



AGENDA OF THE COMMON COUNCIL

**TUESDAY, AUGUST 20, 2019, 6:00 PM
COUNCIL CHAMBERS
ROOM 203, CITY HALL**

A. Roll Call.

B. Pledge of Allegiance.

C. Invocation.

I. Oneida Nation Chairman, Tehassi Hill.

D. Approval of Minutes.

I. Approval of the minutes of the July 16, 2019 Common Council meeting.

E. Approval of the Agenda.

F. Report by the Mayor.

G. Announcements.

H. Appointments.

I. New Appointments:

Green Bay Housing Authority

Mary Borowitz, 1424 Admiral Court, #602, Green Bay, WI 54303

Term to expire: August 1, 2024

Traffic, Bicycle and Pedestrian

Stephanie Birmingham, 1900 Morrow St., #106, Green Bay, WI 54302

Term to expire: August 1, 2022

Weed Commissioner

Josh Brassfield, 519 S. Oneida Street, Green Bay, WI 54303

Term to expire: April 30, 2020

2. **Re-Appointments:**

Traffic, Bicycle and Pedestrian

Brigid Riordan, 1145 Grignon St., Green Bay, WI 54301

Term to expire: March 1, 2022

Ray Smith, 2002 Elmwood Ct., Green Bay, WI 54303

Term to expire: March 1, 2022

Transit Commission

Roger Kolb, 2320 Newberry Ave., Green Bay, WI 54302

Term to expire: February 1, 2022

Kevin Kuehn, 2158 Charles St., De Pere, WI 54115

Term to expire: April 1, 2022

Zoning and Planning Board of Appeals

Jim Hutchison, 1140 Livingston St., Green Bay, WI 54311

Term to expire: May 1, 2022

Don Carlson, 2776 Canyon Bluff Rd., Green Bay, WI 54302

Term to expire: May 1, 2022

Board of Review

Diane Midthun, 920 Meacham St., Green Bay, WI 54304

Term to expire: July 1, 2024

Brown County Planning Commission

Paul Blindauer, 2431 Wandering Springs Cr., Green Bay, WI 54311

Term to expire: May, 1 2022

Green Bay Planning Commission

Atty. Randall W. Petrouske, 306 N. Van Buren St., Green Bay, WI 54301

Term to expire: May 1, 2022

City of Green Bay/Town of Scott Joint Plan Commission

Eric Rakers, 2775 Classic Dr., Green Bay, WI 54311

Term to expire: June 1, 2022

Green Bay Area Room Tax Commission

Larry Vesely, 1715 East Sonata Dr., Green Bay, WI 54311

Term to expire: April 16, 2020

Police and Fire Commission

Rev. Marian Boyle Rohloff, 1179 Reed St., Green Bay, WI 54303

Term to expire: May 1, 2024

I. **Public Hearings.**

1. Resolution authorizing amended conditional-use at 411 St. John Street.
2. Resolution authorizing conditional-use approval at 2709 Nicolet Drive.

J. Ordinances - Second Reading for Adoption.

1. General Ordinance No. 17-19
An ordinance creating Sections 33.03(4) and 33.05(10), Green Bay Municipal Code, relating to provisional licenses.

K. Report of the Redevelopment Authority (August 13, 2019).

1. To refer to staff to report back at the September meeting, the communication from July 16, 2019, of the Common Council by Ald. Brian Johnson, to consider forgiveness of Broadway loan made to Cup O' Joy.
2. To approve issuance of Request for Qualifications for an Operator(s) for the Shipyard at 100 W. Mason Street (Tax Parcel 2-78), 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 Authority 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.

L. Report of the Park Committee (August 14, 2019).

1. To approve a Collaboration Agreement with the Friends of the Bay Beach Wildlife Sanctuary Inc., (FOWLS).
2. To refer to staff to reach out to the schools to see if there are opportunities for indoor pickleball courts in the schools, to work with the pickleball group to see if they can increase their donation contribution to \$25,000 and to bring this back for consideration in the 2021 Bond Request.
3. To receive and place on file the request by Ald. Lefebvre that due to safety concerns brought to her attention, she is requesting that Bay Beach hire a security officer(s) during hours of operations with the cost coming from Bay Beach profits/account.
4. To approve a Revocable Private Transmission Facilities Permit with Brown County to install fiber optic cable through Joannes Park to East High School.
5. To approve accepting a 27.33 acre property donation of Parcels 21-379, 21-385, 21-386, 21-387 from the Baird Creek Preservation Foundation, located in the Baird Creek Greenway, contingent upon the successful purchase by the Foundation and that an Environmental review is done for the property before accepting the donation.
6. To approve a Revocable Permit with Green Bay Riverside Unit Owners Association, Inc. to allow the construction of a staircase adjacent to the Fox River Trail by Parcel 12-43-1.
7. To refer to staff to propose three alternative park locations where the Kiddie Karnival could be relocated to in 2020 and bring this back to the Park Committee for further discussion.

8. To refer to staff to work with Ald. