



MINUTES OF THE COMMON COUNCIL

**TUESDAY, JUNE 18, 2019, 6:00 PM
COUNCIL CHAMBERS
ROOM 203, CITY HALL**

A. ROLL CALL.

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

B. PLEDGE OF ALLEGIANCE.

C. INVOCATION.

D. APPROVAL OF MINUTES.

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

I. Approval of the minutes of the May 21, 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.

G. ANNOUNCEMENTS.

H. PRESENTATIONS

Planner Stephanie Hummel gave the presentation.

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

Moved by Ald. Brian Johnson, seconded by Ald. Randy Scannell to confirm the appointments. Motion carried.

Kelly Ranck was not confirmed - scrivener's error.

J. PUBLIC HEARINGS.

No one appeared to speak on the ordinances or resolution.

1. 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 (C1) 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.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to suspend the rules to adopt ordinances 1 through 4 with a roll call vote. Motion carried.

Moved by Ald. Mark Steuer, seconded by Ald. Randy Scannell to adopt ordinances 1 through 4. Motion carried.

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

1. 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).

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve with the exception to Items 4 and 6. Motion carried.

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.

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

Moved by Ald. Craig Stevens, seconded by Ald. Veronica Corpus-Dax to open the floor for discussion. Motion carried.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to close floor. Motion carried.

A vote was taken on the original motion. Motion tied 6-6. Mayor broke the tie with a yes vote.

Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, John VanderLeest, Randy Scannell, Veronica Corpus-Dax, No- Andy Nicholson, Chris Wery, Craig Stevens, Jesse Brunette, Mark Steuer, Kathy Lefebvre

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.

Moved by Ald. Brian Johnson, seconded by Ald. Craig Stevens to approve Item 6. Motion carried.

Moved by Ald. Barbara Dorff, seconded by Ald. Brian Johnson to open the floor for discussion.

Motion carried.

Moved by Ald. Mark Steuer, seconded by Ald. Chris Wery to close floor. Motion carried.

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).

Moved by Ald. Barbara Dorff, seconded by Ald. Craig Stevens to approve. Motion carried.

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).

Moved by Ald. Chris Wery, seconded by Ald. Mark Steuer to approve with the exception to Item 14. Motion carried.

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

I. 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.

Moved by Ald. Mark Steuer, seconded by Ald. Brian Johnson to approve Item 14.

Moved by Ald. Brian Johnson, seconded by Ald. Bill Galvin to amend Item 14 to change

(approximately 191 front feet) to (approximately 255 front feet).

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

O. REPORT OF THE PROTECTION & POLICY COMMITTEE (JUNE 10, 2019).

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve with the exception to Item 5. Motion carried.

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).

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Do to approve Item 5.

Moved by Ald. Brian Johnson seconded by Ald. Randy Scannell to amend to have all dates listed approved. Motion carried.

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

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.

No alders felt they have a demonstrated bias for or against any party to the proceedings, any direct or indirect interest in the outcome, prejudged the issue prior to the hearing of the facts on the record or any ex parte communication about an issue prior to the hearing.

Ald. Andy Nicholson, Ald. Randy Scannell, Ald. Brian Johnson and Ald. Mark Steuer stated for the record they spoke with the owner or building owner, but felt they could proceed.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

The Clerk swore in Attorney Eric Pangburn representing El Presidente and Attorney Rich Maes representing the City of Green Bay.

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

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to go into closed session at 8:13 p.m. 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, No- Andy Nicholson

Ald. Randy Scannell read the closed session language.

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to return to regular order of business at 8:46 p.m. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to approve the findings of fact and conclusions of law at the Protection & Policy Evidentiary Hearing on the non-renewal of El Presidente's liquor license, held on May 22, 2019. A voice vote was taken and motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve the non-renewal of the Class "B" Fermented Malt Beverage and "Class B" Intoxicating Liquor license for El Presidente Green Bay LLC c/p Marco M. La Porta President/Agent at 219 N. Washington St. Motion carried. Yes-Barbara Dorff, Bill Galvin, Brian Johnson, Craig Stevens, Jesse Brunette, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre No- Andy Nicholson, Chris Wery, John VanderLeest

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

Moved by Ald. Craig Stevens, seconded by Ald. Randy Scannell to approve. Motion carried. Ald. Brian Johnson abstained from Brian Johnson and Chelsea Kocken.

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

R. REPORT OF THE FINANCE COMMITTEE (JUNE 11, 2019).

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve with the exception of Item 4. Motion carried.

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.

The Council may convene in closed session pursuant to Section 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.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve Item 4.

Moved by Ald. Randy Scannell, seconded by Ald. Brian Johnson to move Item 4 to the end of the agenda.

Moved by Ald. Jesse Brunette, seconded by Ald. Brian Johnson to amend the motion to move the remaining closed session Item S3 to the end of the agenda by Committee of the Whole. A voice vote was done and motion carried.

Moved by Ald. Barbara Dorff, seconded by Ald. Vernoica Corpus-Dax to go into closed session at 9:45 p.m. 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, No- Andy Nicholson

Ald. Barbara Dorff read the closed session language.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to return to regular order of business at 9:55 p.m. Motion carried.

Moved by Ald. Randy Scannell, seconded by Ald. Andy Nicholson to proceed on Item 4 as discussed by staff.

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).

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve with the exception to Items 3 and 4. Motion carried.

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.

Moved by Ald. Barbara Dorff, seconded by Ald. Craig Stevens to go into closed session at 9:20 p.m. for Item 3. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, No- Andy Nicholson, Kathy Lefebvre

Ald. Barbara Dorff read the closed session language.

Moved by Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to return to regular order of business at 9:42 p.m. Motion carried.

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to have staff move forward as directed in closed session. Motion carried.

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.

Moved by Ald. Veronica Corpus-Dax, seconded by Ald. Barbara Dorff to refer Item 4 back to the Park Committee. Motion carried.

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).

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve. A discussion took place on Item 1.

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.

Moved by Ald. Barbara Dorff, seconded by Ald. Craig Stevens to approve Item 1. Motion carried.

U. REPORT OF THE PUBLIC ARTS COMMISSION (MAY 22, 2019).

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

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).

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve with the exception to Items 5 and 6. Motion carried.

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.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to approve Item 5.

Moved by Ald. Chris Wery, seconded by Ald. Mark Steuer to refer Item 5 back to committee.

Motion carried.

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.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to approve Item 6.

Moved by Ald. Chris Wery, seconded by Ald. Mark Steuer to refer Item 6 back to committee.

Motion carried.

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).

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

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.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to approve. Motion carried.

1. Building Permit Report for May 2019

2. Municipal Court Report for May 2019.

Y. RESOLUTIONS.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to suspend the rules to adopt the resolutions with one roll call vote. Motion carried.

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

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

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.

Moved by Ald. Mark Steuer, seconded by Ald. Veronica Corpus-Dax to advance Ordinances 1 through 3 to a second reading. Motion carried.

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.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to approve.

Moved by Ald. Randy Scannell, seconded by Chris Wery to go into closed session at 9:04 p.m.

Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, No- Andy Nicholson, Jesse Brunette

Moved by Ald. Barbara Dorff, seconded by Ald. Mark Steuer to return to regular order of business at 9:18 p.m. Motion carried.

Moved by Ald. Barbara Dorff, seconded by Ald. Veronica Corpus-Dax to proceed as direct in closed session. Motion carried.

I. 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.

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

Request by Ald. Chris Wery to the Public Arts Commission to create 2 options for an outdoor 9/11

Memorial to present to the Parks Committee for consideration.

Request by Ald. Chris Wery to the GB Housing Authority to designate an outdoor smoking area at Mason Manor.

Request by Ald. Brian Johnson to refer to Finance for further discussion and direction on the mandated purchase by Brown County of ExpressVotes for \$120,000 as outline in the draft 2019 bond request.

CC. ADJOURNMENT.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to adjourn at 9:57 p.m. Motion carried.

Kris A. Teske
Green Bay City Clerk

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

DD. 15 MINUTE BREAK

A 15-minute break did not occur during this meeting.

VERBATIM MINUTES

- Call to order the meeting of the Common Council for Tuesday, June 18th, 2019. Roll call. Clerk?
- [Clerk] Twelve are present, your honor.
- Pledge of Allegiance, please rise for the Pledge of Allegiance, and remain standing for a moment of quiet contemplation.
- [All] I pledge allegiance to the flag of the United States of America and to the republic for which it stands one nation, under god, indivisible, with liberty and justice for all.
- Onto approval of the minutes. I'll entertain a motion to approve the minutes of the May 21st, 2019 meeting. There's a motion by the alder from the seventh and seconded by the alder from the first. Any corrections that need to be made? Seeing no requests, all in favor please signify by saying aye.
- [All] Aye.

Minutes of the Common Council

- Opposed nay. Minutes have been approved. Approval of the agenda.

- [Alder] Motion to approve.

- Motion made by alder from the seventh, seconded by alder from the tenth. Any changes you'd like to make? All in favor please signify by saying aye. Those opposed? The agenda before you has been approved with those changes. Report by the mayor. I just want to touch on a few things tonight. Obviously we have the presentation of the Bike and Ped plan, so just wanted to thank and acknowledge the school district, who really spearheaded this effort at the front end, and was able to win these federal dollars, and thankfully the city was able to partner with them. I think it's a great product that they've been able to put together, something that many surrounding communities have been able to do, and it's a big step forward. It's something I think a lot of folks are looking for, a bike-friendly, walkable city, a livable city, so looking for good things to come out of that, and again, thanks to the school district. Thanks to city staff and school district staff for working very hard on that document and thanks to all the members of the advisory council and the public who played a role in putting that together. Just to touch on a couple more items to flag, our pop-up city halls, which are gonna be present at a number of community events coming up, at Summer Solstice on June 20, Seymour Park neighborhood picnic on the 22nd of June, at Open Streets on July 13th, Marking our Military July 25th, Farmer's Market on Broadway August 7th, and Better Block on September 20th and 21st. So this is something that has taken place, and again last year's Better Block project, although Leopold had a legacy day where we had a pop-up city hall, so looking to obviously do a good number more of these, sending the message that city hall is accessible and really interested in seeking input from the community, so encouraging folks to obviously attend those events, and seek out city staff at these pop-up city halls. And then finally, last but not least, wanted to highlight Kid's Day. If I've gotten one question most frequently, it's probably "Are you keeping Kid's Day?" And I've been in politics long enough to realize when something's really popular, and that is Kid's Day, so absolutely we're keeping Kid's Day. It's June 25th. I think a lot of folks across the city of Green Bay are really excited about that, as they always are, so a lot of free events for kids and families, obviously at Bay Beach, and our pools, wildlife sanctuary, Green Bay Metro is free that day. I think there's gonna be some fishing on the city deck, a whole lot of really fun activities going on, on June 25th, so more details available online, but encouraging folks to check that out and attend, and I'll be at a number of those, and encouraging alders to attend if interested, as well.

- [Alder] It's on my birthday. Well happy early birthday to the alder from the 6th on June 25th. And so that concludes my report. Announcements. Any announcements. Alder from the seventh.

- Thank you, your honor. I've got a cold so I'm just gonna, because there's quite a list to actually go through, and I'm just gonna condense, so. It's summer and so there's a lot going on. We got Fridays on the Fox by Associated Bank and Bay Care Clinic Foundation every Friday. Saturday's Farmer Market has started up downtown on Washington Street, south Washington, Dodie and Stewart Streets. Nicolet Bank's Dine on the Deck, there's a lot going on at the Brown County Library, Whitney Park, Light Park, all over, Ignite, the city's a happenin' place to be. Come and see Green Bay. Thanks.

- Thank you, alder. And just sort of a housekeeping note. My panel is down tonight, so if there's a little bit of a delay in turning on mics, that's why that's going on. But assistance from Mike on the mic front. Thank you. Any other announcements? Appointments. Oh, excuse me. Thanks, alder. Under presentations. We have a presentation on Safe Walk and Bike Plan, completed with the city of Green Bay, Green Bay Public School District, and Toole Design Group. Stephanie Hummell, planner in the development department, will lead the presentation.

- Thank you, everyone. As the mayor just introduced me, I'm Stephanie Hummell, I work for the Community Economic Development Department. This is Jenny Hefren, she's with Toole Design Group, who is the consulting lead on this, and then Jeremy Wildenburg. He's the transportation manager for the Green Bay School District. So we were part of the working group for this major plan, and they will be here to answer any questions from the consulting side, and then also Jeremy from the school district. Our presentation briefly touches on some of the school recommendations, but mostly we're gonna concentrate on what we would be responsible for, which is infrastructure pieces. Can we get the screen on? So the presentation itself will cover a variety of things, including who was responsible for this, the type of stakeholder involvement that we had, what we plan to do with the recommendations that we have, and how we're actually going to make this an actionable plan, not something that sits on the shelf. So the implementation part is key here. Sorry, little of a delay here. So for the background for this, this was a very collaborative plan, as the mayor mentioned, this was directly funded through a grant that we were able to secure through the school district. So originally the school district had applied to do their Safe Routes plan, and then team partner Wello, who is a wellness and health nonprofit in the area, had recommended that the city be a part of that, because the school district covers so much of the city. So that became a very collaborative effort, and we were able to do this at a very low rate for such a large plan. Typically these would cost a couple hundred thousand dollars for a city to be able to do. With this, it was an 80% grant with a 20% match, and then the city and the school district split that cost, so we put in a total of \$30,000 to get a city-wide, comprehensive 500-page plan. So it's a pretty impressive feat all on its own there. Members of the team, as I just introduced, Jenny and her team were the main consultant. We sub consulted with WE BIKE, which is Peter and Tracy Flukke, who are biking across America right now for, I think, the second or third time, so they're pretty well-versed in this stuff. As far as the main project team, we had members from the school district, which is Jeremy, myself, and Dave Hansen, who is our traffic engineer, sat on it for the city. Cole Rogge with the Brown County Planning Agency was there, along with Natalie Bornstad, who is the director of Wello. Our advisory committee was very large and very well-versed. So as part of that, it was different members of city staff, different members of school district staff, a lot of people from the school district, so principals, people who work in administration, a lot of different people were represented there, because there are a lot of different types of students that need to be represented at those sorts of committees. We also had community members that were made up of people who were from advocacy groups, community experts. They really guided this project for us, so the advisory committee met seven times, and basically what they did is every time we collected new data or had new opinions of how this plan should be led, we took it to that advisory committee, and they said "Here's who the groups that we represent, "this is how they would feel, "this is how they would use that data." So they really guided us through this process. A lot of the data collection we had already had. The city and school district have a lot of data that they shared with Toole Design. They also did a lot of data collection on their own. So they took all of the plans that exist currently, which include county plans, city plans, and private plans, which are usually trail driven, they overlaid those, then they did a lot of extensive field work. They went to do site surveys, they observed pick up and drop off at the schools themselves. They did a lot of bike and ped surveys, just to see where the missing facilities are, where things aren't safe, so we have a lot of data that backed up this plan to begin with. And then from there we took that data, and we went out to the public. We said, "what do you think of this data? "Where are the places that you bike, "where do you walk, where do you not walk, "why don't you walk there, "would you let your child walk there, "would you walk there if you were disabled."

