **Ordinances - Second Reading for Adoption.**

1. Zoning Ordinance No. 16-18
An ordinance rezoning property located at 2405 West Mason Street (Frontage Road) from Business Park (BP) District to General Commercial (CI) District.
2. Planning Ordinance No. 1-19
An ordinance amending the Official Map of the the City of Green Bay to approve a Plat of right-of-way for the Erie Road.

K. Report of the Protection & Policy Committee (February 4, 2019 AND February 11, 2019).

1. To approve a resolution amending the procedure for accepting "Class B" Liquor licenses. (February 4, 2019)
2. To approve an application by Tapatio Jalisco, LLC at 1638 University Ave. for a Class "A" Beverage and a "Class A" Liquor license with a licensed premises as "store," with the approval of the proper authorities. (Previously licensed as an individual Ruben Rodriguez) (February 4, 2019)
3. To approve an application by Tapatio Jalisco, LLC at 1638 University Ave. for a "Class B" Combination License with a licensed premises as "restaurant, wait staff area, kitchen," with the approval of the proper authorities. (Previously licensed as an individual Ruben Rodriguez) (February 4, 2019)
4. To deny an appeal by Gary Wisneski regarding his reinspection fees. (February 4, 2019)
5. To approve General Ordinance No. 3-19, an ordinance amending Section 2.06(9), Green Bay Municipal Code, relating to reference to committees. (February 4, 2019)
6. To receive and place on file a request by Ald. Wery stating "review with possible action on ordinance 27.203 regulation of noise for the purpose of amending with weekend hours (New daytime :09:00-20:00)," previously discussed at the November 26, 2018 & Jan. 7, 2019 Protection & Policy meeting. (February 4, 2019)
7. To approve a request by Overtime Grill & Pub at 1423 S. Broadway to temporarily extend their licensed premises to the parking lot for a private event June 29, subject to complaint. (February 4, 2019)
8. To approve an appeal by Rachel Anker regarding the denial of her operator's license. (February 4, 2019)
9. To deny a request by Skogen's Foodliner, Inc. at 2430 University Ave. to amend their liquor license description from "One story cement building SEP W&S Storage and checkouts" to "one story cement building, approximately 80,110 sq. ft., with separate wine and spirits storage and checkout, including designated stalls in parking lot for online grocery pickup," on the basis that there is no municipal ordinance in place to adequately regulate this type of licensed activity. (February 4, 2019)

10. To deny a request by Ultimate Mart, LLC at 1819 Main St. to amend their liquor license to read "1 story retail grocery and liquor at 1819 Main St.: including the exterior parking stalls specifically designated for the online merchandise order & pickup service and the pathway utilized to access the parking stalls," on the basis that there is no municipal ordinance in place to adequately regulate this type of licensed activity. (February 4, 2019)
11. To approve an application for a "Class B" Combination License by V3, LLC at 2056 Main St. Suite 1 with a licensed premise description as bar, walk in cooler, storage, with the approval of the proper authorities (Previously V3 Entertainment, LLC). (February 4, 2019)
12. To approve an application for a "Class B" Combination license by Kavarna Café, LLC at 143 N. Broadway with a licensed premises as "kitchen, dining zones, storage cooler," with the approval of the proper authorities. (Currently licensed as Kavarna, LLC) (February 4, 2019)
13. To approve an application by Skaliwags High Cotton Club Limited at 121 N. Adams St. for a reserve "Class B" Combination License with a licensed premises as "restaurant, bar," with the approval of the proper authorities. (February 4, 2019)
14. To refer to staff to draft an ordinance to regulate vaping to prevent selling to minors and prohibit minors from possessing vaping paraphernalia. (February 4, 2019)
15. To receive and place on file a request by Ald. Scannell to create an ordinance regarding sober servers. (February 4, 2019)
16. To refer to staff to amend General Ordinance No. 1-19, an ordinance creating section 29.513, Green Bay Municipal Code, relating to leaving keys in a vehicle, to reduce fine to \$50 and to provide a 2-year sunset clause. (February 4, 2019)
17. To receive and place on file the Liquor Violation Report from the Police Department for January 28, 2019. (February 4, 2019)
18. To approve an application for a Class "B" Beer license for Centro Botanero La Carreta, LLC at 1742 E. Mason St. Suite 4 with a licensed premises as "dining area (storage within dining area)," with the approval of the proper authorities. (February 11, 2019)
19. To approve a request by Pepper at 114 S. Broadway to be granted an extension to issue their liquor license due to a remodel/addition (granted at the 12/4/2018 Common Council Meeting). (February 11, 2019)
20. To approve a request by Amphora Wine Bar, LLC at 131 N. Broadway to be granted extension to issue their liquor license due to a remodel/addition (granted at the 11/5/2018 Common Council Meeting). (February 11, 2019)
21. To grant a "Class B" Combination license by Code 920, Inc. at 805 Klaus St. and amend the license premise description as "behind the bar and storage room, with the approval of the proper authorities (Previously licensed as Rinconcito, LLC). (February 11, 2019)
22. To receive and place on file a request by Ald. Wery to request legal review: Should the Mayor and city staff be using city time and resources to plan a private event? (February 11, 2019)

