



AGENDA OF THE COMMON COUNCIL

**TUESDAY, JUNE 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 May 21, 2019 meeting.
- E. Approval of the Agenda.**
- F. Report by the Mayor.**
- G. Announcements.**
- H. Presentations**
 - I. Presentation of the Safe Walk & Bike Plan, completed with City of Green Bay, Green Bay Area Public School District and Toole Design Group.
- I. Appointments.**

I. **New Appointment:**

Broadway Business District (BID) Board

Kelly Ranck, 340 N. Broadway, Green Bay, WI 54303

Term to expire: December 31, 2019

Sustainability Commission

John D. Arendt, 726 Sunrise Lane, Green Bay, WI 54301

Term to expire: August 21, 2020

Green Bay Public Arts Commission-Liaison

Matt Vanden Boomen, 600 James Street, Apt. 108, De Pere, WI 54115

Term to expire: March 22, 2021

J. **Public Hearings.**

I. Zoning Ordinance No. 02-19

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.

2. 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.

3. Resolution authorizing conditional-use approval at 1136 West Mason Street.

4. General Ordinance 15-19

An ordinance amending Section 13-2021, Green Bay Municipal Code video display signage.

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

I. 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.

2. 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.

3. General Ordinance 14-19

An ordinance creating Section 40.14 relating to community service as a penalty.

4. General Ordinance 15-19

An ordinance amending Section 13-2021, Green Bay Municipal Code video display signage.

L. **Report of the Plan Commission (June 10, 2019).**

1. To amend the Planned Unit Development (PUD) for the Legacy District, Tony Canadeo Drive, submitted by the Department of Community & Economic Development, subject to the amended Planned Unit Development District Ordinance (PUD).
2. To authorize a Conditional Use Permit (CUP) to allow for a detached garage to exceed both the height and area limitation in Chapter 13-615, Green Bay Zoning Code at 3071 Gothic Court, subject to:
 - a. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval.
 - b. Continuance of similar style of architecture, exterior construction material, and color of the structure.
3. To authorize a Conditional Use Permit (CUP) to permit two free-standing parking lots in the 400 to 500 Block of South Broadway, subject to:
 - a. Standard site plan review and approval all applicable standards listed in Chapter 13, Green Bay Zoning.
4. To rezone 2324 University Avenue from General Commercial (C1) to Highway Commercial (C2) to permit the construction of a Burger King restaurant.
5. To amend Chapter 13-509 to permit the installation of a ramp for access to a structure to be compliant with American with Disabilities Act (ADA).
6. To approve the Safe Walk & Bike Plan, completed with Green Bay Area Public School District and Toole Design Group as proposed in the provided draft.
7. To receive and place on file the request from Ald. Andy Nicholson to rename Spring Street.
8. To refer to the Protection and Policy Committee the request from Ald. Barb Dorff to research and create a fair housing ordinance for the City of Green Bay.
9. To refer to staff the request from Ald. Barb Dorff to incorporate the findings of the analysis of impediments to fair housing into the Comprehensive Plan.
10. To receive and place on file the 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.

M. Report of the Redevelopment Authority (June 4, 2019).

1. To approve the Final Resolution Regarding Exempt Facility Variable Rate Demand Redevelopment Revenue Bond Financing for Green Bay Packaging Inc. Project.

2. To approve Development Agreement 19-02 with The Legacy Green Bay, LLC, for the Legacy Hotel at 1004 Brett Favre Pass (Tax Parcel 1-1841-C-2), subject to minor legal and technical clarifications.

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.

3. To approve the proposed Industrial Revenue Bond Fee Schedule.

N. Report of the Improvement & Services Committee (June 12, 2019).

1. To approve request by Danielle Klaus to rescind the snow and ice removal charge of \$74.08 at 1414 East Mason Street.
2. To approve results of sidewalk study on Ontario Road and order sidewalk installed at 436 Ontario Road and prepare sidewalk resolutions for 436, 450, 484, and 490 Ontario Road and 3093 Beth Drive.
3. To hold request by Ald. Scannell, on behalf of Jon-Thomas Korntved, for 8 additional overnight parking exemptions at 868 1/2 Dousman Street.
4. To receive and place on file request by Ald. Brunette for Public Works to provide an up to date account of revenue and expenditures of the Wheel Tax.
5. To have Department of Public Works, Green Bay Metro Fire Department, and Green Bay Police Department prepare a communication plan for man made and natural disasters to help our citizens have as much time as possible to preserve life and property.
6. To receive and place on file request by Ald. Galvin for an update on when the plan to bring sidewalks up to code will be ready.
7. To adopt a resolution approving the annual Compliance Maintenance Annual Report (CMAR), authorize the Mayor and City Clerk to execute the resolution, and authorize the Director of Public Works to submit the report to Wisconsin Department of Natural Resources.
8. To approve request by Department of Public Works to enter into Intermunicipal Agreement for Reciprocal Aid with surrounding municipalities.
9. To approve request by Speedy Clean, Inc. to enter into an annual Hold Harmless Agreement for access to the City of Green Bay sewer system to conduct inspection of the sewer mains and laterals.