So to get that public input and to get their feelings about how it feels to either bike or walk in this city was very important, so these were a couple of the things that we did in order to get that public input, so it was not only going out to the community, but making that survey available to people, doing surveys throughout the school district to make sure we're targeting parents and students specifically for safety reasons. So as far as the recommendations are concerned, they're broken out pretty well for a plan of this size. So they have Safe Routes, specific recommendations that are geared towards the schools and for children. Then they have general recommendations that are geared towards the city side. So with that, there are the five Es that most of these plans tend to follow, which are engineering, encouragement, education, enforcement, and evaluation. So there are things that are blatantly city, which is engineering, enforcement, police department, engineering. And other things that are very school driven. Education, encouragement. But there are things that overlap throughout, and this plan was very good about detailing which of our partners we can use to make sure that all of those different facets are being met in all the ways that are appropriate for all of the users that we have in this city. So chapters two through six really are heavy on the engineering part, so I'm gonna share with you some of the main recommendations that come from that. Chapter two concentrates solely on facility types. So this was run through our engineering department as well to make sure that these are usable facility types, that we're not polling something that isn't possible for us, if that's for laws or for climate reasons. So the facility types that are detailed give the pros, the cons, and the cost estimate that's associated with that. So this is kind of like the dictionary for the rest of the plan. People can say, "Oh, this part of the road "recommends this facility," they can go to chapter two, see what that facility is all about, and how much it might cost them. So this is very important to note throughout the rest of the plan. The guts of it, really, for us are these maps. So there's map one and two, and then maps five and six, which I'll show all of those, that show our bike network and our proposed sidewalk network. So with each of these there are two maps. One's for one side of town, one's for the other side, because we have a very large city, so it takes two maps to show. The maps that are in your plan are condensed, so it doesn't have as much detail or as much labeling, but if you open those individual pdfs, it'll show each segment has a number associated with it, and then the tables that are in those plans tell you exactly what they're recommending for that number. So if you open up the facility table, it'll say section 1000, it'll say this is missing, we're recommending this facility there. So basically every part of this map that's represented as something that's a proposed facility is in that table, recognizing what it is and how it should be implemented. There's also prioritization that's done throughout this for the bicycle and for the pedestrian. That was based on safety, potential use and connectivity, that's how we ranked that prioritization, but keep in mind that that's flexible, so it should be also used when we have projects that are coming up, or there's new development. That should also be taken into consideration for the prioritization. So safety being the number one concern across the board, but also considering that the project's already going to occur, that should be bumped up in prioritization, because we're already gonna be spending the time and the money in that area. So these maps were the main area. These have been looked over by hundreds of people to make sure that we're not missing spots, that there are things that are achievable. We don't wanna set the goals too high, so that way things don't get accomplished. So those are the main points here. Maps five and six show that sidewalk network. There are a lot of different ways to do sidewalk connections within a city, especially a city of this size that's so large. Ideally, you know, in an ideal world where things are free, we would just have sidewalks in every row and on both sides just to make sure people can get places if they want to. That's not a reality that we live in. So with this, they had the recommendation that for residential roads, it would be one side of the road connecting to another sidewalk or another trail system, to make sure people are at least able to find very easily a way to get to and from places without it being a cost burden to people for that. Again, this is the side which has most of it, because that is where all the new housing development is, so again with these recommendations, this isn't something that needs to be implemented immediately or in 10 years, 20 years, 30 years. These are just where the connections should be. So with that, if there are projects that we can get grant funding for, put those in. If it's something that we don't see an immediate need for, we can ignore it for now. It really is up to us to decide how we're going to implement these things, and at what cost level we're gonna do those for. The non-infrastructure stuff, again, is split between school district and the city for general and Safe Routes recommendations. There are a lot of things that came out of this, things like continue to work on wellness overall, making sure we have a new bike share provider, having a better relationship with local media to make sure we're getting the word out about why these things were important, helping people understand

how to walk places safely, so the encouragement, education, enforcement, evaluation pages have a lot of details, but what I really like about this plan specifically is that Toole did a great job of giving us additional resources. So they didn't just say "Try this out." They said "Here's a place that already did it. "Here's a resource." They already have the resources in these implementation sections, so we as staff can go "Oh, this place already tried it, "let's just do some more research on that." So it's a really good job of giving us actionable things to take care of, not just from the city and school district, but all the partners that we work with in the community, and then resources for us to use, to say "This is how other places have done it," so I think that's a really great part of this plan. Again, we're not gonna touch a lot on the school ones, but what is also great about this plan is that every single school that is in the school district here now has their own individual report for what is needed for their school. So this is an example of one of them. It's basically a heat map that shows where the students are, how they are getting to that school, and what recommendations we would have in order to make sure they were getting there safer. So every single school has their own section, so if you're a parent who's only interested in your specific school, you could literally just take the 10 pages of that school and go about your business. If you thought that the rest of the plan would be necessary to look at, you could also look at the rest of the school recommendations, but it gives each specific site their own section to pull from. If you guys have any more questions about the school things, Jeremy would be happy to answer some of them, but all the plan recommendations, it's about 300 pages of school stuff, so it's a lot to go through, so it's really just specific to, if you wanna only look at a few schools, you can, which I think is great. So as far as implementation is concerned, once this plan is adopted, we are then eligible for more grant opportunities. So TAP grants are a great asset to doing infrastructure projects, and those are usually at an 80% grant, 20% match. So that cost savings is significant, so just having this plan adopted and in place makes us eligible for that money. It makes us eligible to be able to work with other people who are eligible for those pots of money. It makes us eligible for other types of grants, so they're all the ones that are 90/10, and some that are 100% grants. So to be able to do any infrastructure or education components of this plan, with minimal cost to taxpayers, is a great benefit. So just having this plan adopted gives us the option to do that. This also is a very flexible plan, so again if projects come up, we plan as much as we can for road reconstruction and development projects, but some things just occur. So then we can reference this as a guiding plan that would be part of our comprehensive plan to say "This road reconstruction needs to be redone," but it's also calling for bike lanes," or it's calling for a side path. Whatever that recommendation is, you'd be able to pull it in and prioritize correctly. So the next steps would be to get this plan adopted. It was recommended unanimously by our advisory committee in May to adopt this plan. Last week at Plan Commission it was unanimously recommended to send it to you guys for approval, and last night at the school board it was unanimously approved for adoption. So at this point, this is the last body that needs to approve this plan. Once it's approved, then we'll be able to get to work on it. So with a lot of the master plans that our community and other communities do, we do the work and then it basically falls on the Planning Department to kind of just carry on the torch. This one will be great, because we're gonna keep the existing work group that we had, that were already multi jurisdictional, and I expand that out by inviting a counselor, a school board member, someone from the police department to be a part of that, so that way we can keep this as a very forward moving plan. We would be able to use that to share resources, apply for funding together, to be able to keep each other accountable to these actions, and making sure that this actually gets implemented across the board. So projects aren't getting missed, or not everyone is at the table. So keeping that working group in place will keep everyone who needs to be involved, involved. So we're hoping that that will be able to be a good step forward in making sure this gets implemented. But then also making sure that we're being accountable to the public. We wanna make sure that we're doing annual reports to tell them what we've done, what we've been trying to do as far as funding is concerned, and making sure that that moves forward with their consent as well. So that's the end of my spiel, so if you guys have any questions about the plan, it is part of the Plan Commission's report for approval, and there's also a resolution adopting it, but if you have any questions, we'd be happy to answer them now.

- [Eric] Alder from the first.

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- Thank you. I think there might be people here that would like to speak to this. So I'd like to make a motion to open the floor.

- We're gonna wait 'til to plan. Okay. Then, the other thing I have to say, is that I was on a committee early on working with this, and I just am so impressed with what you've come up with. This is a wonderful plan. Obviously, when you look at this, people in the audience, this is a huge amount of work that went into it, and it's well defined, and it's a plan that looks like it can be followed and implemented piece by piece. Real excited to hear that there's possible grant money out there for it. So thank you so much for the work that you did. Awesome plan.

- [Eric] Alder from the tenth.

- Thank you. Thank you. I think over the last couple of years, I mean just at the city's end of it, we've looked at changing one committee to the Traffic, Bicycle, and Pedestrian Committee, so there was a paradigm shift there as far as how important it is for all sectors of transportation, whether you're riding a bike, walking, or driving. So that's very good, and I think the fact that we can get grants through this is very important, and I realize you have to do a planning process before you do that, so I'm all in favor of that. Thank you again.

- Seeing no questions, thanks so much for the presentation. Thanks for all your work. Appreciate it. Now we're on to appointments. Alder from the ninth.

- I guess I would move to approve with the exception of, we need to pull the Broadway Business District board representative. We took care of that last month, so this is just a redundant clerical error.

- [Eric] Motion made by alder from the ninth.

- [Alder] Second.

- Seconded by alder from the seventh. To confirm the new appointments of John Arnt to the Sustainability Commission, and Matt Vandenboomen as a liaison to the Public Arts Commission. All in favor please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it; item has been approved. Public hearings. We're now on to the public hearings. We have four items for public hearings. The first is zoning ordinance 02-19, second item is zoning ordinance 03-19, third item is a resolution authorizing conditional use approval at 1136 West Mason Street, and the fourth item is general ordinance 15-19. Is there anyone who would like to speak to any of these items? Anyone here who would like to speak to these items? Is there anyone here who would like to speak to these items? Clerk, please let the record re--

- [Woman] Question.

- No. You bet. Clerk, please let the record reflect that no one appeared to speak to these items. Now onto ordinances. Second reading for adoption. What are your wishes regarding these ordinances?

- [Alder] I motion to approve.

- [Alder] Second.

- Motion made by alder from the eleventh, seconded by alder from the fifth to suspend the rules to adopt the ordinances with one roll call vote. Motion made to approve. Motion made by alder from the tenth, seconded by alder from the seventh to adopt the ordinances. Please use the board.

- [Woman] They all vote?

- It's not coming up for them.

- [Woman] Good, yes?

- We have 12 ayes, zero nays. Motion is adopted. Report of the Plan Commission. What are your wishes regarding this report?

- [Alder] I move we approve.

- Motion made by alder from the seventh. Seconded by alder from the second, to approve report L, which is the report of the Plan Commission from the meeting on June 10th, 2019. Are there any items under this report you wish to handle separately?

- [Woman] Six.

- Four, six. So items four and six will be handled separately. Hearing none others, all in favor of approving the remainder of that report, please signify by saying aye.

- [All] Aye.

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

- [Alder] Approve.

- Motion to approve made by alder from the seventh, seconded by alder from the tenth. All in favor please signify by saying aye.

- [All] Aye.

- Sorry. Alder from the fifth pulled the item?

- [Man] Yeah.

- Okay. Apologies. Alder from the fifth.

- So this one I'd like to open up the floor, because I know there's interested parties that would like to speak with this item, regarding this item.

- Motion made by alder from the fifth, seconded by alder from the second to open the floor. All in favor please signify by saying aye.

- [All] Aye.

- [Eric] All opposed nay. The floor is open. First citizen to speak, Tom Prevost. And just a housekeeping note. We do have a three-minute maximum for testimony, so we'll be keeping track just to make sure that we can continue on as expeditiously as possible, but Mr. Prevost, if you could just state your address, and then proceed.

- Yes, I live at 1805 St. Agnes Drive in Green Bay. I own all the Burger Kings in this area. I have 18 restaurants. I'm born and raised in Green Bay. I've been here my entire life. I have seven restaurants in the Green Bay area, and I would like to build another one on University Avenue. I've looked at this site three different times over the last 25 years, and we decided at this time because of, kind of like the revitalization of University Avenue out there with Festival and Quik Trip out there that we decided to go out there, there's a site available, it's a tight site. I've been working with the city for the past six months, with Paul Neumeyer and all of his people. I've talked to the city traffic guy, and everything else, and we've come to a plan that worked, it's been rezoned. A couple of days ago they went to the rezoning committee last Monday. They approved it, it went to, had to change a few things last night, and I forget what it's called, whatever it was, last night that they passed also, and I guess I'm here today. I ask that you approve us to go there. I know there's some concerns on the people that live there. I addressed them last night and I'll address 'em again. I know traffic's an issue. They're very concerned about it. That's kind of why we went there. Do I believe that we're going to bring a lot more traffic in? We may bring some, but I really believe that there's so much traffic there now, our customers that are driving by are gonna come, we're gonna absorb the customers that are already there. And hopefully I do, that's the reason why I'm going there, to be honest. I know there was a concern about garbage and things like this because of other places there. I will do everything I can to make sure that happens. Again, I've been doing this for actually 51 years. I'll do everything I can to help out and satisfy the customers, and make sure we can satisfy the people that live in the neighborhood. So I guess I ask that you allow us to go there.

- [Eric] Thank you, sir.

- Thank you.

- [Eric] Next we have Jeanine Belland. Please state your address.

- 601 Fred. I'm currently right behind the Quik Trip that is existing there. I have the car wash and the Quik Trip behind me. As far as the whole block area there, the place for the Burger King is very tight. The property owner to the south of them, she is tight up against that lot. So we deal, both her and I, she is on Peter Street, and she would be south of the Burger King that's gonna be on the corner. So I mean, it's very congested. I deal with all of Quik Trips noise, garbage, whatever. So you're gonna put another restaurant there. It's just too much. I mean, I was born and raised in Green Bay as well. I grew up on University. I wish I had a Burger King there 50 years ago. But right now you're trying to just jam too much in that block area. Associated Bank is there. I go to Associated Bank, can't even get in and out of there. You have to wait and wait just to turn right, and then you need to go around Peter Street, because the intersection by Festival is just unbelievable. So I would welcome it if it was in a different spot. But that area is just jammed with so much business as it is now, so, like I said, it's not a big enough spot. Thank you.