23. To receive and place on file the Liquor Violation Report from the Police Department for February 11, 2019. (February 11, 2019)

L. Report of the Protection & Policy Committee Granting Operator Licenses.

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

M. Report of the Redevelopment Authority (February 15, 2019).

1. To approve Initial Resolution regarding Redevelopment Exempt Facility Revenue Bond Financing for Green Bay Packaging, Inc. Project.

N. Report of the Improvement & Services Committee (February 13, 2019).

1. To hold request by Ald. Wery on future repairs/upgrades to Shawano Avenue from Ashland to Oneida.
2. To hold request by Ald. Wery that the City take ownership and/or maintenance of the drainage pond serving Hannah Street.
3. To approve request by Department of Public Works to enter into a professional service agreement with OMNNI Associates for the design of Gray Street in the amount of \$68,800.
4. To approve request by Department of Public Works, in conjunction with the Purchasing Department, for prior authorization to award a contract for the purchase of traffic signal poles to the low responsive bidder at a staff level upon receipt of bids.
5. To approve the 2019 Special Assessment factors and rates.
6. To approve the report of the Purchasing Manager:
 - A. To award the purchase of Half Duplex Radios and Lightning Arrestors for the SCADA System for City Lift Stations to TCIC, Inc. for \$73,800.
 - B. To award a sole source contract to Gridsmart Technologies for the purchase of traffic signal control equipment to be used at seven intersections on West Mason Street as part of WisDOT Safety Improvement Project in the amount of \$147,262.
7. To receive and place on file the report of award of contract RAZING BUILDINGS FOR WEBSTER AVE. RECONSTRUCTION - Group #4 to the low, responsive bidder, Best Enterprises, LLC, in the amount of \$26,900.
8. A. To hold the contract ELEVATOR MODERNIZATION GREEN BAY CITY HALL - REBID.
 - B. To deny the award of contract RAY NITSCHKE MEMORIAL BRIDGE HYDRAULIC REPAIRS - REBID.
 - C. To approve the award of contract WEST SIDE MUNICIPAL GARAGE TRENCH DRAIN REPLACEMENT to the low, responsive bidder, Martell Construction Inc., in the amount of \$28,996.50.

9. To approve the application for Concrete Sidewalk Builders License by Martell Construction, Inc.
10. To approve the applications for Tree & Brush Trimmer Licenses by the following:
 - A. Economy Tree Service LLC
 - B. Holtger Bros., Inc.
 - C. Nelson Tree Service LLC
 - D. Yesterday's Trees

O. Report of the Plan Commission (February 11, 2019).

1. To authorize a Conditional Use Permit (CUP) for a shelter facility in an Office/Residential (OR) District located at 430 South Clay Street, subject to the following conditions:
 - a. A maximum capacity of 46 individual residents within the shelter facility. Any increase in residents will require Plan Commission and Common Council approval.
 - b. If the shelter facility use at 430 South Clay Street is discontinued, the operation is dissolved, or if the Transformation House no longer operates/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 Development 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 rooming & boarding house but not limited to:
 1. Police calls and other documented safety concerns.
 2. Inadequate facilities.
 - d. A mandatory background check for all residents is required. Sex offenders required to register under §301.45, Wis. Stats., are prohibited from any stay at the facility.
 - e. Conformance with the operating plan submitted by the applicant.
 - f. Compliance with all other regulations of the Green Bay Municipal Code.
 - g. A site plan be reviewed and approved by the Community Development Review Team (CDRT).
 - h. Tax Parcels 14-882 and 14-876 be combined into one parcel.
 - f. The facility may conduct activities to serve residents and may occasionally conduct neighborhood outreach events on site, but shall not conduct an ongoing soup kitchen.
2. To authorize a Conditional Use Permit (CUP) for a minor auto repair facility at 2425 West Mason, subject to the following conditions:
 - a. Inoperable or unregistered vehicles not associated with repair work shall not be stored on-site.
 - b. No outdoor repair work and no outdoor storage will be permitted. All vehicle parts and tires shall be stored inside the enclosed building.
 - c. 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 compliant with Chapter 13-1800.
 - d. Compliance with the submitted operating plan.

3. To authorize a Conditional Use Permit (CUP) for an adult daycare facility at 338 Hartung Street, subject to 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.
4. To amend Zoning Ordinance (ZO) 12-18: Planned Unit Development (PUD) removing internal side yard setback requirements at the 200 Block of North Van Buren Street, subject to the draft Planned Unit Development (PUD).
5. To vacate a public walkway located near 626 Pinehurst Avenue, subject to the following condition:
 - a. A private walkway from the existing public walkway to the school shall exist and be maintained until such time that the public walkway is vacated.
6. To grant the variance from Sections 14-727 of the Subdivision and Platting Ordinance to allow for a land division without frontage on a public street at 2405 West Mason Street, subject to the following conditions:
 - a. The approval of the Variance for Proposed Lot 3 does not negate a potential future need for a Variance for Proposed Lot 1 is ZP 18-30 is not approved by Common Council.
 - b. With any amendment to existing dedicated roadways or Area Development Plan 21, Proposed Lot 3 shall still have dedicated or proposed street frontage OR be combined with an adjacent parcel.
 - c. Proposed Lot 3 shall be changed to Outlot 1 as part of the Certified Survey Map application.
7. To appoint to the Downtown Business Improvement District (BID) Board as nominated by the BID and approved by the Economic Development staff and Mayor Schmitt.
8. To amend Green Bay Municipal Code Sections 13-215, 13-1503(1)(a), 13-1507(1)(b)(7)(a), 13-1507(1)(b)(7)(b) and 13-1514 related to the Landmarks Commission.
9. To refer to staff a request by Ald. John Vander Leest, District 11, regarding the creation of an Area Development Plan.

P. Report of the Finance Committee (January 29, 2019).

1. To approve action on a request by the City Assessor's office to cancel certain property taxes.
2. Approval to award a contract for Law Enforcement Tires for GBPD to the Goodyear Tire and Rubber Company for ~\$53,390.
3. To approve action on requested amendments to Claims Administration Procedure Ordinance (GBMC 7.01 et seq).
4. To refer to Staff and bring back to a future Protection and Policy Committee meeting to create an emergency response plan for residents affected by failures in City-owned infrastructure/assets for which inadequate means exist to rectify which may or may not include ordinance changes, funding solutions or staff response time.

5. To receive and place on file the report of the Claims Committee.

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.

6. To approve the updated Investment Policy.
7. To receive and place on file the Report of the Finance Director.

Q. Report of the Park Committee (February 13, 2019).

1. To approve the purchase of playground equipment for East River Van Beaver Park and Fort Howard/Jefferson Park from Northland Recreation for a total cost of \$110,000 and to refer the recommendation to the Redevelopment Authority for final approval.
2. To refer the staff request to bond an additional \$570,000 for the elevator renovation project to the Finance Committee for discussion.
3. To refer the staff recommendation for the Parks, Recreation & Forestry Department's 2019 Capital Improvement Plan to the Finance Committee for discussion.
4. To approve the proposed Danz Park/School property trade with the Green Bay School District.
5. To approve the Parks, Recreation and Forestry Department policy for promoting private fundraising efforts on the Parks webpage for City Park projects.

R. Report of the Personnel Committee (January 29, 2019).

1. To approve request from Parks, Recreation & Forestry Department to reclassify the vacant Mechanic Foreperson position to a Mechanic position.
2. To approve amendment of City of Green Bay Personnel Policy Chapter 11 Travel and Reimbursement to eliminate prior authorization for cost neutral or out-of-state travel.
3. To approve amendment of City of Green Bay Personnel Policies Chapter 17 – Safety and Chapter 22 – Dress Code to include policies for Key/Card Access Control and Employee Identification Badges.

S. Report of the Traffic, Bicycle, and Pedestrian Commission (January 21, 2019 AND February 11, 2019).

1. To receive and place on file the report by the Police Department of the 2018 4th quarter serious injury and fatality crashes. (January 21, 2019)
2. To eliminate Municipal Code Sec. 29.503 - Obstruction of Crossing by Trains - due to a recent Wisconsin Court of Appeals ruling upholding the regulations of the Federal Railroad Safety Act. (January 21, 2019)

