



MINUTES OF THE COMMON COUNCIL

**TUESDAY, MAY 7, 2019, 6:00 PM
COUNCIL CHAMBERS
ROOM 203, CITY HALL**

A. ROLL CALL.

Present: Mark Steuer, Bill Galvin, Craig Stevens, John VanderLeest, Barbara Dorff, Kathy Lefebvre, Chris Wery, Brian Johnson, Veronica Corpus-Dax, Randy Scannell, Jesse Brunette, Excused: Andy Nicholson.

B. PLEDGE OF ALLEGIANCE.

C. INVOCATION.

Ald. Barbara Dorff gave the invocation.

D. APPROVAL OF MINUTES.

Moved by Ald. Randy Scannell, seconded by Ald. Brian Johnson to approve. Motion carried.

I. Approval of the minutes of the April 15, 2019 meeting.

E. APPROVAL OF THE AGENDA.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to approve. Motion carried.

F. REPORT BY THE MAYOR.

The Mayor said the alderpersons will take turns giving the invocation. There will be an update on the Associated Bank Parking lot later in the meeting. The Mayor stated the City would like to start initiating negotiations for an intergovernmental agreement with Oneida Nation and this will be discussed at the Finance meeting on May 8, 2019.

G. ANNOUNCEMENTS.

H. REPORT OF THE IMPROVEMENT & SERVICES COMMITTEE (APRIL 24, 2019).

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve with the exception of Item 4. Motion carried.

1. To refer to staff the request by Ald. Lefebvre to look at curbside bulk and overflow pickup, with staff delivering a report with recommendations at the May 15, 2019 Improvement and Services Committee meeting.

2. To approve the request by Department of Public Works to pre-authorize award of contract for Eaton Heights Second Addition prior to bidding the project.

3. To approve the report of the Purchasing Manager:

A. To purchase a Manhole Inspection System for the Sanitary Sewer Department from Bruce Equipment for \$82,085.

B. To purchase a SL-RAT Sewer Assessment Tool from Infosense for \$25,570.

4. To receive and place on file the report of award of contract RDA 19-01 GREEN BAY SHIPYARD - MASS GRADING for mass grading at The Shipyard/Breakthrough Fuels project sites to the low, responsive bidder, Peters Concrete Co., in the amount of \$1,159,363.90.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to approve Item 4.

Moved by Ald. Mark Steuer, seconded by Ald. Kathy Lefebvre to amend Item 4 from receive and place on file to accept. Motion carried.

5. To approve the award of the contract PAVEMENT I-19 ERIE ROAD RECONSTRUCTION to the low, responsive bidder, PTS Contractors, Inc., in the amount of \$2,742,393.

6. To approve applications for Concrete Sidewalk Builder Licenses by the following:

A. Carter Trucking & Excavating, Inc.

- B. Helmle Construction and Concrete LLC
- C. Larry VanRite Trucking
- D. Quinn and Sons Concrete LLC

7. To approve applications for Tree & Brush Trimmer Licenses by the following:

- A. A to Z Tree Service
- B. Best Enterprises LLC
- C. Trophy Services LLC

8. To approve application for Underground Sprinkler System License for Fox Valley Irrigation, Inc.

9. To order improvements completed and assessments levied for:

ASPHALT PAVEMENT

S. CHESTNUT AVENUE – Arndt Street to Howard Street

I. REPORT OF THE PROTECTION & POLICY COMMITTEE (APRIL 29, 2019).

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve with the exception of Item 27. Motion carried.

1. To approve a request by Smokey Ridge Barbecue at 2850 Humboldt Road to extend their license premises to their parking lot on May 18, 2019 from 4 p.m. to 10 p.m. for a one-year anniversary party, subject to complaint.

2. To approve a request by Pepper at 114 S. Broadway to extend their licensed premises to their parking lot on May 18 for a charity event, subject to complaint and pending the issuance of the liquor license.

3. To approve a request by Anduzzi's Sports Club at 900 Kepler Dr. to extend their licensed premises to their parking lot on July 25-July 28 with music until 11 p.m. for AnduzziFest, subject to complaint.

4. To approve a change of agent for PH Hospitality Group, LLC at 859 Lombardi Ave.

5. To approve a renewal application for a Class "B" Beer license by PH Hospitality Group, LLC at 859 Lombardi Ave., pending the approval of the change of agent at the May 7 Common Council meeting and with the approval of the proper authorities.

6. To approve a change of agent for Stadium View, LLC at 1023 Tony Canadeo Run.

7. To approve a renewal application for a "Class B" Combination license for Stadium View, LLC at 1023 Tony Canadeo Run, pending the approval of the change of agent at the May 7 Common Council meeting and with the approval of the proper authorities.

8. To approve a change of agent for Pizza Parlor, Inc. at 709 Bellevue St.

9. To approve a renewal application for a "Class B" Combination license for Pizza Parlor, Inc. at 709 Bellevue, pending the approval of the change of agent at the May 7 Common Council meeting and with the approval of the proper authorities.

10. To approve a change of agent for Apple Hospitality Group, LLC at 2420 E. Mason St. with an effective date of July 1, 2019.

11. To approve a renewal application for a "Class B" Combination license for Apple Hospitality Group, LLC at 2420 E. Mason St., pending the approval of the change of agent at the May 7 Common Council meeting and with the approval of the proper authorities.

12. To approve an application for the 2019-2020 license year for a Class "A" Beer and "Class A" liquor (cider only) for Van Zeeland Oil Co. Inc. at 601 N. Military Ave. with a licensed premise as "convenience store/gas station one store building 40' x 60,' with the approval of the proper authorities (currently applicant holds as a Class "A" Beer and "Class A" liquor license at this location).

13. To approve an application for a "Class A" Liquor and Class "A" Beer license by ASN Petroleum, Inc. at 1335 Main St., with the approval of the proper authorities. (Currently licensed as Main St. Inc.)

14. To approve a renewal application for a "Class A" Liquor and Class "A" Beer license by ASN Petroleum, Inc. at 1335 Main St., pending the approval of the original application at the May 7 Common Council meeting and with the approval of the proper authorities.

15. To approve an application for a "Class A" Liquor and Class "A" Beer license by Simer Liquor & Grocery LLC at 1020 N. Irwin Ave., with the approval of the proper authorities. (Currently licensed as MMS Enterprises LLC).

16. To approve a renewal application for a "Class A" Liquor and Class "A" Beer by Simer Liquor & Grocery LLC at 1020 N. Irwin Ave., pending the approval of the original application at the May 7 Common Council meeting and with the approval of the proper authorities.

17. To approve a application for a "Class B" Combination license by V3, LLC at 2056 Main St. with a licensed premises as "bar, kitchen, storage room, walk-in cooler," with the approval of the proper authorities. (Currently licensed as V3 Entertainment, LLC)

18. To approve a renewal application for a "Class B" Combination license for V3, LLC at 2056 Main St., pending the approval of the original application at the May 7 Common Council meeting and with the approval of the proper authorities. (Currently licensed as V3 Entertainment, LLC)

19. To approve an application for a "Class B" Combination license by Taqueria Michoacán & Bar LLC at 1207 E. Mason St. with a licensed premises as "full Mexican restaurant & bar, behind storage room," with the approval of the proper authorities. (Currently licensed as an individual ownership by Ricarda Vargas)

20. To approve a renewal application for a "Class B" Combination license by Taqueria Michoacán & Bar LLC at 1207 E. Mason St., pending the approval of the original application at the May 7 Common Council meeting and with the approval of the proper authorities. (Currently licensed as an individual ownership by Ricarda Vargas)

21. To approve a application for a "Class B" Combination license for Taco Burrito Mexico of Green Bay LLC at 1657 Main St. with a licensed premises as "inside counter, above counter, and next to counter in boxes in dine-in area, dine-in area," with the approval of the proper authorities (Currently licensed as Everardo Curiel).

