



AGENDA OF THE COMMON COUNCIL

**TUESDAY, MAY 21, 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 May 7, 2019 meeting.
- E. Approval of the Agenda.**
- F. Report by the Mayor.**
- G. Announcements.**
- H. Recognitions and Awards.**
- I. Appointments.**
 - I. New Appointment :
Economic Development Authority
John Calewarts, 115 E. Walnut, Apt. 714, Green Bay, WI 54301
Term to expire: June 1, 2022
- J. Public Hearings.**
 - I. Resolution authorizing conditional use approval at 1004 Brett Favre Pass.
- K. Report of the Redevelopment Authority (May 7, 2019).**

1. To approve amending the Professional Services Agreement with Stantec Consulting Services, Inc., to prepare a Project Plan for the Shipyard at a cost not to exceed one million dollars (\$1,000,000.00).

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2. To approve amendment(s) to and Obligations of Developer for Development Agreement 19-01 with TWG Development, LLC, and DDL Holdings, LLC, for Broadway Lofts @ the Rail Yard at 420 N. Broadway (Parcel 5-1756), subject to minor legal and technical revisions.

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3. To receive and place on file the update 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).

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4. To approve and recommend to the Common Council an Analysis of Impediments to Fair Housing Study.
5. To approve the report of the Funding Administration Subcommittee meeting May 2, 2019, approving the draft 2019 Annual Action Plan and funding recommendations with the amendments as discussed for the 2019 Community Development Block Grant allocations.

L. Resolutions.

1. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for installation of concrete pavement.
2. Resolution ordering sidewalks reconstructed and issuing 60-day notices.
3. Resolution authorizing conditional use approval at 1004 Brett Favre Pass.

4. Resolution regarding vacation of a portion of public right-of-way, Padi-Wood Lane.
5. Resolution authorizing release of utility easement for 1060 Gray Court.
6. Resolution drawing final orders to contractors for May 21, 2019.
7. Resolution accepting and implementing 2019 analysis of impediments to fair housing.

M. Report of the Improvement & Services Committee (May 14, 2019).

1. To approve request by owner of Parcel 22-SC490 to subdivide parcel, redistribute currently deferred assessments for sanitary and water main to resulting subparcels, and defer resulting allocated assessments until each subparcel is sold, developed, or until October 19, 2024, whichever comes first.
2. To receive and place on file request by Ald. Lefebvre to look at curbside bulk and overflow pickup.
3. To approve land lease extension for current Department of Public Works West Side Yard Waste Center site and allow the Department of Public Works to execute the lease amendment.
4. To accept the report of the award of contract EATON HEIGHTS 2ND ADDITION PHASE I to the low responsive bidder, Jossart Brothers, Inc., in the amount of \$1,176,563.50.
5. To approve request by Department of Public Works to authorize Department of Public Works to award contracts in the 2019 Capital Improvement Program at a staff level subject to the following conditions:
 - A. Delay in bringing forward a recommendation to award at the next regularly scheduled Committee meeting would result in an unacceptable delay in starting construction.
 - B. Any projects so awarded would be reported out at the next regularly scheduled meeting of the Improvement and Services Committee.
6. To approve the award of the following contracts:
 - A. GREEN BAY WATER UTILITY DREDGING OF SLUDGE LAGOON NO. 2 to the low responsive bidder, Express Excavating, Inc., in the amount of \$79,712.50.
 - B. PARKING RAMP REPAIRS - 2019 to the low responsive bidder, Central Restoration LLC, in the amount of \$539,700.
 - C. PARKS PROJECT 3-19 (COLBURN PARK POOL AND BATHHOUSE RENOVATIONS) to the low responsive bidder, Howard Immel, Inc., in the amount of \$2,500,000.
 - D. PAVEMENT 2-19 to the low responsive bidder, Vinton Construction Co., in the amount of \$1,165,678.46.