3. To remove and adopt by ordinance the NO PARKING DURING SCHOOL HOURS zone on the west side of Irwin Avenue from Cass Street to a point 200 feet north of Cass Street. (January 21, 2019)
4. To remove and adopt by ordinance the 2-HOUR PARKING 7 AM TO 7 PM MONDAY THRU FRIDAY zone on the west side of N Oakland Ave from a point of 58 feet north of Shawano Avenue to a point 130 feet south of Hubbard Street. (January 21, 2019)
5. To optimize the morning arrival and afternoon school release traffic signal timings at East Mason Street and Alpine Drive using the lowest possible cycle length while maintaining the existing signal displays. (February 11, 2019)
6. To remove and adopt by ordinance the NO PARKING zone on the south side of Mather Street from a point 50 feet west of Gray Street to a point 100 feet east of Gray Street. (February 11, 2019)
7. To remove and adopt by ordinance the NO PARKING zone on the north side of Mather Street from Gray Street to Roy Avenue. (February 11, 2019)
8. To establish and adopt by ordinance a NO PARKING BIKE LANE zone on both sides of Mather Street from Gray Street to Vroman Street. (February 11, 2019)
9. To establish and adopt by ordinance a NO PARKING zone on the south side of Mather Street from a point 50 feet west of Gray St to Gray St. (February 11, 2019)

T. Report of the Sustainability Commission (January 9, 2019).

1. To approve the creation of the Sustainability Commission's mission.
2. To amend the Sustainability Commission's goals as needed.
3. To receive and place on file the creation of the Sustainability Commission's strategy.
4. To receive and place on file on attending a Community Listening Session hosted by community organizations.
5. To receive and place on file on creating a community outreach plan.

U. Receive and Place on File.

1. Building Permit Report for January 2019.
2. Municipal Court Report for January 2019.

V. Resolutions.

1. Resolution authorizing transfer of 2019 budgeted revenues between accounts.
2. Resolution to accept sidewalks and issue assessments.
3. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of asphalt resurfacing.

4. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of concrete pavement.
5. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of sanitary sewer and/or sanitary sewer laterals.
6. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for installation of storm sewer and/or storm sewer laterals.
7. Resolution approving the release of easement for the reconstruction of N. Webster Avenue from University Avenue to Radisson Street Project I.D. 4987-02-64.
8. Resolution drawing final orders to contractors for February 18, 2019.
9. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of water main and water services.
10. Resolution approving a relocation order for Erie Road from Padi-Wood Lane to South City limits.
11. Resolution amending the procedure for accepting "Class B" Liquor licenses.
12. Resolution regarding vacation of a public walkway at 626 Pinehurst Avenue.
13. Resolution authorizing a variance from Section 14-727 of Subdivision and Platting, Green Bay Municipal Code, to allow for creation of a lot without frontage for a parcel located at 2405 West Mason Street.
14. Resolution authorizing conditional-use approval at 430 South Clay Street for a shelter facility.
15. Resolution authorizing conditional-use approval at 2425 West Mason Street for a minor auto facility.
16. Resolution authorizing conditional-use approval at 338 Hartung Street an adult daycare facility.

W. Ordinances - First Reading.

1. General Ordinance No. 3-19
An ordinance amending Section 2.06(9), Green Bay Municipal Code, relating to reference to committees.
2. General Ordinance No. 8-19
An ordinance amending Section 9.21, Green Bay Municipal Code, relating to right-of-way excavation and occupancy.
3. General Ordinance No. 10-19
An ordinance amending Section 9.25, Green Bay Municipal Code, relating to license for sidewalk builders.

4. General Ordinance No. 7-19
An ordinance amending Section 9.20, Green Bay Municipal Code, relating to Tree and Brush Trimmer License required.
5. General Ordinance No. 9-19
An ordinance amending Section 9.24, Green Bay Municipal Code, relating to construction and repair of streets and sidewalks.
6. General Ordinance No. 6-19
An ordinance amending Section 6.35, Green Bay Municipal Code, relating to underground sprinkler systems.
7. General Ordinance No. 20-18
An ordinance amending Chapter 7, Green Bay Municipal Code, relating to claims administration.
8. General Ordinance No. 11-19
An ordinance amending Green Bay Municipal Code Sections 13-215, 13-1503(1)(a), 13-1507(1)(b)(7)(a), 13-1507(1)(b)(7)(b) and 13-1514 related to the Landmarks Commission.
9. Zoning Ordinance No. 1-19
An ordinance amending and superseding Zoning Ordinance 12-18: Planned Unit Development Located in the 200 Block of North Van Buren Street.
10. General Ordinance No. 4-19
An ordinance amending Section 29.208, Green Bay Municipal Code, relating to parking regulations.
11. General Ordinance No. 5-19
An ordinance amending Section 29.503, Green Bay Municipal Code, relating to obstruction of crossing by trains.

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.