22. To approve a renewal application for a "Class B" Combination license for Taco Burrito Mexico of Green Bay LLC at 1657 Main St., pending the approval of the original application at the May 7 Common Council meeting and with the approval of the proper authorities.

23. To approve a request by Republic Chophouse, Inc. at 218 N. Adams St. to amend their licensed premises to include an outdoor covered seating area with a 48 inch fence and to allow a waiver in the requirement of the ordinance for fencing (requires 2/3 vote by Council).

24. To approve a renewal application for a "Class B" Combination license for Republic Chophouse,

Inc. at 218 N. Adams St., pending the approval of the amendment to the license to include the covered outdoor patio and with the approval of the proper authorities.

25. To approve a renewal application for a "Class B" Combination license for the 2019-2020 license year for Funke's B.C.'s LLC at 617 Lime Kiln Rd with the addition of basement to the licensed premises description, with the approval of the proper authorities.

26. To approve the renewal applications for various liquor and/or beer licenses for the 2019-2020 license year, with the approval of the proper authorities.

27. To non-renew an application for a "Class B" Combination license for the 2019-2020 license year by El Presidente Green Bay LLC at 219 N Washington St.

Moved by Ald. Randy Scannell, seconded by Ald. Bill Galvin to approve Item 27.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to open the floor for discussion.

Motion carried.

Moved by Ald. Bill Galvin, seconded by Ald. Randy Scannell to close floor. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to hold Item 27 until the end of the meeting. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to deny.

Moved by Ald. Jesse Brunette, seconded by Ald. Barbara Dorff to take a 5-minute recess. Motion carried.

Moved by Ald. Barbara Dorff, seconded by Ald. Craig Stevens to return to regular order of business. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to open the floor for discussion.

Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to close floor. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to approve non-renewal. Motion carried.

28. To approve a renewal application for the 2019-2020 license year for a "Class B" Combination license for James VanBoxel at 1235 Main St., with the approval of the proper authorities.

29. To approve a renewal application for the 2019-2020 liquor license year for a "Class B" Combination License application by Confetti's, Inc. at 217 E. Walnut St., with the approval of the

proper authorities.

30. To receive and place on file the Liquor Violation Report from the Police Department for April 29, 2019

J. REPORT OF THE PROTECTION & POLICY COMMITTEE GRANTING OPERATOR LICENSES.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve. Motion carried.

I. Report of the Protection & Policy committee granting Operator Licenses.

K. REPORT OF THE PLAN COMMISSION (APRIL 22, 2019).

Moved by Ald. Randy Scannell, seconded by Ald. Brian Johnson to approve with the exception of Item I. Motion carried.

I. To deny the request to amend the City's Comprehensive Plan for a property located at 1725 North Irwin Avenue from Commercial to Industrial.

Moved by Ald. Kathy Lefebvre, seconded by Ald. Mark Steuer to approve Item I.

Moved by Ald. Kathy Lefebvre, seconded by Ald. Barbara Dorff to refer back to Plan Commission. The motion was withdrawn to refer back to Plan Commission and the motion to approve was carried.

2. To authorize a Conditional Use Permit (CUP) for a proposed hotel and for the hotel to exceed the maximum height limitations located at 1004 Brett Favre Pass, 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 and building plan review and approval.

3. To deny the request to declare City property surplus, located at 1531 Main Street, submitted by Rory Barth.

L. REPORT OF THE PUBLIC ARTS COMMISSION (APRIL 24, 2019).

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Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve with the exception of Item I. Motion carried.

I. To support the request by Ald. Brian Johnson to further develop a community art wall program with future project development at 5th Street under the Ashland Avenue viaduct.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to approve Item I.

Moved by Ald. Brian Johnson, seconded by Ald. Randy Scannell to refer Item I back to staff. Motion carried.

2. To amend the Strategic Plan by adopting the proposed policy as a reference/guideline for further development of the Green Bay Public Arts Commission programming.

M. REPORT OF THE TRAFFIC, BICYCLE, AND PEDESTRIAN COMMISSION (APRIL 15, 2019).

I. To receive and place on file the request by Ald. Wery on behalf of the Western Corridor Neighborhood Association to discuss the Ben Edinger Trail crossing at Shawano Avenue.

Moved by Ald. Craig Stevens, seconded by Ald. Randy Scannell to approve.

Moved by Ald. Chris Wery, seconded by Ald. Randy Scannell to refer Item I back to the Traffic, Bicycle, and Pedstrian Commission. Motion carried.

N. REPORT OF THE SUSTAINABILITY COMMISSION (APRIL 10, 2019).

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve. Motion carried.

I. To approve the creation of a list of grant opportunities that compliment the goals of the Commission.

O. RECEIVE AND PLACE ON FILE.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to approve. Motion carried.

I. Building Permit Report for April 2019

P. RESOLUTIONS.

Moved by Ald. Randy Scannell, seconded by Ald. John VanderLeest to suspend the rules to adopt Resolutions 1 through 4 with roll call vote. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre.

1. Resolution approving a relocation order for N. Webster Avenue from University Avenue to Radisson Street Project I.D. 4987-02-64.

2. Final resolution authorizing asphalt resurfacing improvements and levying special assessments against property.

3. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes.

4. Resolution drawing final orders to contractors for May 7, 2019.

Q. REFERRAL OF PETITIONS & COMMUNICATIONS.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

Request by Ald. Kathy Lefebvre to the Plan Commission which states: "I am asking the Plan Commission to look again to the request for 1725 N. Irwin Ave. storage units. I'm requesting to look at an exception/conditional use to allow their expansion, cleaning up & improving the property. I and the residents do not want the change from Commercial to Industrial, but want the new owners the right to expand their business & approve their plans."

Request by Ald. Veronica Corpus-Dax to the Traffic, Bicycle & Pedestrian Commission to request for study to paint a solid yellow no passing lines down the center of the road & also add a pedestrian/bike lane to help curb the speeding issue on Ontario.

Request by Ald. Veronica Corpus-Dax to the Traffic, Bicycle & Pedestrian Committee to request a study to be done to determine if a stop sign should be installed on Ontario at either Windland or Eastbreeze to help curb speeding.

R. COMMITTEE OF THE WHOLE

An update was given by Director Vonck.

I. Update with possible action on purchase of real property at 227 N. Quincy St., 221 N. Quincy St., 624-626 Pine St., 618 Pine St., 616 Pine St., and 605 Cherry St. (Tax Parcels 11-156, 11-157, 11-158, 11-159, 11-160, and 11-191).

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.

S. ADJOURNMENT.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to adjourn at 7:11 p.m. Motion carried.

Kris Teske
Green Bay City Clerk

These minutes, in their entirety, are available in the City Clerk's Office and on the City website at greebaywi.gov.

VERBATIM

- [Mayor] Appreciate the institutional role of the local legislature here in Common Council and just really look forward to working with you all to lead our city in the right direction. Just a few housekeeping items as you've probably recognized, we had the Alder from the First provide an invocation today for tonight's meeting. Plan to do that, rotate through Council, you know I might hop in from time to time and provide one myself, but thought that that was a nice way to do it and spread the wealth a little bit so that's the plan. Also, I'm gonna set out to refer to Alders by their district number. If that gets too clunky, then we'll go back to last names and the like, but we're gonna give that a shot. There are also just a few items I want to touch on here in the report that I plan to either address tonight or in the near future. So one that we'll be discussing near the foot of tonight's calendar is the Associated Bank parking lot. So just wanted to check in with Alders on that. I think there has been some pretty clear direction sent on the part of Council to the administration on that item, but because there's been a turnover with the executive here in a bit of a transition period. We wanted to offer our Alders that update, kind of a status update on where things stand there. Also, there has been a communication made to the Finance Committee that's meeting tomorrow with regard to the relationship that exists between the city of Green Bay and the Oneida Nation. The status of an intergovernmental agreement or service agreement, want to improve the climate and the relationship that exists between both entities and so there is that item that will be before the Finance Committee tomorrow with the intent of bringing that forward to Council on the 2First.

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And I think that's all I have for you all tonight. Again, just really excited to get started, been on the job three weeks, of course my first council meeting tonight and hoping for a good one, so be gentle. Thanks a lot.

- [Woman] We're on to announcements.

- Any announcements? Alder from the Seventh.

- [Randy] Thank you, Your Honor, just a few things, going around what's going on downtown here, Herstory, History Comes Alive. That's this Thursday, a couple days from now, May 9th from 6:15 to 7:15. Don't miss Brown County Central Library's series exploring US history from the female perspective. It'll be presented in character and period costume. This week you get to meet Susan B. Anthony, so head on over. Then Prevea Training Runs, every Saturday from now to May 11th, starting at 7:00 a.m. They meet up at Titledown Tap Room. They do different routes to keep you entertained so you don't get too bored with your running. I'd be bored wherever we run after a block, but that's me. So if you're interested in training, Prevea is providing some training runs. And then, just last thing, on a personal note, I have graduated from my radiation treatments so hopefully fewer runs to the bathroom. And I just want to thank my Alders, the Mayor and staff for being patient with me and all the support I've gotten and all my constituents in the community and my radiologist, Dr. Rohde, and staff. They were just wonderful, couldn't have asked for a better treatment and as a memento of my graduation, they gave me a pin which I'll now proudly wear and thank you all.

- [Mayor] Thanks, Alder.

- Oh, I mean, I mean we've gotta-

- [Mayor] Alder from the Ninth.

- Thank you, Mayor, just a couple of things to maybe you celebrate some of the successes that have occurred in our community recently. Wisconsin Main Street Awards occurred about a week ago and I want to recognize both the city of Green Bay and, selfishly, On Broadway, for being recognized as the best public-private partnership in the state of Wisconsin. And that was related to a number of projects that had occurred within the Broadway district over the

past year or so and so thank you to the staff, the city of Green Bay for all of your hard work to help make our city great. Additionally, DDL Holdings was recognized for the best adaptive reuse of a property in the state of Wisconsin and so when we think about that Larson Green development and all of the progress that they've made there, I think that was a significant accomplishment for them to be recognized for that effort, so thank you.

- [Mayor] That's great, thanks Alder. Report of the Improvement and Services Committee, April 24th, 2019.

- [Randy] Move to approve!

- [Barbara] Second.

- There's been a motion made by the Alder from the Seventh, seconded by the Alder from the First to approve Report H which is the report of the Improvement and Services Committee from the meeting on April 24th, 2019. Are there any items under this report you wish to handle separately?

- [Randy] Four.

- Item four will be handled separately. Hearing no others, all in favor of approving the remainder of that report, please signify by saying aye.

- [Council] Aye.

- Those opposed nay. The ayes have it, and the report has been approved with the exception of Item Four. What are your wishes regarding Item Four?

- [Randy] Move to approve.

- [Mark] Second.

- There's been a motion to approve by Alder from the Seventh, seconded by Alder from the Tenth. This item was pulled by the Alder from the Ninth, you have the floor.

- [Brian] I would just like to amend the wording. Currently, it states "to receive and place on file," I would amend to state "to accept the report of award." I think, after consulting with legal, "receive and place on file" typically refers to dismissing something. We just want to make it clear that the contract was awarded.

- [Mayor] Motion to amend made by Alder from the Tenth, seconded by Alder from the Sixth. All in favor of the motion, signify by saying aye.

- [Council Members] Aye.

- [Mayor] All opposed no. The ayes have it. Seeing no other requests to speak. All in favor signify by saying aye.

- [Council Members] Aye.

- [Mayor] Those opposed nay. The ayes have it, the report has been approved. Report of the Protection and Policy Committee, April 29th, 2019.

- [Randy] Motion to approve.

- [Barbara] Second.

- [Mayor] Motion by Alder from the Seventh, seconded by Alder from the First to approve Report I which is the report of the Protection and Policy Committee from the meeting on April 29, 2019. Any items under this report you wish to handle separately?

- [Randy] Yes, but I gotta find it.

- [Kathy] If it's a printed form, it's easier.

- [Randy] 27!

- [Mayor] Item 27 will be handled separately. Hearing no others, all in favor of approving the remainder of that report, please signify by saying aye.

- [Council Members] Aye.

- [Mayor] Those opposed nay. The ayes have it and that report has been approved, with the exception of Item 27. What are your wishes regarding Item 27, Alder?

- [Randy] Motion to approve.

- [Bill] Second.

- [Mayor] There's been a motion made to approve by Alder from the Seventh, seconded by Alder from the Fourth, to approve. These items pulled pulled by the Alder from the Seventh, you have the floor.

- At the committee, the owner for El Presidente was not present, he is here now so I'd like to make a motion to open the floor.

- [Mark] Second.

- [Mayor] There's been a motion made to open the floor by the Alder from the Seventh, seconded by the Alder from the Tenth. All in favor say aye.

- [Council Members] Aye.

- [Mayor] All opposed nay. The ayes have it. The floor is open.

- Hello everyone!

- [Mayor] Please state your name and address, sir.

- OK, my name is José Alfredo Capi. OK, I'm just representing the Presidente . The owner's coming, he's running late. We didn't know that the meeting was today, so that's all that I can say right now.

- [Staff Member] If you guys want to--

- My English is not the best so that's why I think--

- [Mayor] So entertain a motion to move this item to the foot of the calendar or is that something that's done? OK, entertain a motion to move this item to the foot of the calendar?

- [Bill] So moved.

- [Randy] Seconded.

- [Mayor] Moved by Alder from the Fourth, seconded by Alder from the Second, the Seventh rather. All in favor say aye.

- [Council Members] Aye.

- [Mayor] All opposed nay. The ayes have it.

- [Randy] Can I motion to close the floor?

- [Kathy] Second.

- [Mayor] Motion made to close the floor by the Alder from the Seventh, seconded by Alder from the Sixth. All in favor say aye.

- [Council Members] Aye.

- [Mayor] All opposed nay. The floor is closed.

- [Staff Member] Do you want me to start?

- Thanks, thanks for your question.

- [Staff Member] Yeah.
- OK Report of the Protection and Policy Committee granting operator licenses.
- [Randy] Motion to approve.
- [Craig] Seconded.
- Motion made by Alder from the Seventh, seconded by Alder from the Fifth to approve Report J, which is the report of the Protection and Policy Committee granting operating licenses. Are there any names for which you would like to be recorded as abstaining? Any names under this report you wish to handle separately? Hearing none, all in favor of the report please signify by saying aye.
- [Council Members] Aye.
- Those opposed nay. The ayes have it and the report has been approved. Report of the Planning Commission, May 13, 2019.
- [Randy] Motion to approve!
- Motion made by Alder from the Seventh, seconded by Alder from the Sixth to approve...
- [Six] No, I wasn't making--
- [Brian] Second!

- Seconded by Alder from the Ninth to approve Report K, which is a report of the Planning Commission from the meeting on May 13, 2019. Note that there is a scrivener's error, that's an old timey phrase there--

- [Randy] Yeah, I--

- On the agenda. The meeting was actually held on April 22nd, 2019, not on May 13, 2019. Any items under this report you wish to handle separately?

- [Kathy] One.

- Item One. Alder from the Sixth would like to handle Item One separately. Seconded.

- [Alder] Motion to handle separately. Motion to handle separately approved. Handling it separately.

- [Alder] Yep, yep! Made by Alder from the Sixth.

- [Mark] Second!

- Seconded by Alder from the Tenth.

- [Alder] But you should approve the downstairs one.

- OK, motion to approve the report made by Alder from the Sixth, seconded by Alder from the, okay, made by Alder from the Seventh, seconded by Alder from the Ninth. All in favor say aye.

- [Council Members] Aye.

- All opposed nay. The ayes have it.

- [Kathy] The reason I pulled it is I just want to explain a little bit about this. I've been working with someone in the law, I forgot the gentleman's name I worked with in the Law Department and with the Planning Commission, I talked to a few. I still would like to try to change the ordinance, the wording that it has to be industrial to have the storage units. This unit was grandfathered in, it's commercial right now, they want to expand, they want to improve it. The neighbors are all for the improvements. The plans that we saw, it would really look nice and right now there's a house on there that they rent out and they have to fill it and they wanted to put two more units in and as long as they're gonna fence it with a real attractive fence, put trees in, they're gonna pave it, there's not paving, it's right now gravel. It would be a big improvement and I'm trying to find a way that we can make some kind of an exception because they do not want, they had at the end because it's commercial, there was a commercial business there and they don't want anything with commercial. They want just residential storage. They don't want any plumber putting all his supplies in there, going in and out with his trucks. I'm trying to work something out so I just want people to be aware right now, you can approve it. I probably will approve as it goes right now, but I'm still trying to work on it. Just wanted to let you know what I'm trying to do for the neighborhood, OK?

- [Mayor] Thank you. Any other speakers? Alder from the Ninth.

- Alder Scannell or excuse me, sorry, Alder Lefebvre, just hearing what you've said, I don't know that I would personally support a change to include units under commercial. It sounds to me like what you really want, and correct me if I'm wrong, is approval of the conditional use permit, which was currently being denied, correct?

- [Kathy] Yes. In which case then I would suggest that either we refer it back to staff for additional work or you could just simply make that motion to get us an up or a down vote.

- [Kathy] Yeah, I would be--

- [Mayor] I'll entertain a motion.

- [Kathy] I guess I'll have to refer it back to staff.

- [Alder] Second.

- [Mayor] Motion made to refer back to staff by Alder from the Sixth, seconded by Alder from the First. Ah, yes, Dr. Vonck.

- Sure, just clarification, two things, one, if you wanna refer, I'd probably refer back to Plan Commission and then, two, as to Alderperson Johnson, so ultimately the applicant needs to get a conditional use permit to do the storage units, but before that can be done, the storage units have to be an eligible use or an acceptable use which means the property has to be zoned industrial, but before we can zone industrial, the comp plan says this area should be commercial so we need to make an adjustment to the comp plan saying that this comp plan, future land use for this parcel for this area will be industrial. So that was the action, I guess we were backing up the steps so the motion or the action from the Planning Commission, the first step is to adjust, amend, the Comprehensive Plan. So that would be what this is going back to look at that first step of amending the Comprehensive Plan.

- What qualifies under zoning?

- [Dr. Vonck] Correct, so, in order to even be eligible for the CUP, you need the zoning and even before you set the zoning process you need the underlying comp plan. So that's where we're starting at.

- Now we do not want it to turned to industrial, light industrial because we have no guarantee that the present owners will stay there and then who knows what we could end up in there because it's all around there is residential and the residents do not want it industrial, either. So that's where we're standing so it's like a standoff, but trying to work something because I talked to the two gentlemen and when they were in Minnesota, the same type of situation and they did put a conditional use for them. They allowed them in a residential.

- [Mayor] Yeah.

- Or commercial, I should say, thank you!

- [Mayor] We do have a motion on the floor to refer back to staff, Alder from the First?

- Thank you, your Honor, I just would like a little bit more explanation from plan so you-- OK and from Alder Lafebvre. You don't want it to be industrial? You don't, so to deny the request request means that you would want to approve that, then. That's the request to turn it from commercial to industrial. And you don't want that, meaning is this motion--

- Right, I would approve this.

- [Barbara] You would approve this motion, but you'd like the whole, maybe you should just write a new communication, then. Maybe I could withdraw my second to the amendment and if you want to withdraw yours

- Sure, yeah, I'll--

- [Barbara] And maybe just a whole new communication, because it looks like this is exactly what you're saying, but then you want something different.

- Yeah, it's an outcome.

- [Barbara] Okay, does that make sense? Okay, I withdraw my second.

- [Mayor] OK, and you?

- Yeah, I withdraw.

- [Mayor] Motion's been withdrawn. (Whispering) Motion to approve the report? Right, OK. Motion to approve Item One. All in favor say aye.

- [Council Members] Aye. All opposed nay. The ayes have it, report has been approved. Item has been approved. Report of the Public Arts Commission, April 24, 2019.

- [Randy] Motion to approve!

- Motion made by Alder from the Seventh to approve.

- [Barbara] Second.

- Seconded by Alder from the First to approve Report L which is the report of the Public Arts Commission from the meeting on April 24, 2019. Any items under this report you wish to handle separately?

- [Alder] One.

- Item one will be handled separately. Hearing no others, all in favor of approving the remainder of that report please signify by saying aye.

- [Council Members] Aye.

- Those opposed nay. The ayes have it and the report has been approved with the exception of Item One. What are your wishes regarding Item One?

- [Randy] Move to approve!

- Alder from the Seventh makes a motion to approve Item One, seconded by Alder from the Tenth. Any speakers on this item? Alder from the Ninth.

- [Brian] I move that we refer this back to staff. I think it was produced-- We need guidelines and direction in terms of how this program would specifically be monitored and managed so to go back to-- does the work to bring it to the commission.

- Motion on the floor to refer back to staff, made by Alder from the Ninth, seconded by Alder from the Seventh. All in favor of the motion signify by saying aye.

- [Council Members] Aye.

- [Mayor] All opposed nay. The ayes have it.

- The M!

- Item M, report of the Traffic Bicycle and Pedestrian Commission, April 15th, 2019. Motion made by Alder from the Fifth, seconded by Alder from the Seventh to approve Report M, which is a report of the Traffic, Bicycle and Pedestrian Commission from the meeting on April 15, 2019. Any items under this report you wish to handle separately?

- [Randy] Number one!

- [Mayor] Item number one will be handled separately. Hearing no others, all in favor of approving the remainder of that report, please signify by saying aye.

- [Council Members] Aye.

- [Kathy] There wasn't any.

- [Mayor] This was a trick, wasn't it Alder?

- [Chris] Yes. Alder, would you like to speak to Item One?

- [Chris] Yes, please! Thank you Mr. Mayor, just a motion to refer back. There were members of the neighborhood association, a couple of them, who could not make it that night and I think there was only one person there and he didn't know he had to really speak on it. So, I'm just gonna make this a motion to refer back for further discussion.

- [Randy] Second.

- [Mayor] Motion made to refer back to Committee made by Alder from the Eighth, seconded by Alder from the Seventh . All in favor signify by saying aye.

- [Council Members] Aye.

- [Mayor] Those opposed nay. The ayes have it. And the report of the Sustainability Commission, April 10th, 2019.

- [Randy] Motion to approve.

- [Barbara] Second.

- Motion made by Alder from the Seventh, seconded by Alder from the First to approve Report N, which is the report of the Sustainability Commission from the meeting on April 10, 2019. All in favor signify by saying aye. All opposed nay.

- [Alders] Aye.

- The ayes have it, report has been approved. Receive and place on file, what are your wishes regarding this report?

- [Randy] Motion to receive and place on file.

- [Mark] Second.

- Motion made to receive and place on file by Alder from the Seventh, seconded by Alder from the Tenth. To receive and place on file the Building Permit Report for April 2019, any discussion? Hearing none, all in favor of approving that report please signify by saying aye.

- [Council Members] Aye.

- Those opposed nay. The ayes have it. The report has been received and placed on file. Resolutions, clerk will read the statement.

- [Clerk] You may under suspension of the rules adopt resolutions one through four together with one roll call vote.

- [Randy] Motion to suspend!

- [John] Second!

- Motion suspend the rules made by Alder from the Seventh, seconded by Alder from the Eleventh to suspend the rules and take up these items with one roll call vote. All in favor of that motion please signify by saying aye.

- [Council Members] Aye.

- Those opposed nay. The ayes have it. The rules are suspended, I'll entertain a motion to adopt resolutions one through four.

- [Randy] Motion to adopt!

- [Barbara] Second!

- Motion made by Alder from the Seventh, seconded by Alder from the First to adopt resolutions one through four, please use the board. Those pass unanimously. Q, referral of petitions and communications. Alder from the Twelfth.

- Yes, thank you Mayor, I had placed the communication through to the Protection and Policy Committee. I just want to ensure that it gets put on the agenda for this meeting. It was held a couple times, but I want to read it for the public record and if it could be on the next agenda, I would appreciate it. I talked to the clerk and she still has this communication, but I still want to read it. For the city to develop a resolution or policy and procedure to notify property owners near parcels of land with a pending or approved application to be transferred from fee to trust status. My over-arching concern is for the city and the Oneida Nation, in good will, to notify affected property owners of the new governing jurisdiction, code enforcement, and zoning authority of the parcel recently transferred or applied to be transferred and to provide an official forum for public input and comment. Thank you.

- [Mayor] Thank you, Alder. Any other communications? Alder from the Second.

- [Veronica] This is for a Traffic, Bicycle and Pedestrians Commission request for study to paint solid yellow lines, no passing lines down the center of road and add a pedestrian bike lane to help curb the speeding issues on Ontario. And then also a study to be done to determine if a stop sign should be installed on Ontario at either Windland or Eastbreeze to help speeding issues.

- Thank you Alder. Clerk, do you have any late communications?

- [Clerk] I do not.

- Alder from the Sixth.

- [Kathy] Okay, I got a request, too, and I want to know, do you prefer to the staff or should I do it to the Planning Commission? My request on the storage unit, what would be the best?

- Dr. Vonck?

- [Kevin] Sure, I would put it to Planning Commission and Planning Commission can discuss and decide whether they want to refer to staff or not.

- [Mayor] Thank you.

- [Kathy] OK, to the Planning Commission, my request is I would like having the look again for the property at 1725 North Irwin Avenue storage units request. Looking for an exception to allow the expansion on the property in a commercial district. Thank you.

- Thank you Alder.

- [Clerk] OK, that's it, that's it.

- Any late communications?

- [Clerk] I do not.

- I'll entertain a motion to refer all petitions and communications.

- [Randy] So moved!

- [Craig] Second.

- Motion made by Alder from the Seventh, seconded by Alder from the Fifth to refer all late petitions and communications to the proper authority. All in favor of that motion please signify by saying aye.

- [Council Members] Aye.

- Those opposed nay. The ayes have it and those petitions and communications have been referred. R, Committee of the Whole Before us is an update with possible action on purchase of real property-- Is this for you to read, Chris, or should I read it?

- [Chris] You can read it, sure!

- At 227 North Quincy Street, 221 North Quincy Street, 624-626 Pine Street, 618 Pine Street, 616 Pine Street and 605 Cherry Street, tax parcels 11-156, 11-157, 11-158, 11-159, 11-160 and 11-191. This item, as I said, is on the agenda for an update. We'll here from Development Director Vonck first and if you have any questions or would like to discuss matters pertaining to competitive or bargaining purposes, we can move into a closed session at that time. Director Vonck?

- [Kevin] Thank you, Mayor, so this, what we're talking about is the Associated Bank parking lot. Came to Council in December of 2018, looking to exercise an option to purchase that the city had with Associated going back to our development agreement in 2012. We were at a point where we were looking to gain site control of the property and really just based on timing the only way that we were able to do that was to exercise that option to purchase and move forward with the purchase. We discussed this in closed session and staff was given some direction as far as how to proceed. We discussed this, also, at RDA today. In short, we have an executed purchase and sale agreement to purchase the property for \$1.2 million with a closing date to be done as soon as possible. I think one of the things that we had discussed is trying to work out some type of deal with the county in terms of being able to provide parking that would accommodate their needs. I think with the transition, the new mayor has reached out to the County Executive, had some further discussion. Attorney Chavez has reached out to the corporation counsel Henry. Additional discussions about, you know, logistics and mechanics of doing so, you know with that, as far as the City moving ahead with it, option to purchase, we are pretty much locked in to do that. Unless the Council would like to discuss and debate taking a different direction, but I think, given advice from the RDA and the initial conversation that we had the objective would be to move forward with that purchase. But with that, we would follow up and continue those conversations with the county to look at working out, potentially, some type of parking agreement. I think, in discussions with Public Works, you know looking at what our market rate is for surface lot parking, we'd be able to park this lot. There's 319 spaces that would definitely park it in a way that would take care of our debt service and provide some additional funds for maintenance of this facility. Again, though, I think our objective in purchasing it was pretty clear that this is a short term parking solution, but a long-term development opportunity. I think when we talked about this, it's not often you're able to gain control of a full city block in the downtown area, and in terms of securing both private or potentially public development interests, it was in our best interests to pursue. So with that, that is the update. We've had some conversations with the bank last week, and I think they are ready to close on the property, but again wanted, at the request of the mayor, to provide an update on where we're at. Again, as the mayor said, if there's anything in terms of further negotiations that you wanna discuss, there's closed session language available on here, but otherwise our intent is to move forward with the closure of the property.

- [Mayor] Thank you, Director. Any further comments? Yeah, Alder from the Eleventh.

- [John] It's for Dr. Vonck, will this property cash flow out, as far as the parking, is that strictly what's gonna be the vehicle to pay the debt service and where is the money coming from?

- Sure, so we have not had to draw the funds yet. And that is with some further discussion with our finance director in terms of what we'll actually have to borrow for versus what we might have available for cash on hand. With that, if you look at the 319 spaces, you look at Director Grenier, I think our market rate, current market rate, for city surface lots is somewhere between \$35 and \$40 a month. With that, we would need to rent out between 213 and 244 spaces in order to make that cash flow and pay the debt service. Based on our conversations, whether with the county or if there's actually some private entities that are interested in leasing spaces there, we feel we'd be able to more than fulfill that number and provide for the cash flow on that. I think that was one of the things that was important when we look at acquiring property. You know, both the short-term and long-term goals, strategically this is a long-term win for the city in terms of the development along that corridor. But also we're not in the long-term business of holding properties so how do we maintain it in the short term? And we believe, in discussion with their development team, that we would have sufficient revenues to cover that debt service.

- [John] On the... Are we looking to borrow the whole amount?

- Potentially, I guess, maybe I'll defer to our Finance Director, we have not had to pull it yet, but that would be one of the things, again trying to work with Associated in terms of where that may be. I know she's been working on cash flows for this year so I guess I would defer to her in terms of when that borrowing might occur.

- [Finance Director] Together we have still come up with the plan, but it could be various sources. It could either be TIF funding, it could be, you know, we're still talking about working with the parking division. We also could float the money for a few months and then as we borrow for the 2019 bonding that could be part of the bonding requests for 2019. So it hasn't been, we weren't sure if this agreement was gonna go all the way though so we have not gone through all the steps of deciding what kind of borrowing we would move forward with.

- [John] If we, let's just say we borrow a million dollars, we'd be looking at probably about \$42,000 a year on interest, is that correct? From what we borrowed from the last? I think we borrowed, for the Bay Beach street, we've got to add 4.25% with the interest so we'd be looking at right around 40, maybe 42 thousand per million to do that.

- Yeah, roughly, so we ran our calcs at a 1.2 million loan at four and three quarters interest and we did that over twenty years and roughly that came out, then, to an annual payment of just over \$102,000. And then just based on, again, the rates that we discussed in terms of what was needed to cash flow, there's 319 spaces there, if we get between \$35 and \$40 range per month, you're looking at around, between 210, 240 spaces that need to be leased.

- [John] And we're not lookin' for a long term commitment as far as parking, we're lookin' for more development down the road?

- Yeah, I think the initial agreement, look, we probably wouldn't look longer than a year with options to renew for a year or a period of, if a developer would come in, you know, a ninety day termination period that we'd be able to move quickly on to that and I think we've been up front with those who've been interested in leasing the spaces, that they understand what they're getting into.

- [John] Alright, that answers my question then, and thank you very much, thank you.

- Sure.

- [Mayor] Alder from the Tenth?

- [Mark] Thank you, Your Honor. I'm encouraged by the discussions between the mayor and the county exec on this. I think it is a viable piece of property. I think that we're doing due diligence on this and I'm happy with how that's going so I would say continue on this tack, thank you.

- [Mayor] Thank you. Alder from the Seventh.

- [Randy] Thank you, Your Honor, I just have one question. And I don't recall us discussing this in the past and, if we have, please forgive my memory and refresh it, but part of the

equation, the plan for filling the lot and paying for the lot has to do with the county and that parking is already downtown though so are we in some sense robbing Peter to pay Paul? Has it been factored in what this does to the other ramps and everything, how are we expecting to fill those back up so it's not a, not a problem? OK, thank you!

- [Mayor] Any further discussion? An appropriate motion would be to accept the update from the Development Director.

- [Randy] Move to accept!

- Motion made by Alder from the Seventh, seconded by Alder from the Fifth to accept the update from the Development Director. Any further discussion? Hearing none, all in favor of that motion, please signify by saying aye.

- [Alders] Aye!

- Those opposed nay. They ayes have it and the motion has been approved. We still have Item 27 from the report of the Protection and Policy Committee.

- [Randy] How bout we refer it back?

- [Chris] It's time sensitive.

- Motion made by Alder from the Eighth, seconded by--

- [Staff Member] Just one second.

- Just one second. Can we recognize it? Attorney Chavez?

- [Attorney Chavez] So, the problem we're running into is that the recommendation to non-renew is time sensitive. With that, the non-renewal, we are obligated to provide an opportunity they have 10 days after we, we have to submit notice to them and they have 10 days after that to request a full-on evidentiary hearing so if the person is unable to make it tonight, they are still able to ask for a hearing to appear before this committee, before this Council.

- [Randy] OK, so they still have an opportunity to--

- Correct.

- [Randy] Let's just make a motion to deny.

- [Mayor] Motion made by Alder from the Seventh to deny, second by Alder from the Eighth, all in favor of the said motion signify by saying aye.

- [Council] Aye!

- [Mayor] Alder from the Twelfth?

- [Jesse] Thank you, Mayor, I don't wanna set a precedent when we have public meetings, we have agenda items and we expect the public to be here, but on this situation, if the gentleman's on his way and this is sort of his livelihood. I know he has an additional appeal process, but we could just hold for five minutes, just out of respect to this person? We don't know the situation he was facing.

- [Mayor] Is that a motion?

- [Jesse] Motion to recess for five minutes I mean, unless, can you ask the gentleman if he's literally on the way here?

- [Mayor] Seconded by Alder from the First.

- [Jose Alfredo] So he's going through Rivers, so he's saying he's gonna make it right now, in about, I don't know, it will take like--

- [Mayor] All in favor of the motion signify by saying aye?

- [Council] Aye.

- [Mayor] Those opposed nay. We're in recess for five minutes.

- OK.

- [Mayor] And we are back.

- [Barbara] Motion to return to, from recess.

- Motion made by Alder from First, seconded by Alder from the Fifth to return to the business of the Council. All in favor say Aye.

- [Council] Aye.

- [Mayor] All opposed nay. Entertain to motion to open the floor.

- [Randy] Motion to open up the floor!

- [Mayor] Motion made by Alder from Seventh, seconded by Alder from Tenth to open the floor, all in favor signify by saying aye.

- [Council] Aye.

- [Mayor] All opposed nay. The floor is open. Sir, if you could just state your name and address

- My name is Marco M. La Porta. My business is at Washington Street and I reside at Rivers Avenue. I'm here in representation of Presidente, LLC. Sorry for the delay, I was not even aware of this situation going on and I just was notified because there was some persons who went to the restaurant notify us that there was this going on. I really need to know the real reason why they will take the license away from us. We were trying, we had a company working for us. That was Dubline Entertainment. They did a complete mess of the place to be honest. When we took them out, we were really doing a lot of work in that place trying to save the place, to be honest, because of the financial situation of the place was really bad. And that's why the decision of keeping the bar open. The upper part, my goal is to actually be able to just have the restaurant because it's more viable for me, too, because I cannot be traveling back and forth all the time and I don't see the point that I, I think that we were doing a good job. That company wasn't, honestly, they were doing. I didn't know nothing about that type of business. I'm more into restaurant industry and I didn't, I thought to get someone that actually knew about it. They will help me, well I guess it didn't because they took advantage of the place. And it was really hard for me to get rid of them. Like, really hard 'cause they make these contracts at the beginning, and even like that there was a point that I couldn't, I was working with the police, too, and trying to figure out how with the different type of a lease that they had because the other type that was coming, I remember the name of that. They take care of the licensing, too. And they tell me they will help, try to guide me, you know, most of all because I don't have experience in this department, but I think we were doing a lot of improvement, I have machines checking IDs, too, there. I have too many things, cameras set up. I've been trying to work the most that I can, the fastest that I can with the budget that we have, right? And I think that we're doing a lot of improvement and we're getting to a point, I don't understand this because I did all the processes accordingly and no one told me nothing until today. And I'm like, I was like, wow what's going? Why I didn't know about this? And well basically I wanna know what are the points or why is the considering not renewing the liquor license? Because I've been trying to cooperate with every authority that I can and trying to see, learning of my mistakes and trying to make things better. And I don't think that we have

any problem. There's some issues that happened in the parking lot in front, but that's out of my jurisdiction because that's totally away. What can I get involved in something like that because I could get sued, too? I guess the point that, I don't know what to do, right? Because that situation is out over there, of that place. I don't know if that involves us directly because I don't even know if they were customers. Probably one of those, they could be customers, but you don't ever know because our, every bar goes out. So it's difficult to know that they've actually been from us, we have several bars on our sides, too. So it's hard because that's, when that happens outside, it's way outside of us, not even close to us so-- I want some certain space and I'm sorry that I'm not here and I couldn't hear what all the other people should say about it, but I'm here if someone can tell me what's--

- [Mayor] Chief Smith?