- [Eric] Thank you, ma'am. Next we have Kari Anderson. State your address, please.

- Hi, I'm Kari Anderson. I live at 612 Peter Street. I'm gonna be right next door to the Burger King. And my concerns are similar to Jeanine's. The thing is this, last night it was approved that they can build less than 15 feet on the latter part of my, near half of my property, like where my garage is, close to my property line, and I felt a little saddened by that, actually, because I felt like being a homeowner, I feel like I need to have, I shoulda got the same courtesy as every other homeowner that's gonna have a business next to them, that it should have been 15 feet. I understand their issue. It's not a big enough space. So they have to make things fit in this small space. I understand that. But I also understand that this is my home. So anyway, I'm worried about the garbage. I'm worried about the traffic noise, the exhaust from the cars that are gonna go past, and literally where my driveway is and where my property line is where they're gonna be, it's very, very little. I have a small driveway right next to, I would say, three feet from probably my property line right there on my side of my house. And they're gonna put the car drive-through right there and in that area, so having my windows open and everything, I'm gonna have a lot of noise, a lot of extra stereo sound that I'm already getting from University, but Peter Street in general has been congested because of all the traffic that has been re-routed, because our street is the only open street within that area. They try to stop the speeding by putting up speed bumps, and unfortunately it becomes like, I would say, a speed haven, because they wanna conquer that bump to go through as fast as they can. I mean, it's not really stopping the problem. Where my driveway is, I'm worried about, am I gonna be able to get out? Am I gonna be able to get out? I'm worried about a lot of things, so I understand that's a business area, I bought the property knowing that. The problem is, I was hoping it was gonna be a little less commercial like, you know? I was hoping that it was gonna be more of a quieter, I guess that was my dream, but everybody can have a dream, but anyway, so anyway that's all I have to say about that, is I just wish that I would have had, like last night, more respect that I am a property owner and the variances that they were granted is basically, I felt was a little unfair on my side, so. Thank you.

- [Eric] Thanks, ma'am. Next we have Fritz Piette.

- My name is Fritz Piette. My address is N6434 12 Corners Road, Black Creek. I would be the builder for the Burger King, and I've been working with the owner, and I know, again, he's made many concessions, and is trying to work with the city as much as he can, and as I believe it tonight, we're just asking for the rezoning of just part of the parcel. Two-thirds of the parcel, approximately, is currently C2, and just a third of it right now is C1, and for tonight, we're just looking to get that zoning consistent on that lot. There'll be other opportunities to talk about the site plan and the layout, I guess, again tonight, just looking to follow through to get the zoning consistent there tonight. Thank you.

- [Eric] Thank you, sir. Next we have Terri Aronson.

- Terri Aronson, 588 Peter Street. I'm not totally 100% against it being a commercial property. I've lived there for 65 years. It has always been a very noisy area, so that part of it is okay. What I'm not okay with is how in the recent years, how much our street has changed from being a quiet, nice, safe, residential street, and Mayor, when you were running for election, you stood in my driveway, I think, if you remember, and you saw definitely how fast those cars are going down Peter Street. And I think bringing in a Burger King or something that will run from a very extended period of time will only make Peter Street busier, as we have the school kids, the school kids now go to McDonald's, they go to A & W, that's not gonna stop them from running down Peter Street to go to Burger King. And I feel that is what we need a lot of focus on, is keeping our residential neighborhoods safe for the kids. It was safe when my kids were little. I want it safe for my grandkids and for the new people that are moving into our neighborhoods that have the young kids. We want them playing outside. We do not want them sitting in the house in front of games and computers. We want them outside in fresh air, playing. And that is what I want a lot of this focus to be on, is what could be made so that our streets, both Peter Street and Basten Street, remain safe, residential areas for our kids and for the future kids. Thank you.

- [Eric] Thank you, ma'am. Our final speaker on this item is Todd Waller.

- Hi, my name is Todd Waller. I'm the property developer working with Tom, and hired Fred to help build the property. As Fred had mentioned, the larger portion of the property is zoned C2, so we're really trying to make this consistent with all the area zoning, which is the same as Quik Trip, Festival Foods, and across the street. I can certainly empathize with Jeanine and Kari, and I can assure them that we can improve the current situation. This is a commuting corridor, it's a busy corridor, it's not gonna change. And whether it's a Starbucks, a Burger King, or a Taco Bell, it's gonna be a commercial corridor. I think the development of this property and how we can address Jeanine's concerns and Kari's concerns, and I've assured them that we can improve noise filtration, light, with enhanced landscaping, berming, also any business, the issues with trash are related to management. Tom, being a local operator, his office two miles down the road is very involved with this community. This is not an out-of-state owner. The traffic issue has existed prior to this property, even coming to the discussion of whether there should be a Burger King or not. The traffic issue is not gonna be, the traffic's not gonna increase because of Burger King. They're gonna capture the existing traffic that is there. So I just, I think that is a bigger problem that isn't related to the use of the property, or even because of the zoning of the property. We're really looking at making this property consistent with area zoning, and the idea

of it being a Burger King, or Starbucks, or whatever it may be, is consistent with the area uses, and the future land use plan. So that's all I really wanted to touch on, and we're gonna continue to work with neighbors, specifically adjacent neighbors, which Kari and Jeanine, to help address those concerns and be good neighbors, because I know Tom wants them as a customer, and we don't wanna be confrontational in any regard, so thank you.

- [Eric] Thank you, sir. Question? Alder from the tenth.

- Thank you, your honor. Thanks for coming in. A couple of the developers folks here have talked about the fact that traffic will not change a whole lot, it is what it is, and I'm just wondering, was there anything done by Tom or the developer to look at what the traffic flow is in terms of a traffic study or anything on that order? Was there anything--

- We worked close with traffic engineering, and they run an internal report, and it was not gonna be an increase or a trip generation number that was gonna create concern or a need for full-blown traffic study. Really it's capturing the traffic that already exists. We did look at the ingress and egress points, and the site does have good circulation and large ingress and egress driveways.

- The city on this already.

- [Todd] Absolutely.

- Okay, that's all I have.

- Okay, thank you.

- Any other speakers? Come on up, ma'am. No problem. State your name and address, please.

- My name is Samantha Lilley. I live at 572 Peter Street. And I apologize in advance, when I get nervous I have weird functions and I cry. I do have a couple of questions for you both. You had said that there was supposed to be no impact to the traffic on our street. We were told that before the Festival and the Quik Trip went in as well. I would be curious to see if anybody actually looked at what those numbers were before those buildings went in, and compared them to what they actually are now, because I think that's a misnomer, and I

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think that they were wrong, and I think that they're going to continue to be wrong. My daughter is here. She's 3 1/2. I have nightmares that she's going to get hit by the school kids that race up and down our street. Those speed bumps are not speed bumps. They are, as Kari had said, they fly over them. I would encourage any of you that are here to come and spend any time in my driveway when school resumes in September, and watch what the traffic pattern is like between 6:50 in the morning and 7:10. I will give you coffee, I will give you donuts. Come and see what the traffic looks like on our street if you don't believe me. It's horrendous. If he has seven other restaurants in the area, is there something that would be less likely to be as commercialized that could go in that space? I'm with Terri. I'm not opposed to bringing in business. It's wonderful for all of us. But you need to keep in mind that when we all purchased houses in Green Bay, I'm not native to Green Bay. I've lived here for 16 years on that side of town. It is not what I purchased my home for. It makes me want to leave. The noise, yes, the noise is fine. Sit outside in any of our backyards, you will hear the horn from the carwash on a regular basis. You will smell the chicken. The smell from Burger King's going to add to it. We're going to have fries and we're going to have burgers, so if you would like to have a picnic on a regular basis without any food, I would encourage you to come and spend some time in our neighborhood. You are disrupting our neighborhood with what you're planning on doing. I understand that everybody always says "Not in my backyard." There's a ton of other commercial space in our area. They just knocked down a whole bunch of trees and another brick building over on the other part of University. They're putting up apartments all over the place by us. There is other space. If it's tight, and you're having to fix these things to work I think it should be a clear sign that it is not a good fit.

- [Eric] Thank you, ma'am. Any other comments? Any other testimony? Is this the second time?

- I have one more comment about the traffic. The way they're gonna position it, and they're gonna have the customers coming from Quik Trip, from Festival. They're gonna be backed up in that drive through, I can tell you that. And they're gonna cause a whole lot of traffic jams there. Because I mean, I come off of I-43, I work in the I-43 industrial park, and when I come off the highway, I go up Mason, come down University. I'm trying to go into Fred Street, which is closed off now. It's like a little U cul-de-sac. And I have to turn by the intersection with Quik Trip and Festival. As I'm turning, you got cross-traffic in that little area there that they don't even know what to do with. So you have a residential street that you're having a Quik Trip, or I should say a Burger King coming out of? It's gonna be a nightmare. It is gonna be an utter nightmare, because there's only two lanes of traffic on that little street. So when they're talking about the studies of the traffic, they haven't done them, because I have a boyfriend that lives on Maco and Basten, and we can sit in his living room on a Sunday and watch the races. There's cars that go down Basten Street. I'm not lying, they can be going 80 miles an hour. Another point is the Domino's that's over in the Festival or whatever it's called, plaza. Their drivers come down Basten Street and they're probably five, six of them on a Sunday, will come barrelling. They're generating the traffic 24/7 there, as well. So I'm just pointing out the type of businesses and how they're all just, I mean, they're like ants clustering. So this is gonna be another additive to that, as well. Thank you.

- [Eric] Thank you, ma'am. Any other speakers on this item?

- Traffic turning in, if you are familiar with exiting off of 43, if you were to attempt to make a left hand turn onto either Peter Street or into the proposed Burger King driveways, there is no turn lane. It is a very high safety risk of being rear-ended. I can't tell you how many times I've tried turning left onto our street to hear

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brakes locked up behind me. So if you are planning on putting something in, I would keep that in mind, or be ready to dispatch a lot more police to that area for service calls.

- [Eric] Thank you, ma'am. Any other speakers? With that, accept a motion to close the floor. Made by alder from the tenth. Seconded by alder from the fifth. All in favor signify by saying aye.

- [All] Aye.

- All opposed nay. The floor is closed. Alder from the fifth, you had pulled this item?

- So we are talking about rezoning of this piece of property for the purpose of the Burger King. You spoke with the, we all heard from the owner and then also from the residents on Peter Street. Does any of these alders have any questions or concerns or comments? Regarding this?

- [Eric] Alder from the sixth?

- Even though this isn't in my district, it's right across, and I do know that area very, very well, and I'm very concerned. It's not business. It's the type that you wanna put there. I believe that this is gonna cause a lot of problems because of that it's on that little street, Peter Street, and University, the traffic does fly through there, and you got the big cattle trucks coming in. I heard that they fly through there. I've seen, I mean, the traffic is horrendous there. And he said it's not gonna increase traffic. Not the traffic itself, but he's gonna increase people stopping, trying to get in there, and to get out. That's the problem. I think the site is really, there was an optometrist there, Dr. Pease. To me, I don't know how we can do it. We should be looking at sites, what is appropriate to put in a site. And I believe any fast food, anything that's got people coming and going so fast, it is not appropriate for this site, just because where it is. If it was on a major intersection, there'd be no problem, and I'd be all for it. But I just feel this is not the right business for the site. Thank you.

- [Eric] Thank you. Alder from the seventh?

- Yes, your honor. Well, all we are voting on is making this parcel whole. That's all we're doing tonight. Burger King is the driving wheel behind this, to accommodate them, but it's not a done deal with them yet, so I support making this parcel whole. As far as Burger King, they certainly seem like they wanna be a great neighbor, but that's to be all worked out down the road, so I'm not gonna go into any of that. My concern is, it sounds like the traffic there, we have not been successful in calming it. I mean, we've put in speed bumps, and they haven't worked. I think I would leave it to the alder of the district, but it sounds like the traffic engineer

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and he need to sit down and work on, because even if Burger King doesn't go there, it still sounds like there's a horrible traffic problem there, and that needs to be addressed no matter what. So that's my only concern at this moment. Thank you.

- [Eric] Thank you, alder. Alder from the ninth?

- Thank you, Mayor. Just a question for our law department. Because there's been some discussion about, "I'd rather see a different type of business here," and I think it's important to distinguish that, like we don't get to choose what goes there. It's the developer that comes to us, but the question that I have for the law department is does the law allow us to discriminate the type of business that locates there, meaning could we say no, we don't want a fast-food restaurant there, and reject that proposal on that premise?

- Based on the type of business so long as that type of business coincides with what the zoning is for that particular area. That would be the extent of it. So it just has to match the zoning. The use has to match the zoning.

- Okay, I appreciate that clarity. So then, the next follow up question that I have is, when I look at, and this would be, I guess, Cheryl, when we look at the difference between the C1 and the C2, could you please provide some clarity to us behind, I guess, what the difference is between those two?

- Primarily C2 allows that auto-based emphasis, car lots, drive throughs. The biggest differentiation between C1 and C2 is a drive through. So if you had a C1 you could have a restaurant, but they just couldn't have that drive through activity. I think for this case that's the major difference.

- Okay, so would it be correct to assume that right now the lot is whole just based under C1?

- Well, it's two separate--

- Because Alder Scannell had alluded to the point that we're trying to make this lot whole and consistent, and I think the developer had alluded to that as well. How is it inconsistent right now?

- Well, right now one is zoned C1 and C2, and I don't think either one of them are buildable by themselves with the zoning. So the request is to go C2, the smaller parcel is C1. So the request is that it goes to a, all of it

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goes to the C2, which would accommodate, then, that auto-oriented business, Burger King drive through. Or any other kind of drive through, for that matter.

- Thank you for that clarification. And so then I think it's been alluded to previously, I think it's important that we stick to what the actual agenda item is here right now, which is taking up the ordinance decision. Now whether or not we approve, site plans for Burger King would come later, so as it relates to this issue, I just, as a reminder that that's sort of the vote that we're focused on right now.

- [Eric] Thank you, alder.

- If this rezoned and the site plan is sent through our department, and it meets the requirements, it would not come back to council. It would not go through Plan Commission and council.

- So just again a point of clarification. The site plans, city staff has full authority to make that decision?