7. To approve applications for Concrete Sidewalk Builder Licenses by the following:
 - A. Evraets Concrete Construction LLC
 - B. Green Bay Concrete LLC
 - C. Weidner Concrete Construction LLC
8. To approve applications for Tree & Brush Trimmer Licenses by the following:
 - A. Fall-Rite Services LLC
 - B. Monster Tree Service
9. To approve application for Underground Sprinkler System License for Lizer of Wisconsin, Inc.
10. To approve request by Department of Public Works to grant licenses for Concrete Sidewalk Builder, Tree & Brush Trimmer, and Underground Sprinkler System at a staff level until September 17, 2019.
11. To approve request by Brian Milz, 512 Ontario Road, for a sidewalk study on Ontario Road and have staff perform the sidewalk study and report out results of the study at the June 12, 2019 Improvement and Services Committee meeting.

N. Report of the Protection & Policy Committee (May 13, 2019).

1. To approve General Ordinance 14-19, an ordinance creating Section 40.14 relating to community service as a penalty.
2. To approve a change of agent for Bay Motel and Family Restaurant, Inc. at 1301 S. Military Ave. with an effective date of 7/1/2019.
3. To approve a renewal application for the 2019-2020 license year for Bay Motel and Family Restaurant, Inc. at 1301 S. Military Ave., pending the approval of the change of agent at the May 21 Common Council meeting and with the approval of the proper authorities.
4. To approve a change of agent for The Daily Buzz LLC at 130 E. Walnut.
5. To approve a renewal application for the 2019-2020 license year for The Daily Buzz LLC at 130 E. Walnut St., pending the approval of the change of agent at the May 21 Common Council meeting.
6. To approve an application for a 6-month Class "B" Beer License for De Pere Dodgers Baseball Club, Inc. at 1450 E. Walnut St. with a licensed premises description as "Joannes Stadium (inside the fence)," with the approval of the proper authorities.
7. To approve an application starting in the 2019-2020 license year for a Class "B" Beer and "Class B" Reserve liquor license for Old Bavarian Brewing Company, LLC at 1583 Main St. with a licensed premises description as "existing bar and serving areas," with the approval of the proper authorities.
8. 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.

9. To refer to staff to investigate the legal angles of notifying residents of affected properties and to have a rough draft letter to present at the next council meeting for consideration on the request by Ald. Brunette, which reads: "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 overarching concern is for the City and the Oneida Nation-in goodwill- 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," previously held at the April 8 Protection & Policy meeting.
10. To refer to staff a request by Ald. Scannell for legal to work with inspection to either amend or write an ordinance protecting property owners from their neighbors runoff.
11. To hold until staff can report back to the committee an update on the request by Ald. Wery to review/action on changes to the Ethics Code policy and ordinance as recommended by outside Counsel.
12. To hold until the next meeting a request by Ald. Wery which states: "To request a report of police call volume on Western Ave. from Oneida to Taylor. What addresses are habitual problems, have nuisance plans and bills for service been issued? Develop a plan moving forward to reduce the number of police calls to this area."
13. To refer to staff a request by Ald. Johnson on the creation of a SafePark initiative that permits overnight parking for those who may have consumed too much alcohol in an effort to deter drunk driving incidents.
14. To grant final approval authority to the Protection and Policy committee for liquor license applications, liquor license amendments and operators licenses from May 21, 2019 through October 1, 2019.
15. To receive and place on file the Liquor Violation Report from the Police Department for May 13, 2019.
16. To receive and place on file the Report from the Water Utility Department regarding the lead pipe removal project.

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

1. Report of the Protection & Policy Committee granting Operator Licenses, valid until June 30, 2020.
2. Report of the Protection & Policy Committee granting Operator Licenses, valid until June 30, 2021.

P. Report of the Plan Commission (May 13, 2019).

1. To amend an existing Planned Unit Development (PUD) boundary to include the northeast corner of Shawano Avenue and North Taylor Street for the construction of a Prevea Clinic in the 1850 Block Shawano Avenue, subject to the amended Planned Unit Development District Ordinance (PUD).

2. To rezone 1132 West Mason Street, 1134 West Mason Street and a portion of 1136 West Mason Street from Public Institutional (PI) to General Commercial (CI).
3. To authorize a Conditional Use Permit (CUP) to permit a limited production and processing use at 1136 West Mason Street, submitted by Jerome James, subject to standard site plan review.
4. To approve the appointment to the Broadway Business Improvement District (BID) Board, as nominated by the BID and approved by Mayor Genrich.
5. To vacate a portion of right-of-way, Padi-Wood Lane, subject to: the existing right-of-way area shall be retained on the City's Official Map.
6. To discontinue an easement located at 1060 Gray Court, subject to the following condition: Requestor shall provide legal description of Easement Discontinuance area at their expense.
7. To amend Chapter 13-2021 to permit video display signs within the Public Institutional (PI) District.
8. To refer to staff a request from Ald. Kathy Lefebvre to consider an exemption/conditional use to allow storage unit expansion, cleaning up & improvement of the property at 1725 N Irwin Avenue.