- [Chief Smith] Yes, sir. Sir, I have to respectfully disagree that the place is being well-run. After spending an inordinate amount of time in the evenings at El Presidente, time and time again we have meetings on Monday where we talk the issues that were, not outside the bar, but inside of the bar, fights, arrests for underage drinking. Recently the Alcohol, Tobacco and Firearms confiscated several thousand dollars worth of alcohol that was being sold illegally inside of there.

- [Mr. La Porta] Recently?

- Yes, the neighbors have complained about noise that goes on way beyond the acceptable hours. The neighbors have also complained about the fights that spill outside of the parking lot. I've been there a couple of times myself and seen the crowds that are coming out of there and the fights that are occurring as people are leaving because of their level of intoxication. Are you aware that some of your neighboring businesses have actually focused their cameras on your business instead of their business because the problems in the front of that place are coming from El Presidente. Over and over and over again, my officers have been there to try and explain what you need to do to clean that business up. Over and over and over again, it has not happened. Were you not in the police station and talked to the officers, were you not invited to come down to the police station? Did they not explain to you several months ago what the issues were and why they were not getting resolved?

- [Mr. La Porta] Not really. What I asked them was to help me out, right? They talked even with the owner of the building. 'Cause the owner of the building didn't know about the meeting, either, so I'm like-- We talked, we directly, after that we never talked about any other situation 'cause there was not really any other situation in there. I don't know if he was

directly with us, sorry, but it's just that I have seen the place so different than it was when these people were running the place and the fights are lowered. I'm not saying that there's not little altercations with people, we try to separate them, take one out and hold the other one inside. Just in case so they can cool down and then we take the other one out, too. The problem is that we don't know if that people wait outside or get to a point they decide or in control, I cannot handle that part, what happens when we close and they just meet with other guys outside or something like that. And even like that, when there was a fight in the parking lot even my staff and I directly went. I was involved in it directly, went directly to stop them and we stopped them before something very, very, they were gonna commence.

- [Chief] Right, so to summarize, under age drinking, selling of illegal liqueur, open way beyond the hours that you're permitted to be open.

- [Mr. La Porta] Sorry, sorry for interrupting you, but that happened last year, you know.

- I'm not sure the exact date that happened.

- [Mr. La Porta] That was when this--

- [Mayor] Just a point of order--

- [Mr. La Porta] When that company was working with us.

- [Mayor] We don't want the back and forth, just an explanation from the Chief.

- So, underage drinking as I mentioned, the fights, the failure to cooperate with the officers after coming over there, you're using an inordinate amount of police resources in a city that's already strapped for the number of police. We have to spend a lotta time down at El Presidente because it's not being run right.

- [Mr. La Porta] But instead of taking my liquor license, why you guys don't help me to handle it?

- Well, technically we're not taking the liquor license, the thing here is to not renew the liquor license that you have because you have not demonstrated that you're a responsible business owner when it comes to having a liquor license.

- [Mayor] Attorney Chavez, could you just explain the process here a little bit?

- [Attorney Chaves] Yes, sir, so there, what happens today is, this is just a recommendation for non-renewal. After this, the owner of the establishment will receive a notice of the intent to non-renew and has 10 days to request an evidentiary hearing. Again, this is just a recommendation based on preliminary evidence. The full evidentiary hearing is when actual testimony can be provided and the discourse should happen. The law department has reviewed this and also recommends non-renewal. The reason being is that the number of citations that have been issued at this location are substantially higher than many other establishments within the city and I think this is probably the biggest problem for the city so far. The problem that we have is that the citations continue. So most recently there have been judgments against Mr. La Porta regarding disorderly house from June, allowing underaged to enter a licensed premise, also in June on a different date, having a disorderly house in September and then, most recently, in January, licensed premises open after hours. There've been instances where the property has had large fights occurring outside. There have been instances where with what just what has been happening with the Police Department, they are noting in their reports that they've had crowds of up to fifty people gathering outside, watching fights and so they've had, again, disturbances that are being referred to the DA. There've been minors being served, they have had minors served taken into custody and they've found being in possession of cocaine. There's been written warnings for maintaining a public nuisance. There's just been a lot of instances where there's problems and so because it is on-going and there doesn't seem to be any rectification, both the law department and the PD have recommended non-renewal at this point.

- [Mr. La Porta] Can I, sorry, can I?

- We can hear from you, yes.

- [Mr. La Porta] In my behalf, to talk, if you see all these citations and everything was when this company was running, again. This company got fired the end of September. After that, the only ticket that they had given me was because someone left the door open, I was taking the people out, there was-- I'm not gonna say if a confusion or not because if you see the timing that the ticket was given, I didn't wanna contest it anymore because I was tired of contesting the other citations that I had, I wasted a lot in lawyers already. Money that I don't have, so-- That citation they gave it to me at 2:32, I believe, it was. That was when we were kept inside of the premises myself, too, against my will, for 30 minutes and they did criminal checks on everybody that was in the place, all my employees and everything. After that, they release us for to leave. I didn't say nothing about it because I didn't want anymore problems, OK, I want to work, OK let's keep going and I don't say nothing, whatever. I didn't think it was appropriate the way that they handled it, to be honest. And I was not open to the public, the lights were open already, we were cleaning. But that was a ticket because the door was open downstairs and supposedly we were open, you know. They even had customers that were in the back, they pulled them back inside and they did the same thing to the criminal record to them. And people were scared, like why are they doing, why? 'Cause they took our licenses and I said, just let them do their job and we keep moving. And, well, they issued me the ticket because I couldn't be like open, but if you see the ticket was created at 2:33, how is it-- Because they did all this check up and all that, but it's OK, that's the only issue. I'm not gonna say nothing about the problem, the little problems because we were trying to handle it as we can and in the inside I have cameras. The police has all the right to review the cameras that I have when they request it. And issues, like big issues, believe me when these people had the restaurant this, not the restaurant the bar part of the restaurant because the restaurant doesn't give us any profit whatsoever. It's safe all the time, there's nothing go on. If you see the hours where this happened, it's the Saturday. I decided to shut down Fridays. He just keep one day so I can focus on it one day to see if it was actually viable to keep this. If not then to shut down the bar, that was my idea, right? But it's really hard to run a business in downtown. We don't have parking space, there's not a lot of business, to be honest, so basically in order for me to keep the restaurant alive, I needed the income from the upper part so shutting down the upper part, it was gonna hit like me really strong in the finances in the bottom part and probably shut down. I'm not sure if I can keep it or not. I need to, again, run numbers and see if I can do something about it. I know that I don't have the experience of the world to run the bar, but I'm trying to make it a lot of improvement. I have seen and, if you compare those, if you see those tickets when they were issued, that was a real issue, there was a real problem going on and I'm trying as much as I can to come in and try to see, I'm not from Green Bay so I don't know a lot of people and I need to start learning the people. That's why I go every Saturday, so I can know, OK, this one is this, so I can start knowing them and they respect more this place, too, when they know the place and they feel more comfortable in the place. It has always been my idea if I can not lower it to zero, it's better to close down the bar, I understand that. I'm in business, too, and I know that these usually need to be taken sometimes. And if it doesn't work out, we'll shut down the restaurant, something like that, but it's hard in the economy of someone 'cause we depend on that economy, you know and I don't know what else can I say, but I-- The security and the timeframes that happened, I can see a lot of improvement when people receive tickets and fights every night to lower, to almost lower the amount the more possible that I was able to in this timeframe. This last, I don't know what the experience that you had with that company we were dealing with, have you heard about them? 'Cause they're like leaches, they go into each business and start like and I didn't know about that and that affect me. And I let myself guide

through them because I believed they had the experience running a place like that, but they didn't and now I'm paying for all their mistakes. I'm paying now in this process or this time. I'm still fighting for the mistakes of them. I try to fix everything, but it keeps puffing out.