- [Cheryl] Correct. So unless they're coming back for some level of assistance, it would--

- [Cheryl] Right, I just wanna be clear so.

- Okay, thank you for that point of clarification.

- [Man] Cheryl, site plan includes--

- [Eric] Alder from the seventh.

- Sorry. Site plan includes community input, that whole process would include the community--

- [Cheryl] Not if it meets the zoning. Not if it's, it's set. It meets the zoning. I don't think so.

- [Alder] There isn't a part of that process for public input?

- Site plan is all administrative, so if you meet the setback regulations and all the other dimensional and density requirements of the code, it would not go back through any public process. It would be an administrative review. They did go to the board of appeals last night, and they did receive a few setback variances from the board of appeals. So they would have to meet those conditions from the board, and also all the other regulations in the zoning code and the rest of the municipal code. But it would be administrative approval.

- I just wanna make sure you all know that it won't come back, depending a vote.

- [Woman] Yeah, so you're rubber stamping it.

- [Eric] Alder from the eighth?

- Thank you, Mr. Mayor. Learning that is important, because we won't be seeing it again. So really our decision tonight does approve whether or not a drive through goes in there, because we're changing the zoning. So just keep that in mind, that yes if we change the zoning, this is what we're going to get. For me, free market is important. However, maybe it was zoned that way for a purpose, you know, being right next to residential. It would be nice if this were maybe a cul-de-sac street where people couldn't get through to the Burger King. I don't know how intensive that would be, it might stop some of the speeding problems as well. I'm gonna vote no against this tonight just because, keep it the zoning it is, and it sounds like that neighborhood's a little bit under siege right now as well, so thanks.

- [Eric] Thank you, alder. Alder from the eleventh.

- I support the rezoning. I think that this gentleman that's coming forward, he has a Burger King in my district. He runs a very clean operation, and I think it's a good fit as far as, that corridor is very busy, regardless if it's a Burger King, a Starbucks, or whatever it might be. It's a busy area, and that's what we want. We wanna have good input as far as our business climate, and I support it. Thank you.

- [Eric] Thank you, alder. Alder from the fourth.

- Thank you. Can anyone tell me how long the business that was there has been closed?

- [Man] Seven years.

- I didn't mean to open up a can of worms here, folks, I'm sorry, I'm just trying to get an idea how long this business has been closed, that's my concern. It's been closed for at least a few years.

- [Man] Two or three years.

- And nothing's come in there since then. I mean, obviously the property owner wants to make it a viable piece of property. We have this property on this corridor for that purpose. I would encourage maybe something forward after this, that they look at some other calming things that could be done for that street. Thank you.

- [Eric] Alder from the tenth?

- Thank you, your honor. Maybe I'm a little surprised, but as far as, Cheryl, you brought up the fact that once this is it, that's it. And I've been to that intersection a number of times with the festival and these apartments going in. It is a very, very, busy area. And I'm not against business per se. I think it's important that we look at it. If you do a rezoning, that's the first step, and other projects that's happened to and you need to do that, but if one thing happens, generally the other thing will happen as well. So as much as it pains me, I feel like I can't support that at this time, so I'm against the development. Thank you.

- Any other comments? Seeing no other requests to speak, all in favor of the motion to approve, please signify by saying aye.

- Roll call has been requested. We'll use the board. Against? Against? We have seven ayes, six nays. The item is approved. Yeah, seven. Seven ayes. Yeah. We're on to item six. Motion made by alder from the ninth to approve, seconded by alder from the fifth. I'm sorry. That was pulled by alder from the first.

- Yes. Okay, thank you. My understanding is that there's one or two people here that would like to speak to this plan, so I'd like to make a motion to open the floor at this time.

- [Alder] Second.

- [Eric] Motion made by alder from the first to open the floor. Seconded by alder from the ninth. All in favor of the motion will signify by saying aye.

- [All] Aye.

- [Eric] All opposed nay. The floor is open. And we have Heather Gentry.

- Good evening.

- [Eric] State your address, as well.

- Oh, 249 Kenny Street, 54301. My name is Heather Gentry, and this is the first time I've addressed the council in a few years, and there's a few new faces, so welcome, and thank you for being here. I am the president and co-founder of a nonprofit bicycle education advocacy group called the Green Bay Bicycle Collective. We are very much what you would consider, instead of boots on the ground, we're wheels on the ground. We are on the streets pretty much every day on our bikes. We have a nonprofit community bike shop on South Broadway that is open to the public. They can come use our tools, and we educate them on how to be better cyclists and safer cyclists. We also try and educate the public on how to be safer drivers and safer pedestrians. I think, Stephanie, I wanna thank Stephanie, I think she did a really good job on the presentation. There's been a lot of work that has gone into this bike and ped plan, as well as the school system, which is what you really want, you do want the school system to be involved in a comprehensive bike and ped plan. They've done that, and we give them our full support, but I just wanted to reiterate the importance of having this plan. Up until now, the city of Green Bay is using the county plan, so you're using, essentially, the same plan as every other municipality and all the small municipalities. Allouez, Ashwaubenon, Howard, De Pere, and Bellevue, Ledgeview, they all have their own bicycle and pedestrian plans. And so they're all available for TAP grants, transportation alternative grants, federal grants, just for anything they want, anything that they think they need to improve their community. A couple of examples, Steven's Point in the Plover area just received under a million dollars just to improve their trail system through TAP grants. Milwaukee very recently, just a week ago, received federal money for 4,000 bike racks that they plan to implement over several years, 500 bike racks a year. The bike fed is currently working on a report to update the economic impact of cycling in Wisconsin, and the last time I checked it was over 3 billion dollars that comes into Wisconsin just cycling. People come here to visit, we're gonna have some pretty large events coming in here, if you aren't aware of the Ride Across Wisconsin, it leaves La Crosse and it's coming straight to Green Bay. We're gonna have over 1000 cyclists and their-- that's just the cyclists. Their families and children are gonna be here, too, so it would be wonder-- and they're gonna be here doing this for over three years, I think. So it'd be wonderful if we have a bike and ped

plan in place, get some grant money, improve the facilities by our schools, as well as around the rest of the city while we're at it. Thank you.

- [Eric] Thanks for your comments. Next we have Natalie Bomstad.

- Hello, good evening. Natalie Bomstad, 239 Seminole Lane, Green Bay. So thank you for the opportunity to provide my comments here this evening to you all. So my name is Natalie Bomstad, and I serve as the executive director of Wello, and that's a local network nonprofit that's really focused on community health and well-being, and have also had the distinct privilege of serving on the project team for the Safe Walk and Bike to School plan. So this plan is important, because it represents a really smart, strategic approach and vision to designing a healthy, safe, equitable future for our kids and our community. It provides us with a blueprint to take the city's bicycle and pedestrian infrastructure into the future with both economic, health and safety, as well as equity benefits. So research really shows us that young professionals, families, and retirees alike are really putting a premium on living in a community where it's safe, and easy to walk, bike, and actively connect throughout their community. Cities that are bicycle and pedestrian friendly increase property values, and they attract and retain top talent, which is a shared regional goal that we have here. Walkable and bikeable communities encourage residents to connect with their friends, their neighbors, and businesses, while also increasing their physical activity levels and improving their health. The presence of sidewalks and trails is linked to better sense of community connectedness and overall well-being, and this benefit is seen at all stages of life, right, so from children walking and biking to school, to families engaging in physical activity and outdoor activities together, and seniors maintaining a more independent and high quality of life. All these things are possible when they can easily connect the people and to the places in their communities. A truly unique aspect of this multi-year plan and something that's been talked about a couple times here tonight is that it was developed in concert with the Green Bay Area Public School District Safe Route to School plan, which is really reducing duplication and increasing efficiencies. In addition, every step of the project was guided by public input, so moms, dads, grandparents, business owners, people young and old. We heard about people's visions for their neighborhoods and community, along with the strong support that there is here in our community to build this plan. The resulting product that you'll be voting on here tonight provides a comprehensive approach to action, and again makes us eligible to apply for funding sources to support implementation. It is also a testament to the values of our community, that we have come together to create neighborhoods where streets, schools, and public spaces invite walking, bicycling, physical activity, and play. So this Safe Walk and Bike plan can spark healthy, equitable advances in the Green Bay Community, ensuring that it is designed in a way where all citizens, regardless of age, income, or ability, have the same opportunity to move and actively connect safely. So as the city council, you have the opportunity tonight to adopt this plan, and really lay the foundation for safe, active transportation routes for our children and our community, now and into the future. So as a representative of both Wello, a public health professional, a resident of the city of Green Bay, and a member of the Green Bay Area Public School District, I fully support the adoption of this plan, and urge you to as well. So thank you for your time and your service to our city, and your consideration tonight. Thank you.

- Thanks for your testimony. Any comments, questions from alders? Seeing no other requests to speak, all in favor of the motion to approve item six, please signify by saying aye.

- [All] Aye.

- Those opposed nay.

- The ayes have it. The item has been approved. Oh, apologies. Motion made to close the floor by alder from the tenth. Seconded by alder from the eighth. All in favor of the motion to close the floor, signify by saying aye.

- [All] Aye.

- All opposed nay. Now we have the motion to approve item six. I think we already made the motion. Yeah. Please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it. The item has been approved. We're on to item M, report of the redevelopment authority. June 4, 2019. What are your wishes regarding this report? Motion made by alder from the first. Seconded by alder from the fifth to approve report M, which is a report of the redevelopment authority from the meeting on June 4, 2019. Any items under this report you wish to handle separately? Hearing none, all in favor of approving that report, please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it; the report has been approved. On to item N, report of the Improvement and Services Committee June 12, 2019. What are your wishes regarding this report? Motion made by alder from the eighth, seconded by alder from the tenth to approve report N, which is a report of the Improvement and Services Committee from the meeting on June 12, 2019. Any items under this report you wish to handle separately.

- [Alder] 14.

- 14. Any other items? Item 14 will be handled separately. Hearing none others, all in favor of approving the remainder of that report, please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it and the report has been approved with the exception of item 14. Your wishes regarding this item? Item 14. Motion to approve made by alder from the tenth. Seconded by alder from the ninth. This item was pulled by the alder from the ninth. You have the floor.

- I just move to amend, as it states, it calls for 191 feet. I would move that we amend to have it state 255 front feet. And if I can get a second on that, I'll explain.

- [Eric] Seconded by alder from the fourth.

- So essentially the reason I'm proposing that amendment is what we'd be looking to do, in essence, is split that property in half, then, at 255 feet, so that we would be, the deferral would be for half of the property rather than that 191 feet, which is, it's not exactly clean cut. By doing so, DPW would cover \$5440 extra in holding costs through that deferral, but more importantly, this is a \$956,000 project, which is gonna generate annually \$35,000 in new tax revenue. I've spoken to director Grenier. He supports that amendment, and I think it's a good way for us to help compromise as we work through that project at INS.

- [Eric] Thank you, alder. Alder from the first, first.

- Thank you. I was contacted by one of the property owners, and had some indication that someone might be here to speak on this tonight, but then I was not contacted again, so I don't know. Can we find out if someone is here to speak, then I'll move to open the floor. Is there an attorney here? Okay, then I'll just let it go.

- [Eric] Alder from the fourth.

- Thank you. Brian, this is that development that Mr. Bunker was putting in?

- [Brian] Correct.

- And which parcel is this, the farm or the tavern?

- [Brian] The tavern.

- I thought we had, at that meeting, set it up to be split.

- [Eric] Alder from the ninth.

- What we had decided at the meeting was that the portion that was undeveloped is what we would do. So the 255 just makes it a 50/50 split, and that was something that both public works and the property owner have agreed to, they felt that that was the compromise that would be sufficient for all parties.

- [Alder] Oh, all right. Sorry about that.

- [Eric] Any other requests to speak? Seeing no other, all in favor of the motion to approve item 14 with the amendment to change 191 front feet to 200-- All right. Motion has been made to amend the motion by alder from the ninth. Seconded by alder from the fourth to amend the motion. All in favor signify by saying aye.

- [All] Aye.

- All opposed nay.

- [Alder] Motion to--

- Entertain a motion to approve the amended motion. Okay. All in favor of the motion to approve the item as amended, signify by saying aye.

- [All] Aye.

- All opposed nay. The item has been approved as amended. On to report of the Protection and Policy Committee.

- [Alder] Motion to approve.

- June 10, 2019. Motion to approve made by alder from the seventh, seconded by alder from the fifth. To approve report O, which is the report of the Protection and Policy Committee from the meeting on June 10, 2019. Any items under this report you wish to handle separately?

- [Alder] Five.

- Item five. Any others? Item five will be handled separately. Hearing none others, all in favor of approving the remainder of that report please signify by saying aye.

- [All] Aye.

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

- [Alder] Motion to approve.

- [Alder] Second.

- Motion made to approve by alder from the seventh, seconded by alder from the first. Item was pulled by alder from the ninth. You have the floor.

- Thank you, mayor. I would just request that, and I believe that we can do this, that the full council approve all dates. The purpose of that request is, this is basically a cornhole league. He's requesting this special event so that they can be outside for two hours. They're not bringing in bands, it's not a block party. This is just so people can have some beverages, in a fenced in area with security for that two hours during their cornhole league. So the dates that were approved at Protection and Policy, they approved the dates of June, what's going on in June is the exact same thing going on in July, August, September, so I would move to amend that we include all dates.

- [Alder] Second.

- That's all I got.

- Motion made to amend item five to include all dates, made by alder from the ninth, seconded by alder from the seventh. All in favor signify by saying aye.

- [All] Aye.

- Those opposed nay. We have a motion to approve the item.

- [Alder] Motion to approve item as amended.

- [Alder] Second.

- Motion made by alder from the seventh, seconded by alder from the first. All in favor signify by saying aye.

- [All] Aye.

- All opposed nay. The ayes have it. We are on to item P, Production and Policy evidentiary hearing for the non-renewal of the license at El Presidente May 22, 2019. This is a report containing the findings of fact and conclusions of law from the Protection and Policy Committee who held an evidentiary hearing on the non-

renewal of El Presidente's liquor license. The licensee has filed an objection to the report, and according to state statutes will be presenting oral arguments in support of the objection this meeting. The city attorney will now present the process for tonight's hearing.

- Yes. So as the mayor has mentioned, counsel for El Presidente has filed an objection to the findings and fact and conclusions of law, and will accordingly have an opportunity to present oral arguments this evening in support of those objections to the city council. The hearing will proceed as a quasi-judicial hearing, and accordingly needs to be fair as to form, substance, and appearance. The purpose is for counsel to essentially review the findings and conclusions as presented by Production Policy and to hear oral arguments as to the objections to the report itself. And then ultimately take action on the report and the committee's recommendation to not renew. Notice has been given to the licensee, and this hearing is being afforded to the licensee through tonight's proceedings. The order of the proceeding will be as follows. The parties will need to be sworn in under oath. The licensee will present their oral arguments in support of their objection, followed by response by the city prosecutor. Each party will have 20 minutes to present their arguments, and the council may ask questions following each presentation. Then the licensee may have an opportunity for rebuttal, as will the city prosecutor. The parties will each have 10 minutes for the rebuttals, and again city council may ask questions of the parties. Once questions have been completed, the council will then need to move into closed session for deliberation, and return into open session to take action on the findings and conclusions and on the committee's recommendation to not renew. As this is a quasi-judicial hearing, all council members should give consideration as to whether they have a demonstrated bias for or against any party to the proceedings, any direct or indirect interest in the outcome, prejudge the issue prior to the hearing of the facts on the record, or any ex parte communications about a issue prior to the hearing. If there are such conflict issues, now would be the time to disclose them.

- [Eric] Alder from the seventh.

- I don't see it as a conflict. I have talked to the owner of the building. It was just informational, it wasn't any way prejudicial to me, so I'm fine with going, but I did have conversations with the owner of the building. Thank you.

- That was my last item. Besides that, we do have outside counsel, Nicholas Vandecastle, that's going to be advising the council as to any substantive questions on the matter that may arise during the hearing regarding liquor license regulations, restrictions, renewal issues. I'm just advising solely on just the procedure. And that's it.

- [Eric] Great, thank you, attorney. Alder from the ninth.

- I just need to, I guess, share the same disclosure as Alder Scannell. I spoke with the property owner, but we really didn't get into details, so I don't feel conflicted.

- [Eric] Thank you, alder. Alder from the tenth.

- Same for me, too. Talked just briefly, more or less to say hi, but we didn't get into any details at all. So I feel comfortable as well.

- [Eric] And alder from the third.

- [Alder] Same thing with the three gentlemen.

- [Eric] Thank you. Any other comments? We can now proceed with the oral arguments for the non-renewal of the liquor license at El Presidente. I will now entertain a motion to open the floor.

- [Alder] Motion to open the floor.

- Motion made by alder from the seventh, seconded by alder from the fifth to open the floor. All in favor please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it, and we may now open the floor. And we will now swear in the attorney representing El Presidente.

- [Woman] (Whispers) Wait 'till he gets up there.

- [Woman] Yeah. Okay, please raise your right hand. Do you solemnly swear that the testimony which you shall give on the matter now on hearing will be the truth, the whole truth, and nothing but the truth, so help you god?

- Yes, ma'am.

- [Woman] Please state your name and address for the record, and spell your name.

- Eric, E, r, i, c. Pangburn, P, a, n, g, b, u, r, n. My address is 1308 Washington Street in Two Rivers, Wisconsin.

- [Woman] Thank you.

- All right, thank you. I am here tonight to speak on behalf of El Presidente and Marco La Porta, who is the owner of El Presidente, the gentleman sitting in the middle of the three against the back wall there. We did have an evidentiary hearing in front of the committee last month, I know most of you weren't there, I think only three were there, so I did wanna go over a little bit of the background of the situation here. Mr. La Porta started out as an investor in El Presidente in 2017. Another gentleman was running the bar. I'm sorry, was running the restaurant. In March of 2018, that gentleman came to Mr. La Porta and informed him that he was going to close the business. I don't know the reasons, we didn't get into that, but he was going to close the business. Mr. La Porta wanted to protect his investment, so he decided that he would operate the business himself. He is a successful restaurateur. He owns a restaurant in Two Rivers, Wisconsin, where I live and work. He's a good corporate citizen in Two Rivers, and he's had much success with that restaurant, and he wanted to try to duplicate that success here in Green Bay. He did not have experience operating a bar. This facility has a restaurant on the first floor, it has a bar on the second floor. Wanting to keep that bar going, he did hire a production and management company called Dublinne to operate the bar. I wasn't familiar with the company, but I believe the person who operated the facility before him had some familiarity with that company, and suggested that Mr. La Porta enter into this contract. There were substantial problems created by Dublinne's management of the bar, and Mr. La Porta does not dispute that. He admitted as much when we were in front of the committee for the evidentiary hearing. During the 12-month period that the committee looked at in considering the renewal request, there were 53 calls for service to El Presidente. Forty-three of those calls happened during the six months that Dublinne managed the bar. Forty-three of them. So most, a substantial number. He had a six-month contract with Dublinne. As soon as he was able to cancel that contract, he did, and he took over management of the bar. Once he took over management of the bar, for the following six months, there were 10 calls for service. Now, Mr. La Porta understands that 10 calls for service is not perfect, and probably not acceptable, but he worked very hard, and he took substantial steps to try to fix that bar situation. He hired a manager for security who was experienced, who testified at the evidentiary hearing, and is here with us tonight. That manager assisted in hiring a security manager, I should say. That gentleman assisted in hiring and training staff. He assisted in training that staff in the use of metal detectors, so individuals coming into the facility wouldn't have weapons. They installed cameras that had the ability to record and kept those recordings for up to 30 days to make sure that if there were issues, there was a record of it. They installed and now utilize scanners so that they can scan the IDs of every person who comes into the bar to make sure that they're old enough to be there. And as I've indicated, the number of calls in the six months following Dublinne's departure went down from 43 to 10. So there was a substantial improvement. Now, when we were at the, the real purpose of our objection, as I've indicated in my written comments, is the conclusion of law number four. When we were at the committee meeting, and the committee came out to, well, first of

all, Mr. La Porta testified that he had reduced the nights of the bar being open from Friday and Saturday to just one night a week, and he was willing to close both nights in order to try to resolve these issues with the bar. When we were at the hearing, every single police officer who got on the stand and testified and was asked about the restaurant, testified that there was not a single call for service related to issues with the restaurant. Every single police officer testified, they had no objection to the restaurant being there, no concerns for community safety or well-being with that restaurant being there. With that information, Mr. La Porta offered to close the bar for the remaining evening, offered to accept an amendment to the liquor license renewal that would prohibit him from operating the bar. The position of the city attorney was that the common council here does not have the authority to limit the liquor license in such a fashion, and that is the nature of our objection. As I indicated in my written remarks, that is conclusion of law number four, and that is an inaccurate statement of the law. If you look at the case law that I cited there, it indicates that the law requires that the liquor license "particularly describe the premises for which it is issued." Wisconsin statute 125.02, apparent 14M defines that word, premises, as "the area described in the license or permit." The area described. So therefore the supreme court noted in this case, Wisconsin Dolls, LLC, versus the town of Del Prairie, that the only limitation on the premises that can be defined in the liquor license is what is put in the license, or permit. There is no limitation on saying, it can only be part of the building, it has to be the entire building, which was the city attorney's position. That is not the case. The court went on in that case to indicate that when you fill out the application for a liquor license, you are asked to describe where the alcoholic beverages are going to be sold or where they're going to be stored, and the answers on the application can form "the particularly described premises," that you're going to be selling or storing alcohol. Clearly, there is no limitation. And if you look around the city of Green Bay or Brown County, you can see that this is the case, or if you go to other communities. Go to the Fox River Mall in Appleton. They have a restaurant in there that sells alcohol. They don't sell alcohol in the food court, they don't sell alcohol at Sears, right? That's a building, but they sell alcohol at the restaurant. Go to most of the major hotels here in town. They don't sell alcohol in the lobby, they don't sell alcohol in the pool area, they don't sell alcohol in the hallway outside the guest rooms. They sell alcohol in the restaurant, and they sell alcohol in the bar. The idea that you can't limit the area where liquor can be sold within a building itself is simply not the case, and is not borne out by many of the liquor licenses that we have. And in fact, just a few minutes ago, all of you approved an agenda letter O, item number four, a request by this facility to amend their liquor license to include outdoor seating and serving. So apparently it can be done. Then you approved request number five, so that a corn league could serve alcohol outside of their building. You had a specific conversation about that. Then you approved request number six, by Green Bay Sports Service, to temporarily extend their license premises. So clearly modifications to license premises are allowed. That is an inaccurate statement of the law. The case that I cited goes on to indicate, I think this is important, it is not unrealistic that a town, like the city of Green Bay, might negotiate with a licensee to address public concerns about the premises description, and obtained consent to a modification. So clearly the Supreme Court of Wisconsin has said you can negotiate with Mr. La Porta or with El Presidente to seek a modification in order to address the public safety concerns. And if we modify the facility in the manner that's being requested by Mr. La Porta, which would allow him to serve alcohol in the restaurant portion, the first floor of the building only, he's happy to do that. And the bar would not be allowed. I would also like to point out that Mr. La Porta's landlord is here, Ron Smitz, and he wanted to make a statement. He was told that's not allowed. Fine, I didn't review the statute well enough to know if that's the case, but he wanted me to review for you what he had to say. He's a lifelong resident here in Green Bay. He's been in business for over 32 years, and he's invested in commercial and residential real estate throughout this city. He's known Mr. La Porta for several years, and he spoke with Mr. La Porta about his goal to open a restaurant here in downtown Green Bay, and he thought that was a good risk, given Mr. La Porta's success with his restaurant in Two Rivers, where he has an excellent reputation. And is a pillar of that community, which I can attest to, because I live and work there. They opened the restaurant, they opened the upstairs into a dance club. Mr. Smitz recognizes that there are all sorts of problems with the club, but he also recognizes that since the dance club itself has not been operating, the calls for service have stopped. He indicates that even if it's not legal, and I don't think it's a problem, but he indicates even if it's not legal for the common council to limit the liquor license the way that Mr. La Porta has agreed to do so, as the property owner, he's willing to enter into a new lease with Mr. La Porta that would prohibit him from operating a bar out of that location. Which would circumvent any

requirements of the liquor license. If his lease doesn't allow him to operate a bar, he won't operate a bar there. Because he'd be evicted. So there's another means of assuring that there is not a bar operating out of that facility. As Mr. Smitz points out and Mr. La Porta confirms for me, he's invested over \$100,000 into the operation of this restaurant. He is, the restaurant portion, I understand there's problems with the bar portion, but the restaurant portion, every police officer testified, he is a good corporate citizen there. He pays his taxes, he presents an opportunity for individuals who live in this town to have authentic Mexican cuisine that I understand from Yelp and Facebook and every other online review, has good food, four stars, four and a half, five stars. Good service, good food. He employs people. He's employed at any given time as many as 13 individuals in this city. He has a successful business. The reality is, if he's not allowed to serve alcohol, that restaurant will close. If you go out to a restaurant, you expect to be able to get a drink. If you go to a Mexican restaurant, you expect to be able to get a margarita, right? That's what you go to a Mexican restaurant for. If he cannot serve alcohol in the restaurant, he will close. Those people will lose their jobs, he will lose his investment. Mr. Smitz'll have another empty building, and the city will have another empty building in downtown Green Bay. Nobody wants that. If we can eliminate the problems with the bar, which I think legally we can do, and we can also do with an amended lease, we can eliminate all safety or public concerns related to this facility, and I think that's what we should do. This is an opportunity for this council to allow Mr. La Porta to keep his business going, and to be a continued good corporate citizen with the restaurant portion. I certainly don't speak for the committee chair, obviously, who was there, but I can tell you, he seemed pretty sympathetic to Mr. La Porta's situation. He made a statement if I, and I hope I'm not misquoting him, that if they could issue a license just to the restaurant, he would do that, but he believed from the statement the city attorney made that he could not. And he's nodding, so I assume I've quoted him correctly. That's what I'm asking you to do. That's what Mr. La Porta and El Presidente are asking you to do. Those are all my remarks. If you have questions, certainly, I don't know if that's appropriate now, or if that's after the city.

- [Eric] Alders have questions? Alder from the fourth.

- So you're telling us what the police officers said. Do we get a chance to hear what the police officers said now, or--

- [Man] I can clarify that. They testified that there was no problem with the restaurant.

- Okay, thank you.

- [Man] All right, thank you.

- [Eric] Alder from the tenth.

- Thank you, your honor. Thanks for coming in, Eric.

- [Eric Pangburn] Thank you.

- You know, I think part of this issue is just the contract that was with the former manager. I mean, the committee itself was looking at safety, etc., of the community. And I think they did a fine job just looking at it from that standpoint, so. As far as the things you brought up about his business acumen and such, I'm sure it's very good. But I think the concern initially was that six-month contract, if you will, with that former manager. And it's kind of like, well, are they innocent? Ignorance, is there, he couldn't get out of that, I suppose, he couldn't get out of that contract.

- [Eric Pangburn] Right, he had a six-month contract. I haven't reviewed the contract, I don't know exactly what it says. He didn't want to get into a legal fight with Dublin. He just decided he would ride that out. There was one manager from that company who he did tell was not allowed to come back on the premises after he kicked a patron in front of the police. So he tried to take steps to limit who from Dublin was there, and I didn't get a chance to say this before, I neglected to say this before, at least one of the police officers at the evidentiary hearing was familiar with Dublin, had testified that there were ongoing issues with this production company, and if Mr. La Porta had known that, certainly he wouldn't have hired them.

- I guess I just wanna reiterate, that is the one, the main point that was coming forth.

- [Eric] We just wanna make sure, excuse me alder, that your comments are made in the form of question.

- Yes, all right. I guess I just wanted to make sure that that's all there was. I'm just looking at it from that standpoint, so. I'm good, thank you.

- [Eric Pangburn] Okay, thank you.

- [Eric] Alder from the ninth.

- Thank you, Mayor. And thank you for your testimony. Just a couple of questions. You said that your client owns and operates a facility in the city of Two Rivers?

- [Eric Pangburn] He does.

- And how long has that facility been open?

- [Eric Pangburn] Three years? About three years.

- Okay.

- [Eric Pangburn] It's called Casa Mexico. It's on Washington Street in Two Rivers.

- Okay, and does that facility also serve alcohol?

- [Eric Pangburn] It certainly does.

- And to your knowledge, has that facility received police calls in the city of Two Rivers?

- [Eric Pangburn] Not that I'm aware of, and I'm on the City Crimes division. We haven't had any issues come up with that facility or at that property.

- When we look at El Presidente here in Green Bay, do you know off hand what, I guess this would be prior to the bar opening, what percentage of the sales come from alcohol?

- [Eric Pangburn] I do not know. Mr. La Porta may, but I don't know.

- [Alder] Will come after, I assume. Thank you.

- [Eric] Alder from the twelfth.

- Yes. Thank you, mayor. A couple questions, sir. You mentioned the police calls went down from 43 to 10 after the new company was, or the old company was terminated.

- [Eric Pangburn] Right, the city attorney had provided a list of the calls for service during the time period that the committee was considering, and there were a total of 53 calls. Forty-three of those calls were during the time that Dubline was operating the bar.

- [Alder] Are you personally with what the 10 calls are regarding?

- I was at the time of the evidentiary and for the evidence that was submitted, but I don't have those notes with me tonight, no.

- Okay, last question, you mentioned the business owner has invested \$100,000 into the business. Is that modifications to the building, or?

- He might be able to speak to that more specifically. He's nodding his head yes, I know he's also installed some camera systems, he's bought machines, as I indicated, to read cards, he's bought metal detectors, the hand-held kind, I don't know what all of the expenditure is, I'm sure some of it is just to purchase alcohol, food, pay staff, etc.

- [Alder] Okay, thank you.

- [Eric] Any other questions, alders? With that, we will now swear in the city prosecutor. Thank you.

- [Woman] Please raise your right hand. Do you solemnly swear that the testimony which you shall give on the matter now on hearing will be the truth, the whole truth, and nothing but the truth, so help you god?

- I do.

- [Woman] Please state your name and address for the record and spell your name.

- Rich Maes, M, a, e, s. 245 Traitor's Point Lane in Green Bay.

- [Woman] Thank you.

- [Eric] You may proceed.

- Good evening, members of the council. Just as attorney Pangburn did, I'd like to give you some background information on the issues that have been going on over the past year at El Presidente. I chose to look at the last year of calls for service when generating the list of 53 calls, and the calls that specifically involved staff or patrons of El Presidente, because that's the last liquor license year. So just looking at, since the last time that the liquor license was approved, there have been 53 calls for service, 30 of which directly involved staff and patrons at El Presidente. There was some discussion about Dubline Entertainment, the promotion company that some people tonight referred to as a manager of the bar. My understanding of Dubline's role was that they were an entertainment promotion company, and they provided security for El Presidente, that they weren't managing operations at the restaurant. And at the committee hearing, Mr. La Porta testified that during the time that Dubline was employed by the Green Bay location, that he did have short staffing in Two Rivers, and was spending more of his time managing the operations in Two Rivers, which apparently was to the detriment of the Green Bay location. So while I appreciate that Mr. La Porta was a good corporate citizen in Two Rivers, and for that location, all evidence to the contrary for the Green Bay location. So before directly addressing El Presidente's sole objection to the findings that came out of the Protection and Policy evidentiary hearing, it's worth pointing out that there were no objections made to the findings of numerous violations of Wisconsin liquor laws by El Presidente, including multiple violations over the past year for disorderly house, violations for massive bar fights, spilling into the street, as recently as April of this year, so when we're talking about what those 10 calls for service were, and is it Dubline's fault, is it Mr. La Porta's fault, it's worth noting that as recently as April of this year there was a fight that spilled out into the street that involved six or seven people sucker punching another patron and then circling around him and stamping on him and kicking him. There were also multiple violations for sale of alcohol to minors that were in the findings of fact. Those violations included in the committee's findings of fact are not disputed, and they're not being objected to tonight. I would be remiss as a prosecutor if I did not also point out that during the last year, there were also violations of the stipulation agreement that El Presidente entered into when the liquor license was initially issued, including not providing surveillance video upon request for multiple incidents, multiple of these violations and bar fights that have spilled out into the street. Surveillance footage had to be obtained from neighboring businesses, even though El Presidente had agreed to install cameras. More than a year after signing that agreement, there still weren't cameras installed, so while recently cameras have been installed, there was about a year and a half period where they should have been installed and were not. And El Presidente was not able to provide surveillance footage for the incidents that happened as they were obligated to. There was also a stipulation agreement violation for offering an all-you-can-drink special at the bar portion. Mr. La Porta was

also present in January, on January 6th of this year, after Dublin had ceased providing services. Mr. La Porta was present when the bar was open after hours. That's one of the 10 calls that happened after Dublin left operations. Now, the only item in the findings of fact and conclusions of law that was objected to, as attorney Pangburn pointed out, was the conclusion made by the committee that the city is unable to issue a liquor license exclusively for restaurant purposes. That conclusion made by the committee is entirely accurate. The case that attorney Pangburn cites in his objection had the town of Del Prairie reducing the license premise of an adult oriented establishment from the entire eight acres that comprised the property that the business was located on, to only include the main bar area. In our situation with El Presidente, the council could do something like restricting the boundaries of license premise to only include the first floor of El Presidente's building, which is currently used as a restaurant, but the city cannot limit the use of the license to a restaurant only purpose. Once a license is granted, it can be used in any lawful manner within the license premise. El Presidente currently, like I said, has a restaurant on the first floor, but at any time they could use that space as a dance club, or a bar, or they could convert it to a bowling alley, or they could use it for whatever lawful purpose they want. In fact, when the liquor license was initially issued, the purpose was for a Mexican restaurant. It was only subsequent to the liquor license being issued that they opened up the dance floor night club portion in the upper level. There's no mechanism or restriction that can be placed on the use of the liquor license that is more stringent than state statute allows. Once granted, the license premises are licensed. Period. Even if the city entered into a stipulation agreement, or there was some talk about lease restrictions, saying that there would be a restaurant only in the area, or if there was an agreement to only operate until 10 o'clock at night, violation of those agreements could not result in the immediate revocation of a license. Of the liquor license. We would need to go through the same revocation or non-renewal process that we're at the tail end of right now. We would need to go through that process all over again. The bottom line is that the police department, both community police officers and night shift officers, the building owner, and I have all had a lot of conversations with El Presidente employees, including Mr. La Porta over the past year. The suggestions of either shutting down the night club, closing early, using it as a different purpose, those have all been suggested multiple times. I understand that El Presidente made a lot of money selling a lot of drinks on the nights that the bar or night club was open, and having that bar level open helps pay the bills. I don't fault a business owner for trying to make money, and to run a profitable business, but it needs to be done within the confines of the law. El Presidente's application for renewal this year describes the address and a two-story commercial building as its license premises. They had no intention of shutting down the poorly run night club operation until non-renewal was presented and suggested by the city. Over the past year there have been too many violations, many of which were major incidents, to justify renewal of this liquor license. El Presidente has been given many opportunities to close earlier, or shut down the night club. Mr. La Porta has chosen not to do so. The safety of our downtown area is on the line, and the accountability of liquor license holders in the city of Green Bay is on the line. The city of Green Bay has so many great licensed establishments that play by the rules. However, those establishments that fail to, or choose not to follow the rules, run the risk of losing their liquor license. Again, there've simply been too many violations over the past year at El Presidente to justify renewing its liquor license. The strain on police resources, with one incident, I believe it was the September incident, required fourteen or fifteen officers to be dispatched. Fourteen or fifteen officers not responding to other calls for service in the night shift is unacceptable. I urge the council to send a clear message that the city does not have unlimited patience when it comes to liquor law violations, and I urge the council tonight to adopt the Protection and Policy Committee's recommendation to not renew the liquor license to El Presidente.

- [Eric] Thank you. Any questions for our city prosecutor?

- [Man] Do you have one?

- [Eric] Alder from the first.

- So is it accurate that we cannot issue a license just for the restaurant? That they can, is it true that they can't close the bar part and then just have the restaurant part open?

- So the restriction that can be placed on the liquor license is what is defined as the license premise. The boundaries of where the license applies to. The use cannot be regulated.

- So if the lease were changed so that they did not have the upstairs part, then does that cover it?

- There from being, from the second level being used as a night club, but it would pose no restriction to the use on the first level. They could continue to--

- [Alder] Call it the restaurant and.

- Exactly. Correct.

- [Eric] Alder from the fourth.

- Thank you, your honor. How many citations, or were there citations issued for how many events?

- Seven citations have been issued, four have judgments entered, three have been dismissed as part of plea agreements.

- And they were issued to the owner, Marco La Porta?

- The citations that have judgments issued have been paid in the amount of around \$2100 total.

- Violation, was that citations issued for any of those?

- Yes, I believe there were three disorderly house citations, two underage patrons on licensed premise, and I believe the other three, or I believe that there were either two or three stipulation agreement violations.

- [Eric] Thank you, alder. Alder from the twelfth.

- Thank you, mayor. Sir, you mentioned two of the 10 calls from what I understand after Dublin was terminated. One was a rather large fight, in your opinion, that spilled to the outside of the establishment?

- [Attorney] Correct.

- That's one, and then the second one that I heard was operating after hours, so they were selling alcohol past, bar closes at two, I'm assuming?

- So the night shift officers, one of whom testified at the committee hearing, they were patrolling and they saw people leaving El Presidente after bar close. So they did a tavern check, and they found fourteen people still in the bar. There was some testimony from Mr. La Porta at the committee hearing that they were employees of the bar. Officers took down names of the people present. It did not appear to officers that all of them were employees. They were sitting at the bar, and I believe Mr. La Porta's response was, "What's the issue, we're just sitting around talking." Well, bar close means bar close. Everyone's out. So having a dozen plus people in the bar after bar close is a violation of liquor laws and their liquor license.

- If I hear you correctly, you stated that a stipulation of the liquor license was that they install a surveillance system, and that they did not have one for a year and a half?

- So as part of the liquor license process, police department, as part of their security plan process, they go through a stipulation agreement with applicants who want a liquor license. And based on what the planned use is, things like ID scanners, things like metal detectors, those types of requirements are discussed with the applicant for the liquor license. And in El Presidente's case, they submitted their initial liquor license application as a restaurant. So things like ID card scanners and security devices weren't part of that original stipulation

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agreement. One of the things that is in the stipulation agreement is to install security cameras, and if there is an incident, that the facility provide their security footage to law enforcement as part of the investigation. The original liquor license was issued a year prior to these 53 calls for service, and it wasn't until, I know, at least after October, that the security cameras were installed. I can think of up to Halloween, the weekend before Halloween, there was an incident that there was no security footage available. I think at that point cameras may have been installed, but they were only recording for up to four or five days, when the requirement was to hold on to two weeks' worth of footage.

- The attorney for Mr. La Porta stated that the business owner has invested \$100,000 in the property and the business. In your opinion, should that carry any weight as to whether we should renew the license? Is that something we should even consider? Or should we stick to the letter of the law in regards to the liquor license.

- Well, the liquor license can be revoked, or suspended, or not renewed for a single violation of chapter 125. We certainly want people investing in our community. We want people investing in downtown Green Bay. To be perfectly honest, I think Mr. La Porta's a good guy. I think he's in over his head with this facility. I think that he has learned through trial by fire, and make a mistake, learn from it, and fix it after he's been caught. As far as what the dollar amount is as far as what he's invested in the downtown and into the building, that doesn't change the fact that he's not running a lawfully operating business, and when you throw alcohol into the mix, which is the purpose of the hearing, what impact does the alcohol have at his business. These fights that have spilled out into the street that have led to disorderly houses, we're talking dozens, 50 to 100 people for some of these incidents, in the middle of the street on Washington Street, duking it out, tearing each other's clothes off, and they're coming from El Presidente. So is this the type of operation that should be selling alcohol? That's your guys' decision. I certainly don't support it.

- You've answered the question, thank you.

- [Eric] Thanks, alder. Alder from the ninth.

- Thank you, mayor. You had said something that kind of, I was curious about. You had indicated that to your knowledge, this Dubline Entertainment was contracted exclusively for security purposes, and that they did not manage the bar?

- They were appointed for security and entertainment promotion, so promoting events, promoting the night club, as well as providing security, and I've had pretrial conferences with members of Dubline Entertainment, I've read the police report stating that for the underage patrons on the licensed premise, that they showed their ID card, their actual, real ID card, not a fake ID, and were allowed into the bar, and there were two citations for underage patrons on licensed premise while Dubline was in charge of security. Mr. La Porta is the operator of the business. If Dubline wasn't doing their job that they were contracted to do, I'm not sure why

he didn't terminate that contract or why there wasn't a breach of contract. The buck stops with the owner of the operation, and the fact of the matter is, there were disorderly house violations and there were underage patrons on premise.

- Okay, so again just to restate, they were responsible for checking IDs, letting people into the bar, maintaining an orderly house, but El Presidente was responsible for bar staff, and--

- [Attorney] I'm not sure who was responsible for bar staff.

- Okay. Within, do you know off hand before they converted to this night club, do you happen to know how many calls, if any, they received as a restaurant?

- [Attorney] I'm not aware.

- Okay. And then, and I'm pulling this from memory right now, but the chapter 33 from the city ordinance that specifically, I think, outlines a point system that we utilize, was that point system, I guess, executed or exercised with respect to how we notify the bar owner that they might be in jeopardy of non-renewal or losing their license?

- No, it was not. In fact, had that been the case, after the June incidents that resulted in disorderly house citation and actually three citations were all, the judgment was entered at the same time. The disorderly house and one of the two underage citations and a stipulation agreement violation were all entered as part of a plea agreement from June. I believe that that stipulation, that the agreement, the plea agreement, was entered into in September. At that point, El Presidente would have been beyond the points allowed for by the ordinance. So community police officers, and myself, had had several conversations beyond what the ordinance allowed for, in an attempt to give Mr. La Porta an opportunity to turn things around, and those opportunities were not taken advantage of.

- Okay, so from your perspective, while it might not be clear cut in terms of strike one, strike two, strike three you're out, you feel that the city gave him ample opportunity to correct by way of warnings, to correct behavior.

- [Attorney] Absolutely.

- And then one final question that I would have for you. And this is more just informational for me and perhaps some of the other alders. If, depending on the outcome of council's decision tonight, does he still have another opportunity through civil court to protect his license?

- My understanding is that tonight is, in regards to the liquor license, that decision ends here. Any decision by the council can be appealed to circuit court, but at that point the circuit court is looking at an arbitrary and capricious standard, so if there's data, if there's information that creates a rational basis for the council's decision, it's not gonna get overturned.

- [Alder] That's all.

- [Eric] Any further questions from council? Thank you. We'll now entertain rebuttal arguments. Does the licensee wish to present a rebuttal?

- [Eric Pangburn] Absolutely, thank you. There were a couple of things indicated by the city attorney that I do wish to speak to, and specifically to your question, sir, as to the authority that was given to Dublin. I would direct you to the finding number 14, the factual finding, which indicates Mr. La Porta testified that when he took over the business in March 2018, Dublin Entertainment was then serving as the management company for providing security and bar management services for the bar at the licensed premises, and continued to provide those services until their contract with El Presidente Green Bay, LLC, expired in October 2018. So that was the finding of the committee. There has been no written objection that I saw from the city attorney's office to that finding. Mr. La Porta testified that he gave them that full authority as indicated in finding number 14 to operate the bar. Mr. La Porta is not here. I said this before, but I wanna reiterate it. He is not here to make excuses for the violations. He is not here to fight the violations. He admits the violations. He accepted seven of the citations as a plea agreement, and he paid the citations. So he agrees, there are issues with the bar. There was a statement by the city attorney that the city of Green Bay's safety is on the line. If the bar continues to operate, I would qualify that. If this bar continues to operate, there's a problem. But Mr. La Porta has offered to shut down the bar. And I agree with the city attorney. We can't, and I shouldn't say we, you can't issue a license that says he has to operate a restaurant. You can issue a license that says he is only permitted to operate on the first floor of the premises. The reality is that the first floor of the premises is a restaurant, which is Mr. La Porta's business. He's a restaurateur. He's not a bar operator. He said that at the evidentiary hearing, and the community chair made a comment similar to the city attorney's comment, that he didn't have experience in that area, he thought he'd give it a try and learn trial by fire, and it was certainly a bad idea. I can't imagine that what Mr. La Porta is going to do, if this body grants him the authority to operate a liquor license premises on the first floor of the building only, I can't imagine what he's going to do is to rip out the restaurant and put the bar on the first floor. The bar has been nothing but trouble for Mr. La Porta. He has no intention of doing any such thing. I understand we're taking that on faith from Mr. La Porta, but he is a restaurateur. That is what he does, and that's what he wants to do. That is where he has had success here in Green Bay, and that's what he wants to continue to do here in Green Bay. He is not gonna convert the restaurant to a bowling alley, a bar, or any other kind of facility, if you allow him to operate on the first floor of the premises only, and his landlord's not going to let him. We've had that information that I've provided to you tonight, as well. One of the other things that was raised by the city attorney is, if we renew the license with the modification, and there are continued problems from Mr. La Porta, we gotta wait all the way until next year to go through another renewal process, twelve months from now. That's not true. Section 125 of Minutes of the Common Council

the statutes allows any citizen who lives within the municipality to file a complaint against Mr. La Porta's liquor license and commence a proceeding to revoke the license. That is state law. So there is absolutely no reason, if there are continued problems, that any person who lives within the city of Green Bay could not come forward and say "We tried to give Mr. La Porta a chance." Someone on this council could do it. One of you could do it. The city attorney could do it. Anybody who lives in Green Bay can say "Take his license away," and commence one of these actions again. So you do not have to give Mr. La Porta a full 'nother 12 months to figure out if this is going to work. One of the other things that was asked, I don't remember which gentleman it was, is about the calls to the facility that were related to the bar versus related to the restaurant, even prior to the time that was examined by the facility. I can tell you that I asked all of the officers who testified if they ever responded to a call for service at the restaurant itself as opposed to the bar. They all testified that they had never responded to a call for service at the restaurant. I asked them if any of them had any concerns for public safety related to the restaurant. They all said no. So I don't think, as far as I understand, there have been no calls for service for the restaurant. None. They've all been related to the bar, which is already closed, and there is no intent of reopening it, and if you modify the premises description of the liquor license as Mr. La Porta has agreed to do and as the law allows, and you can't do it unilaterally, but as the case law indicates, if Mr. La Porta agrees, you can modify it as he's requested. I don't think there's going to be any problems. That's what we're asking. If there are other questions, I'm happy to entertain them.

- [Eric] Any questions from council?

- All right, thank you sir.

- [Eric] Thank you. Does the city prosecutor wish to proceed with a rebuttal?

- Attorney Pangburn in his rebuttal continues to point the finger at Dublin, but pointing the finger at Dublin doesn't absolve Mr. La Porta of his responsibility as a business owner for how he has operated his business over the last twelve months. We're hearing a lot of assurances, we're hearing a lot of promises, but the proof is in the pudding. All of these options have been presented to Mr. La Porta over the past year, and he's failed to act in the interest of the downtown community. He has failed to implement these changes on his own, and it's only now that his liquor license is on the line that he's even open to the suggestion of making some of these changes that should have been made months ago, if not longer time period ago. So again, I would urge the council to adopt the Protection and Policy Committee's recommendation to not renew the liquor license.

- [Eric] Thank you. Questions? Alder from the ninth.

- Two quick questions for you. With respect to the point system that was reference earlier, Does that reset? And specifically what I mean is hypothetically, Still at that point maximum where if he has one more, that that could be instituted.

- I would have to check the ordinance again. My understanding is that it's per license year, I mean, once the license is granted, then it's kind of like a driver's license, where it would reset after the year.

- And then my second question is, is it, while we can place restrictions on location, so for example, we can't have second floor, are we able to place restrictions on the hours of operation?

- The liquor license, chapter 125 says that license holders may remain open until bar time. So putting a restriction on the liquor license would be in conflict with, it would be more restrictive and in conflict with state statute, so that's not something that the council could, that's not a restriction the council could put on the license.

- Are there, and I understand you may not know this, as it relates to the licenses that relate to the food service part of the business, are there sort of separations if you will, like you need a special permit to serve during third shift? I don't know if that's such a thing. Or is it kind of like, once you have that food permit, you can operate anytime?

- [Eric] Any final questions for either party? Alder from the third.

- For our city attorney, please. Question, if the, I can't remember his name, La Porta, Mr. La Porta surrenders to the business of operation with hours, and agrees to and writes a contract with the city that they'll be closed at 10 o'clock, 9 o'clock, etc., isn't that legal?

- You can enter into a stipulation agreement with the city. That'd be no different than the stipulation agreement that he entered when he initially got his liquor license. And there have been violations of that stipulation agreement. If he were to violate the agreement to only remain open until say 10 o'clock, the recourse for the city wouldn't be revocation of the liquor license. We would have to go through the revocation process. We'd have to have someone file a complaint, we'd have to go through the hearing, and it would have to come back to council. The recourse for violation of an agreement to close at 10 o'clock would be a citation, a forfeiture. That would be the city's recourse.

- [Alder] Thank you.

- [Eric] Alder from the fourth?

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- Thank you. A question for you. So say we gave him permission to run it as a restaurant, we have stipulation agreements, we got rules and agreements and everything stacked a foot high. He violates it once, we issue him a citation, the process is, it goes to municipal court, correct?

- [Attorney] Correct.

- At that time his attorney could ask for a delay, change of venue, numerous other tactics to delay the process, it could go on for over a year, could it not?

- Yeah, the citations that were issued in June weren't resolved until September. There were reschedules that were requested, there was a change of attorney in that time, there are delays that happen once the citation is issued and goes to municipal court.

- In fact, many times, many of these individuals that receive multiple citations, although they may claim they were only found guilty of one or two, in reality it was a plea deal, where many of them were dropped and just so we could get it through the system and get a conviction, is it not?

- [Attorney] Correct, I mean, in this particular instance the first batch of, there were pleas to two of the citations, while three were dismissed, but the two subsequent disorderly, and operating.

- Thank you.

- [Eric] Any final questions for either party? Seeing none, I'll entertain a motion to close the floor.

- [Alder] Motion to close the floor.

- [Alder] Seconded.

- Motion made by alder from the seventh, seconded by alder from the fifth. All in favor of the motion to close the floor, please signify by saying aye.

- [All] Aye.

- All opposed nay. At this point I'll entertain a motion to move into closed session for deliberation.

- [Alder] Closed session.

- [Alder] Second.

- Motion made by alder from the seventh, seconded by alder from the tenth to move into closed session. All in favor of the motion to go into closed session, please signify by saying aye.

- [All] Aye.

- All opposed nay. The alder who made the motion, please read the language. Alder from the seventh.

- The council may convene in closed session pursuant to section 19.85, subsection I, subsection B, and/or chapter 19.85, subsection I, subsection F, for the purpose of considering information with respect to licensing for a person. Council may also convene in closed session pursuant to chapter 19.85 subsection I, subsection A, Wisconsin statutes for the purpose of deliberating the 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 chapter 19.85 subsection 2, Wisconsin statute, to report any actions taken during the closed session and to consider all other matters on the agenda.

- [Eric] Thank you, alder. I apologize, we also need a roll call vote for that motion. So use the board.

- I got it, I know. This vote, are we voting--

- [Eric] Closed session.
- It looks like we're voting.
- Current item.
- It looks like we're voting to non-renew.
- [Woman] That's just the way the system works.
- [Woman] It just always appears like that.
- [Woman] Yeah, it's just the way the system works.
- Oh, okay.
- [Eric] Motion succeeds 11 to 1. We are in closed. Motion to return to regular order.
- [Alder] So moved.
- [Eric] Motion by alder from the first, seconded by alder from the seventh. All in favor of the motion to go back to regular order, please signify by saying aye.
- [All] Aye.

- [Eric] All opposed nay. The ayes have it. So we're looking for two motions. One to admit the findings of fact and conclusions of law, and then a second motion on the non-renewal of the liquor license.

- [Alder] I make a motion to accept the findings of fact.

- [Eric] Motion made by alder from the seventh, seconded by alder from the tenth to approve the findings of fact and conclusions of law from the Protection and Policy evidentiary hearing on the non-renewal of El Presidente's liquor license held on May 22, 2019. All in favor signify by saying aye, all opposed nay.

- [All] Aye.

- The ayes have it. Now time for the second motion, alder.

- [Alder] Motion to non-renew El Presidente.

- Motion made by alder from the seventh and was seconded by alder from the second. To approve the non-renewal of a class B fermented malt beverage and class B intoxicating liquor license for El Presidente, Green Bay, LLC, care of Marco M. La Porta, president agent at 219 North Washington Street. Sure, we'll use the board. All in favor will vote aye, all opposed will vote nay. Yes. So there's a motion by the alder from the seventh, seconded by alder from the second, to approve the non-renewal. To non-renew class B fermented malt beverage and class B intoxicating liquor license for El Presidente. We have nine ayes, three nays. The motion succeeds. On to Item Q, report of the Protection and Policy Committee granting operator licenses. What are your wishes regarding this report?

- [Alder] Move to approve.

- Motion made by alder from the fifth, seconded by alder from the seventh, to approve report Q, which is the report of the Protection and Policy Committee granting operator licenses. Are there any names for which you'd like to be recorded as abstaining?

- [Alder] Mayor?

- Alder from the ninth.

- Probably smart for me to abstain from myself, so Brian Johnson, and then also from Chelsea Coken, as she's the direct report to me.

- [Alder] Well, if you can't stand up for yourself, I don't wanna vote for you either.

- Yeah, right?

- [Eric] We have those abstentions recorded. Any additional abstentions? Hearing none, any names under this report you wish to handle separately? Hearing none, all in favor of the report please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it, and the report has been approved, noting the abstentions. Item R, report of the Finance Committee June 11, 2019. Motion made by alder from the seventh, seconded by alder from the second. To approve report R, which is the report of the Finance Committee from the meeting on June 11, 2019. Any items under this report you wish to handle separately?

- [Alder] Four.

- Item four. Any additional items? Item four will be handled separately. Hearing none, all others in favor of approving the remainder of that report, please signify by saying aye.

- [All] 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?

- [Alder] Approve.

- [Alder] Second.

- Motion made by alder from the seventh, seconded by alder from the first. This item has been pulled by alder from the ninth. You have the floor.

- I don't have any documents. I don't even know what this item is.

- [Eric] Alder from the fourth.

- It's a program developed by the Green Bay Police Department. The city owns the program and there's another department that's interested in purchasing the use of it, and so the police department is negotiating with that department for that. The direction we gave them in closed session was to proceed.

- [Alder] So what did we tell them to do?

- Well, we'd have to go into closed session.

- [Alder] I'm not gonna--

- [Eric] Alder from the ninth. vote for something without knowing what I'm voting for. So I guess that we'll be going into closed session.

- [Alder] Could we make a motion to amend our agenda to put this at the end? They wouldn't need to be here.

- [Eric] Motion made to amend the agenda to put this at the--

- [Alder] Second.

- [Eric] Second by the alder from the ninth. All in favor of the motion signify by saying aye.

- [All] Aye.

- [Eric] Alder from the twelfth.

- We have a couple other closed session items, I think at least one more, Bay Beach, so if I could amend that motion to put all closed session items at the end of the agenda, I think that would be a good idea.

- [Alder] Well, it depends. I mean, this last one I don't think--

- [Eric] Motion made by alder from the twelfth, seconded by alder from the ninth to put all closed session items at the foot of the calendar. All in favor signify by saying aye.

- [All] Aye.

- All opposed nay. The ayes have it. Report of the Park Committee June 11th, 2019.

- [Alder] Move to approve.

- Motion made by alder from the seventh, seconded by alder from the second to approve report Q, which is a report of the Park Committee from the meeting on June 11, 2019. Are there any items under this report you wish to handle separately?

- [Alder] Number four.

- Four? Any other items?

- [Woman] Three.

- He said three?

- [Woman] Isn't three the one that he wants to put at the end?

- Down to the foot already.

- [Woman] We can't approve three.

- Okay, so what do we need to do on it?

- [Woman] So don't.

- Okay. Okay, items three and four will be handled separately. Hearing none others, all in favor of approving the remainder of that report, please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it, the report has been approved with the exception of items three and four. Need to address item three?

- [Woman] No.

- Okay. Alder from the second, your wishes regarding item four?

- [Alder] Said to refer back to.

- Motion made by alder from the second to refer back to staff. Seconded by alder from the first. Alder from the second, you have the floor. All right. Any other requests to speak here?

- [Alder] This is number three?

- [Alder] Four.

- [Alder] Oh, four.

- [Alder] I was under the impression--

- Alder from the sixth.

- [Alder] I did not. There was no action taken. I was appear, but because they moved it to Tuesday night, I had to be at my committees. I couldn't be there, and Dan Ditscheit told me it was gonna go on next month's park board, so I would like it to go.