Q. Report of the Park Committee (May 14, 2019).

1. To receive and place on file the review of the bids and budget for the Colburn Pool Renovations.
2. To approve allocating \$170,000 from the existing beach funding for an amendment to the scope of work for Patrick Engineering to complete the engineering associated with the beach, pier and boardwalk project at Bay Beach Amusement Park.
3. To approve the request by OnBroadway Inc. to allow the sale of alcohol (beer and malt beverages only) and concessions at Leicht Memorial Park on Tuesday nights, June 18 – August 27, during the Levitt Concert Series.
4. To move forward as directed in closed session on the purchase of 1705 East Shore Circle (Parcel 21-439) for the expansion of Bay Beach Amusement Park.

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R. Report of the Personnel Committee (May 14, 2019).

1. To approve request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Sewer Maintenance Worker (3) - Public Works
 - b. Public Works Superintendent (Streets) - Public Works
2. To approve request to reorganize the Mayor's office staff positions.
3. To approve as amended at Committee the amendment of City of Green Bay Personnel Policy Chapter 9, Hours of Work and Fringe Benefits, to include policy regarding a Volunteer Time Off Program.
4. To approve amendment of City of Green Bay Personnel Policy Chapter 9, Hours of Work and Fringe Benefits, Section 9.2, Hours of Work, to include policies regarding Flex Scheduling and a Summer Work Schedule.

S. Report of the Sustainability Commission (May 8, 2019).

1. Refer to the Law Department to draft an ordinance which would create an outright ban on coal-tar sealants, utilizing model legislation provided by advocacy groups, and to draft a resolution advocating for a state-wide ban on coal-tar sealants, which would be sent to the Wisconsin State Legislature.

T. Receive and Place on File.

1. Municipal Court Report for April 2019.

U. Report of the Finance Committee (May 8, 2019).

1. To approve the designation of the Green Bay Press Gazette as the Official Newspaper for the City of Green Bay for the approximate annual amount of \$51,000.
2. To receive and place on file the request by Ald. Wery that all departments submit time spent and resources used by any current or former employee on Mayor Schmitt's private going away (retirement) party. All time and resources used are to be billed to Mayor Schmitt. I am requesting the City of Green Bay inquire into whether City resources of any kind will be needed for Schmitt's retirement party, especially if a public fireworks display takes place.
3. Recommend to not sign the Brown County Tax Collection Agreement for December 2019 to February 2020. City to pursue collecting first installment.
4. Information, update, and discussion on the five year combined Capital Improvement Plan.
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 proceed with action as directed in closed session on initiating negotiations for intergovernmental agreement with the Oneida Nation, including revisiting the following Notices of Decision from the US Dept of the Interior regarding the intent to take land into trust: Kuffel, Bruss, Syndergaard, Kolb, Kelley, Howey, Duquaine, Cornelius, Kestell, Baumgart, Orlando, and Debenedetto parcels.

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V. Committee of the Whole

1. Consideration with possible action on the Notices of Decision from the US Dept of the Interior regarding the intent to take land into trust – DePetro and Overly parcels.

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W. Ordinances - First Reading.

1. General Ordinance 14-19
An ordinance creating Section 40.14 relating to community service as a penalty.
2. Zoning Ordinance 2-19
An ordinance amending Zoning Ordinance No. 20-07 to permit the expansion of the Planned Unit Development Overlay District boundary for the St. Mary's Hospital corridor located at the northeast corner of Shawano Avenue and Taylor Street.
3. Zoning Ordinance 03-19
An Ordinance rezoning property located at 1132 West Mason Street, 11347 West Mason Street and a portion of 1136 West Mason Street from Public Institutional (PI) District to General Commercial (CI) District.
4. General Ordinance 15-19
An ordinance amending Section 13-2021, Green Bay Municipal Code video display signage.

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.