10. To approve the report of actions taken by Department of Public Works

A. Award of contracts

1. To approve to award contract PAVEMENT 3-19 S. CHESTNUT AVENUE RECONSTRUCTION to the low responsive bidder, Advance Construction, Inc., in the amount of \$922,751.

2. To approve to award contract PAVEMENT 4-19 HAVEN PLACE RESURFACING to the low responsive bidder, MCC, Inc., in the amount of \$165,521.25.

3. To approve to award contract RETAINING WALL CONSTRUCTION - BLONDE AVENUE to the low responsive bidder, Highway Landscapers Inc., in the amount of \$86,020.50.

B. Granting of Licenses

1. Sidewalk Builder

- a. Blaser Construction
- b. Christensen Concrete
- c. Fischer Concrete LLC
- d. Melnarik Concrete, Inc.
- e. Q3 Contracting, Inc.

2. Tree & Brush Trimmer

- a. Asplundh Tree Expert LLC
- b. Jose Rodil Herrera
- c. Urban Tree Service

3. Underground Sprinkler System for RainMaster Irrigation, Inc.

C. To conditionally approve the applications contingent upon a positive review of references

1. Sidewalk Builder

- a. Crete Workx Green Bay LLC
- b. Total Construction DBA Joe Mains Concrete

11. To receive and place on file the report of the emergency sanitary sewer repairs at Radisson Street and North Quincy Street.

12. To receive and place on file the report of emergency action taken to restore damage to North Broadway from Dousman Street to Mather Street.

13. To receive and place on file the report on execution of contract for professional services associated with Taylor Street bridge replacement design.
14. To order improvements completed and assessments levied for the project WATER MAIN AND/OR WATER SERVICES SPARTAN ROAD – Humboldt Road to Luxemburg Road; to defer assessments against Parcel 21-395 until developed; to defer assessments against the undeveloped portion of Parcel 21-394 (approximately 191 front feet) until developed.

To order improvements completed and levy assessments for the project CONCRETE PAVEMENT NORTH WEBSTER AVENUE – Main Street to East River.

O. Report of the Protection & Policy Committee (June 10, 2019).

1. To hold until the July 8 Protection & Policy meeting an appeal by Everett Butzine, 1621 14th Ave., regarding his dog Henry being declared dangerous.

The Council may convene in closed session pursuant to Section 19.85(1)(a) Wisconsin Statutes for the purpose of deliberating a case which may be the subject of a quasi-judicial trial or hearing before that governmental body. The Council may, thereafter, reconvene in open session pursuant to Section 19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

2. To hold until the July 8 Protection & Policy meeting an appeal by Eric Chang at 830 Howard Street regarding invoice 19001317.
3. Informational: To approve a request by Tenet, LLC at 2475 W. Mason St. to amend their licensed premises suspending the ordinance requirements for an outdoor licensed premises and to approve the proposed outdoor premises as proposed, pending the approval of the proper authorities. (The Protection & Policy Committee took final action at the June 10 meeting).
4. Informational: To approve a request by 304 N. Adams Green Bay, LLC at 304 N. Adams St. to amend their liquor license to include outdoor seating/serving in the City right-of-way (The Protection & Policy Committee took final action at the June 10 meeting).
5. Informational: To approve a request by Richard Craniums at 840 S. Broadway to temporarily extend their licensed premises to their parking lot on June 13, 16, 20 and 23 (subject to complaint) and hold decision on the remainder of the requested dates (June 27, 30; July 4, 7, 11, 14, 18, 21, 25, 27; August 1, 4, 8, 11, 15, 18, 22, 25, 29; September 1) until the June 24 Protection & Policy special meeting. (The Protection & Policy Committee took final action at the June 10 meeting).
6. To approve the request by Green Bay Sportservice, Inc. at 1265 Lombardi Ave. to temporarily extend their licensed premises to the parking lot on September 14, 2019 for a one-day special event, subject to complaint.
7. Informational: To approve a request by Pepper at 114 S. Broadway to temporarily extend their licensed premises to their parking lot on June 22, 2019 for a charity event, subject to complaint. (The Protection & Policy Committee took final action at the June 10 meeting).
8. To approve the change of agent by Kwik Trip 115 at 515 W. Walnut St.