- [Alder] She wants to back with that.

- Yeah. Refer it back, yeah.

- [Eric] Okay.

- It would be better committee, or to--

- [Alder] To committee, yeah, refer back to committee.

- Refer back to committee.

- [Eric] Alder from the sixth makes a motion.

- [Alder] Second.

- [Eric] To refer back to committee, seconded by alder from the third. For the discussion, alder from the eighth.

- [Alder] Sure thing. I will say the items that come before my committee will automatically go on the agenda. There have been other committees where I know I've sent items to, and the chairperson has decided to hold them up for weeks or months. That's not good government. That's not open government.

- [Alder] Who did that?

- Well, I think, some of us know who did that, but so if you send something to Parks, at least, anything I chair, it'll go on the agenda, and then we'll decide how to handle it. And here, we didn't take any action, it was a 2/2 vote. So it's good we pulled it tonight for council to discuss, but if you send something to Parks, rest assured it's gonna be on the agenda right away. Thanks.

- [Eric] Thanks, alder. Any other alders wish to speak? On this item? All in favor of the motion will signify by saying aye.

- [All] Aye.

- All opposed nay. The ayes have it. Item has been referred back to committee. Address by going. Okay, yep. We're on to item T, report of the Personnel Committee June 11, 2019.

- [Alder] Motion to approve.

- [Alder] Second.

- Motion made by alder from the seventh. Seconded by alder from the second to approve report R, which is the report of the Personnel Committee from the meeting on June 11, 2019. Alder from the first.

- I would like to explain that the reason we're holding that, a couple of reasons. First of all, there was another meeting at the same time, which I think was Parks, so he couldn't be there. And we needed him to be there, and secondly there was some misunderstanding about the intent of the money and the memo, and just to clear things up, just so council knows that the discussion that we had was about putting those funds toward salary for the people that work at the Oak Learning Center. So that, but we wanted Director Ditscheit to be there, and because school doesn't start until August, we had that opportunity to discuss that in July, and then vote on what we decide at the July council meeting. So we were able to hold that up. I just wanted to give an explanation as to why we held that.

- [Eric] There's a motion?

- That's all I have, so. Oh, move to approve.

- [Eric] Motion made to approve by alder from the first, seconded by alder from the fifth. All in favor of the motion will signify by saying aye.

- [All] Aye.

- All opposed nay. The ayes have it, the item has been approved. Report of the public arts commission May 22, 2019.

- [Alder] Motion to approve.

- [Eric] Motion made by alder from the seventh. Seconded by alder from the fifth to approve report U, which is the report of the Public Arts Committee from the meeting of May 22, 2019. Any items in this report you wish to handle separately? Hearing none, all in favor of approving that report please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it, and the report has been approved. Item V, report of the Traffic, Bicycle, and Pedestrian Commission, May 20, 2019. Motion to approve made by alder from the seventh, seconded by alder from the fifth to approve report V, which is the report of the Traffic, Bicycle, and Pedestrian Commission from the meeting on May 22, 2019. Any items under this report you wish to handle separately?

- [Alder] Five and six.

- Five and six. Any additional items? Items five and six will be handled separately. Hearing none others, all in favor of approving the remainder of that report please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it, the report has been approved with the exceptions of items five and six. What are your wishes regarding item five?

- [Alder] Motion to approve.

- Motion to approve made by alder from the seventh, seconded by alder from the tenth. The item was pulled by alder from the eighth. You have the floor.

- The motion would be to refer back for further consideration. Both of them, actually, yeah.

- [Eric] Okay. Motion to refer items five and six back to committee. Motion made by alder from the eighth, seconded by alder from the tenth. Any further discussion? Alder from the twelfth.

- That if Alderman Wery thinks it's appropriate, I just have a question, is there new information that has come out, or are we looking to gather more feedback from your constituents?

- [Eric] Alder from the eighth.

- Thank you. The question, Corridor Association and the Colburn Neighborhood Association both wanted the chance to weigh in on this, and it just didn't time right, but they would like a chance to put their two cents in.

- [Eric] Seeing no other requests to speak, all in favor of the motion to refer items five and six back to committee, please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it. The item has been approved. Report of the Economic Development Authority June 3, 2019. Motion made by alder from the seventh, seconded by alder from the first to approve report W, which is the meeting of the Economic Development Authority, June 3, 2019. All in favor signify by saying aye.

- [All] Aye.

- All opposed nay. The ayes have it, it has been approved. Item X, receiving place on file. Motion made by-- Motion made by alder from the seventh, seconded by alder from the sixth to receive and place on file the

building permit report for May 2019, and the municipal court report from May 2019. Any discussion? Hearing none, all in favor of approving that report, please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it and the report has been received and placed on file. Item Y, resolutions.

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

- [Alder] Move to suspend.

- [Alder] Second.

- Alder from the seventh moves to suspend the rules and take all the items up at one time. Seconded by alder from the first. All in favor of that motion please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it, the rules are suspended.

- Mr. Mayor? Just a point of clarification, looking at the resolution, I wanna verify with number five, with the modification that we made to the one property going from 191 to 255, correct me if I'm wrong, but that does not impact the resolution, would that be accurate?

- [Man] That is correct.

- Okay, I just wanted to verify, thank you.

- [Eric] Thank you. So there was a motion made and seconded to adopt resolutions one through nine. Please use--

- [Alder] Motion to adopt.

- Second.

- [Eric] Please use the board. Those items pass unanimously. Item Z, ordinances first reading, I'll entertain a motion to advance items one to three to a second reading.

- [Alder] Second.

- Motion made by alder from the tenth, seconded by alder from the second to advance. All in favor signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it, and those have been advanced to the final reading. Item AA, Committee of the Whole. We are on to Committee of the Whole. We'll be taking up consideration on initiating litigation against opioid manufacturers for potential violations of the law, and the marketing, sale, and distribution of opioids. What are your wishes regarding this item?

- [Alder] Motion.

- Motion made by alder from the seventh, seconded by alder from the sixth, to move, may we move into closed session? Attorney?

- [Attorney] I'm reading what the-- We would like a little bit of direction.

- [Alder] Okay, well I motion to go into closed session.
- [Attorney] Just a little bit more specific.
- [Alder] Can we take both items at the same time?
- [Attorney] There's actually three items, I think, and I think there may be different bases for all three. Not sure what the other two are. This one is to confer with council. There's that one.
- [Alder] Can we take them all and then we could just--
- Be easier, yeah.
- [Woman] So one is for negotiating the sale of public properties, one is to confer with legal counsel.
- [Woman] And the group one.
- [Woman] And growth.
- [Woman] That's finance.
- That's for the full council, or no, that's also sale of public properties, so we would need to go in and out. Correct. Yes.
- [Eric] So we are on Committee of the Whole.

- [Alder] I move we go to closed session.

- [Eric] Motion made by alder from the seventh, seconded by alder from the eighth to move into closed session to discuss agenda item AAI. Alder from the eighth.

- If we need to. Thank you, Mr. Mayor. Some of this really is open session stuff, we can go in if we want, but is there staff time involved? Is there a cost, you know, there's a lot of different lawsuits around the country that we can get involved in, and I think we have a lot of lawsuits going on right now. I really, what's the purpose of doing this particular one? There's a lot of different issues that all of us could bring up that we could say we're joining in on just to lend our name to. Then let's hear those issues. I think a lot of that can be open session stuff. It's not closed session stuff. Let's flesh out all the open session stuff and maybe we'll get our answers.

- [Eric] Alder from the third.

- I took it off, I didn't have anything.

- [Eric] Very good. Any other comments?

- [Alder] I'm gonna vote no.

- [Eric] Any further comments?

- [Woman] This is just for whether to go into closed session, correct?

- [Eric] Right. So this came from the law department.

- [Woman] Correct.

- Okay, that's good to know. A lot of things just--

- [Woman] Dana, did you wanna.

- [Eric] Director Ellenbecker?

- The only comment I wanted to make is Vanessa had asked, the attorney had asked this to go on a Finance Committee meeting, and it was missed on the last committee meeting. That's why it got put on here as a Committee of the Whole. For some reason there is a timeline or kind of the timeline--

- [Woman] It's a time sensitive issue.

- Time sensitive issue, so it should have been in the last finance meeting, and it was missed. That is how it ended up on here as a Committee of the Whole, and not come through committee. I just wanted to add that point. I don't know much more about it.

- And generally speaking, the city was approached to participate in this type of litigation, and we just need to go into closed session to discuss our options as to whether council wants to proceed in participation or not. That's all. A few law firms.

- [Alder] National?

- Both.

- Are other cities involved with this besides us?

- [Attorney] Yes.

- Okay.

- [Man] Could you move your mic, ma'am? We can't hear you.

- Yes, sorry. My mic's not on, I don't think. Now it is. So yes, other cities are involved, law firms that are, local law firms partnered with national law firms, so we just need to kind of discuss our options and get a more specific direction. Sure, absolutely.

- [Eric] Alder from the ninth.

- I just support going into closed session to talk about it, figure it out. We got other things that are going into closed session for that also aren't being presented compelling arguments, it's just because we need to get that additional information and direction to give to staff, and we can have those conversations in open session afterwards, as well.

- Council may convene in closed session pursuant to section 19.85 subsection I, subsection G, Wisconsin statutes for the purpose of conferring with legal counsel for the government 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 counsel may there have to reconvene in open session pursuant to section 19.85 subsection 2, Wisconsin statute, to report the results of the closed session and consider the balance of the agenda.

- [Eric] All right, thank you, Alder. Please use the board to vote.

- [Woman] So take this one first, then we gotta do the other ones, right?

- [Man] No, we do it each time. I'm wondering, though, I mean, that's all we've got left is the closed session ones.

- [Man] What's the subtotal?

- [Woman] We just need police and fire for this one.
- [Eric] Yeah, we can address that after we close here.
- [Woman] And Parks.
- [Woman] And Parks.
- [Eric] The motion passes 10 to 2. We are in closed.
- [Eric] Return to open session. Motion made by alder from the first, seconded by alder from the tenth to return to open session. All in favor signify by saying aye.
- [All] Aye.
- All opposed nay. The ayes have it. We are back in open session.
- [Alder] I'd like to move that staff receive as directed by council in closed session.
- [Alder] Second.
- Alder from the first seconded by alder from the second makes a motion to proceed as directed by staff in closed session. All in favor signify by saying aye.
- [All] Aye.

- All opposed nay. The ayes have it. The motion is adopted. We are now back on.

- I'd like to move that we go into closed session.

- Item three of report of the Park Committee.

- For item three of the Park Committee and for the GERP? Can we do that one, since it's the same? I thought you said it was the same.

- [Woman] The same lang-- it's not the same language.

- It wasn't, okay.

- [Woman] Properties, one is referring to legal counsel.

- All right. The council may convene in closed section pursuant to section 19.85 IE Wisconsin statutes for purposes of deliberating or negotiating the sale of public properties, investing in 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 19.822, Wisconsin statutes to report the results of the closed session and consider the balance of the agenda.

- [Eric] Motion made by alder from the first, seconded by alder from the fifth to move into closed session with regard to item three of the Parks Committee. We will use the board.

- Alder Lefebvre.

- [Eric] Motion passes 10 to 2. We are closed.

- [Alder] Regular order of business.

- [Alder] Second.

- [Eric] We have a motion made by alder from the first, seconded by alder from the second to return to open session. All in favor of that motion signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it, we are back in open session.

- [Alder] I'd like to make a motion. Staff move forward as directed in closed session.

- [Alder] Second.

- [Eric] Motion made by alder from the first, seconded by alder from the seventh to move forward as staff directed regarding this item. All in favor will signify by saying aye.

- [All] Aye.

- All opposed nay. The ayes have it. The motion is adopted.

- All right. Item four, I'd like to move that we go into closed session on the licensing of the Green Bay Electronics Record Program, GERP, to Brown County.

- [Eric] Motion made by alder from the first. Seconded by alder from the second to move into closed session with regard to item four.

- I will read the language. The council may proceed in reconvening closed session pursuant to section 19.85 1E, Wisconsin statutes for the purpose 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, Wisconsin statutes to report the results for the closed session and consider the balance of the agenda.

- [Eric] All in favor of the motion will vote aye.

- [Alders] Aye.

- [Eric] All opposed will vote nay. We'll use the board.

- Use the board.

- [Woman] Alder Stevens suggested we can stay here, we can just turn off the recording and close the door, it's just staff.

- [Eric] Motion passes 11 to 1. We are closed. It looks like we can just--

- [Eric] Entertain a motion to return to open session.

- [Alder] So moved.

- [Alder] Second.

- [Eric] Motion made by alder from the seventh, seconded by alder from the tenth to return to open session. All in favor of that motion please signify by saying aye.

- [All] Aye.

- [Eric] Those opposed nay. The ayes have it. We are back in open session.

- [Alder] Motion for staff to proceed as directed.

- [Alder] Second.

- [Eric] Motion made by alder from the seventh, seconded by alder from the third to move forward as directed by staff. All in favor of the motion please signify by saying aye.

- [All] Aye.

- Those opposed nay. The ayes have it. And the motion is approved. Item BB, referral of petitions and communications. Any communications? Alder from the eighth.

- Mr. Mayor, I have two. The first one is Green Bay Housing Authority designated an outdoor smoking area at Mason Manor. Second one is a Public Arts Commission to create two options for an outdoor 9-11 memorial to present the Parks Committee for consideration.

- At the 9-11 park, or at the 9-11 memorial spot?

- [Eric] Any other communications? Alder from the ninth.

- Thank you, mayor. Refer to finance for further discussion and direction on the mandated purchase by Brown County of Express Vote for \$120,000 as outlined in the draft 2019 bond request.

- [Eric] Thank you, alder. Other communications. Hearing none, clerk do you have any late communications?

- [Clerk] I do not.

- [Eric] I will entertain a motion to refer all petitions and communications.

- [Alder] So moved.
- [Eric] Motion by alder from the third, seconded by alder from the seventh to refer all late petitions and communications to the proper authority. All in favor of the motion please signify by saying aye.
- [All] Aye.
- Those opposed nay. The ayes have it. And those petitions and communications have been referred.
Adjournment.
- [Alder] Motion to adjourn.
- [Alder] Second.
- Motion made by alder from the seventh, seconded by alder from the sixth to adjourn. All in favor please signify by saying aye.
- [All] Aye.
- Those opposed nay. The ayes have it, we are adjourned.