- [Mayor] Thank you.

- And I'm sorry.

- [Mayor] Thank you for your public testimony. I appreciate that. I'll entertain a motion.

- [Alder] So moved.

- [Alder] Motion to return to regular--

- [Mayor] Motion to return to regular--

- [Alder] I have a request to speak.

- [Mayor] Oh, questions for--

- [Alder] I have a request to speak.

- [Barbara] I also have a request to speak.

- [Mayor] Alder from the First.

- [Barbara] Thank you. Are you saying that the majority of these things happened when you were not the owner of this--

- [Mr. La Porta] No, no, I was like in a partnership, too, but I was not that responsible party. So when we took the other party was starting to get out of the picture because they couldn't handle the business, when I got in, I entered a bunch of problems like financial problems from the place.

- [Barbara] OK, but no, let me just narrow the question down. When the interactions with the police department took place, were you responsible for this business?

- [Mr. La Porta] I was responsible, but I hire a company to run this and the company--

- [Barbara] And the company you hired, was not doing a good job--

- [Mr. La Porta] Yes.

- [Barbara] But you still were the responsible person, that's the clarification I needed, thank you.

- [Mayor] Alder from the Fourth.

- [Bill] Thank you, Your Honor. Sir, so you don't own the building.

- [Mr. La Porta] The building? No.

- [Bill] You own the business. And how long have you owned this business?

- [Mr. La Porta] OK, when we start, I started investing in the place with another person. They actually had another person.

- [Bill] OK, so how long have you owned the business?

- [Mr. La Porta] Two years?

- [Bill] Two years and how long has Dubline been operating the business?

- Dubline? Oh Dubline operated, it started... OK, when I took over, because I wasn't taking any management, I was the signing partner in that equation. I took it in March of last year. That's when I took it and I hired this company because I didn't know how to run the upper part of the bar, of the restaurant. I hired this company to run it and they took these issues. The problem is I wasn't here, but that's what the police officers told me, like you need to be here. They told me you need to be here, and they--

- [Bill] So for seven months Dubline ran the operation and then you--

- And then I took over.

- [Bill] And you took over in September, OK.

- And then I took it over, it was like, starting from October.

- [Bill] OK and so you did know stuff was going on 'cause the officers got a hold of you and they told you that you needed to be there.

- And I keep approaching and they keep saying, telling me that it was lies and everything, but I--

- [Bill] All right, thank you and then fights, underaged drinking, disorderly house for those of you in Council don't know, disorderly house means that it is such a large disturbance that the police department is forced to shut the entire business down at that moment, OK. And that's more than once that that happened there. And since then, it sounds like there's been other problems with alcohol consumption. And Wisconsin has a culture of drinking, but you're responsible, when those people are served so much alcohol that they're engaging in fights and altercations with other patrons and people outside, that's your responsibility. You can't stay and wash your hands at the door as they walk out and then start starting problems. That's your responsibility. If you're overserving 'em, that's your responsibility.

- Yeah, what the police told me is whatever is in front, you can actually act if they get out of your-- It's hard like because if you touch someone, you will get involved like into a--

- [Bill] You're still the one that fed 'em the booze in the establishment, you gave it to 'em, you sold it to 'em, you made a profit, that's your responsibility and what they do outside that bar and there are statutes in the state of Wisconsin holding you responsible to how much you serve people and if you don't have your staff trained and have policies in place that control that, that's still your responsibility. Just like if you have a party at your house and guests come over to your house and they go outside and start problems, it's your responsibility and this is our community and we care about it and that's why we're taking the action we're taking tonight. But you're saying it's not really your fault that this Dubline company ran, and had all these problems, but when does it become your responsibility?

- [Mr. La Porta] No, it is my responsibility. I'm not saying it's not my responsibility. It was my responsibility to hire them, the same thing I got rid of them because I need to take them out, you know, I do accept that it's my responsibility, I'm not saying I'm not responsible because being the owner of the place makes me responsible.

- [Bill] Alright.

- And I need to take actions. In this case, what I'm asking is, if I need to take an action of closing the bar, I can take that action. It's not like, I always told the officers, if one point, just let me know if it's getting out of control--

- [Bill] That's not the officer's responsibility to show up at your door and tell you it's time to close it down or tell you how to manage your business, if I could ask a question of Attorney Chavez. How many citations, do you know, have been issued since September?

- Oh I don't have them broken down by date, but I can tell you that I have at least a disorderly house in September and a licensed premises open after hours in January and I believe there was one after that, but I don't recall what it was. I think one recently, like April.

- [Mr. La Porta] Alright, and that was the one I was explaining about, the timing.

- [Bill] OK and I'll tell ya, my experience has been that when we have problem bars, you need to look at the management and the management either cleans it up or it doesn't. The city's saying you shouldn't have your license renewed. You've used up your chances to start operating this business and I'm afraid, sir, I'm gonna support that at this point.

- [Mr. La Porta] Even though if I shut the upper bar?

- [Bill] You know, if you wanna come back and try and re-open your business as a different kinda business, as a restaurant only, certainly, I would look at that, but we've had this problem before where we've had businesses in this community that have operated as quasi-restaurants/ bars and there's always this balance of how much do they have to have in food sales, how much do they have to have in liquor sales? And it has always bit this community in the butt. And we've ended up time and time again eventually shutting these places down after repeated police calls, community complaints, people being injured, things like that and it never works when they try to operate a bar/restaurant. Either it has to be run as a restaurant and no bar and I mean, I don't know if that's possible.

- [Mr. La Porta] What if I bring it to you guys that I only operate during the hours of a restaurant, that it should be only restaurant?

- Well, that's something you can appeal at this point, but we're not open at this point to be negotiated and this is something that should've been done at the Protection and Policy level and I'm not sure why you weren't there or why you weren't aware of it 'cause it certainly sounds like you've been in charge since September. Sounds like you've been getting notified by the police since September so why you weren't aware of this, I'm not sure, but that's something you should look into and if that's grounds for appeal, I encourage you to appeal, alright? Thank you.

- [Mayor] Thank you, sir, I'll entertain a motion.

- [Randy] Motion to close the floor.

- [Craig] Second!

- [Mayor] Motion to close the floor made by Alder from the Seventh, seconded by Alder from the Fifth. All in favor say aye.

- [Council] Aye.

- [Mayor] All opposed nay. The ayes have it. Alder from the Seventh?

- [Randy] Yes, and it's not only the police and legal are concerned, many of the businesses I've heard from along there are very concerned and I would recommend that the owner-- He's got his time to appeal, get a lawyer, appeal, talk to staff and get his ducks in a row. And follow through that process and we can see what can be done, I don't know what can be done. We could take a look at it, but for now I certainly support the denial, thank you.

- [Mayor] Any further discussion? Entertain a motion on Item 27?

- Move to denial.

- [Mark] I'll second that.

- [Mayor] Motion made by Alder from the Seventh, seconded by Alder from the Tenth to approve the non-renewal of the license. All in favor signify by saying aye.

- [Council] Aye.

- [Mayor] All opposed nay. The ayes have it.

- Motion to adjourn. Motion to adjourn made by Alder from the Seventh,

- [Mark] Second.

- [Mayor] Seconded by Alder from the Tenth, all in favor signify by saying aye.

- [Council] Aye!

- [Mayor] All opposed nay. We are adjourned.