9. To approve the change of agent by Aardvark Wine Lounge, LLC at 304 Pine St. for the 2019-2020 license year, with the approval of the proper authorities.
10. To approve the renewal application for a "Class B" Combination license by Aardvark Wine Lounge, LLC at 304 Pine St. for the 2019-2020 license year, pending the approval of the change of agent at the June 18 Common Council meeting and with the approval of the proper authorities.
11. 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.
12. Informational: To approve an appeal by Roberto Rebolledo regarding the denial of his operator's license (The Protection & Policy Committee took final action at the June 10 meeting).
13. Informational: To approve an appeal by Elizabeth Perrine regarding the denial of her operator's license. (The Protection & Policy Committee took final action at the June 10 meeting).
14. To hold until the July 8 Protection & Policy Meeting a request by Ald. Wery which states: "To request a report a 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."
15. To hold until the July 8 Protection & Policy meeting a request by Ald. Galvin to have a procedure for alders to be notified when petitions and communications are going to be addressed at the committee level for staff to get information how much each late communication costs.
16. To receive and place on file the Liquor Violation Report from the Police Department for June 10, 2019.

P. Protection & Policy Evidentiary Hearing Non-Renewal of El Presidente. (May 22, 2019)

- I. To non-renew the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor License for the licensed premise El Presidente Green Bay LLC c/o Marco M. La Porta, President/Agent 219 N. Washington St.

The applicant has the right to demand that the hearing be held in open session or in closed session. The Council may convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) for the purpose of considering information with respect to licensing for a person. The Council may also convene in closed session pursuant to §19.85(1)(a) Wisconsin Statutes for the purpose of deliberating a case which may be the subject of a quasi-judicial trial or hearing before that governmental body. The Council may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

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

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

R. Report of the Finance Committee (June 11, 2019).

1. To award a contract to BEST Enterprises, LLC for \$26,379 for the demolition of a structure at 1286 E Mason St.
2. To receive and place on file the report from IT regarding the study and fixes for the ongoing issues with the Civic Clerk Program as requested by Ald. Galvin.
3. Refer to staff to gather additional information on the five year combined Capital Improvement Plan and 2019 Bonding for another meeting to be held on June 18th, 2019 at 3:00 PM.
4. To proceed as directed in closed session on licensing the Green Bay Electronics Record Program (GERP) to Brown County.

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5. To receive and place on file the report of the Claim 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.

S. Report of the Park Committee (June 11, 2019).

1. To refer to staff to work with user group to develop a plan and fundraising goal for installing pickleball courts on the west side of Green Bay and bring the recommendation back to the Park Committee for discussion.
2. To receive and place on file the request by Ald. Wery to discuss the progress and future plans for Little League and Babe Ruth ballfield facilities on the west side of Green Bay.
3. To proceed as directed in closed session on the purchase of 1705 East Shore Circle (Parcel 21-439) for the expansion of Bay Beach Amusement Park.

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 19.82(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

4. To refer to City Council with no recommendation on the request by Ald. Lefebvre that as the Park Department has no policy on notification of residence/neighbors of major additions or alterations that would directly affect them, I'm therefore asking for a policy or ordinance be put in place.
5. To receive and place on file the request by Ald. Wery to discuss how to enable free WIFI access (or increased bandwidth) during all city committee and council meetings, or always have free WIFI at City Hall.
6. To approve a resolution in support of a DNR Stewardship grant application for \$625,000 to construct a beach, pier, boardwalk, bathhouse and parking lot at Bay Beach Amusement Park.
7. To approve a resolution in support of a DNR Stewardship grant application for \$123,000 for the purchase and installation of a pedestrian bridge in the Baird Creek Greenway.
8. To approve accepting a \$100,000 grant from the Wisconsin Coastal Management Program for the construction of the shoreline improvement project at Bay Beach Amusement Park.
9. To approve hiring Ruekert & Mielke for \$37,500 to complete storm water management engineering for Bay Beach Amusement Park.
10. To receive and place on file the update on closing Colburn Pool for the 2019 pool season due to unforeseen mechanical issues.

T. Report of the Personnel Committee (June 11, 2019).

1. To hold request by Ald. Galvin to examine and determine salary and benefits for the Oak Learning Center at the Wildlife Sanctuary to see if other funding sources can be used to get their pay and benefits closer to GBAPS salaries and benefits.

U. Report of the Public Arts Commission (May 22, 2019).

1. To approve the Annual Grant Program application from No Limits to the amount of \$600.
2. To recommend selecting art submissions # B1, D1, F1, G1, G3, J2, K1, L1, L6 for the Military Avenue Utility Box Artwork project.
3. To recommend the poem selection adult submissions A1, A3, A5, A7, youth submission Y28, and Denise Sweet's D2 for the sidewalk poetry project all with suggested edits.

V. Report of the Traffic, Bicycle, and Pedestrian Commission (May 20, 2019).

1. To receive and place on file the report by the Police Department of the 2019 1st quarter serious injury and fatality crashes.
2. To paint solid yellow no passing center lines on Ontario Road from Finger Road to Sitka Street.

3. To refer to the Improvement & Services Committee to develop a plan with timeline to install sidewalks in high need areas which includes a cost share mechanism between the City and property owners.
4. To receive and place on file the request for a study to determine if a STOP sign should be installed on Ontario Road at either Windland Drive or Eastbreeze Lane to help curb speeding.
5. To deny the request to establish a 4-WAY STOP condition at the intersection of Shirley Street and Locust Street.
6. To receive and place on file the request to establish a 3-WAY STOP condition at the intersection of Western Avenue and Maryhill Drive.
7. To refer to staff the request to discuss change in the customer pick-up and parking policy on Washington Street.
8. To receive and place on file the request on behalf of west side residents for a full traffic study of Liberty Street & Fisk Street area as residents are concerned about their safety.
9. To receive and place on file the request on behalf of the Western Corridor Neighborhood Association to discuss the Ben Edinger Trail crossing at Shawano Avenue.

W. Report of the Economic Development Authority (June 3, 2019).

1. To approve the disposition of 929 North Broadway (Tax Parcel 18-502) to Modern Built LLC for use with the Redevelopment Authority's New Homes in Your Neighborhood program.

X. Receive and Place on File.

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

Y. Resolutions.

1. Consideration of Resolution Approving Issuance of Redevelopment Authority of the City of Green Bay, Wisconsin Exempt Facility Variable Rate Demand Redevelopment Revenue Bonds, Series 2019 (Green Bay Packaging, Inc. Project).
2. Resolution authorizing conditional-use approval at 1136 West Mason Street.
3. Resolution adopting the Safe Walk & Bike Plan.
4. To approve a resolution in support of a DNR Stewardship grant application for \$625,000 to construct a beach, pier, boardwalk, bathhouse and parking lot at Bay Beach Amusement Park.
5. Final resolution authorizing water main and/or water services and levying special assessments against property.

6. To approve a resolution in support of a DNR Stewardship grant application for \$123,000 for the purchase and installation of a pedestrian bridge in the Baird Creek Greenway.
7. Final resolution authorizing concrete pavement improvements and levying special assessments against property.
8. Resolution approving the Wisconsin Department of Natural Resources NR 208 - Compliance Maintenance Annual Report.
9. Resolution approving Hold Harmless Agreement with Speedy Clean, Inc. to conduct inspection of sewer mains and laterals.

Z. Ordinances - First Reading.

1. Zoning Ordinance No. 4-19
An ordinance rezoning property located at 2324 University Avenue from General Commercial (C1) to Highway Commercial (C2).
2. Zoning Ordinance No. 5-19
An ordinance amending planned unit development ZO 12-11 Zoning Certain Lands located in the 900 and 1000 blocks of Lombardi Avenue and Tony Canadeo Run.
3. General Ordinance No. 16-19
An ordinance amending Section 13-509 Green Bay Municipal Code permitted set back encroachments.

AA. Committee of the Whole.

1. Consideration with possible action on initiating litigation against opioid manufacturers for potential violations of law in the marketing, sale, and distribution of opioids.

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.

BB. Referral of Petitions & Communications.

CC. Adjournment.

DD. 15 Minute Break

- 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.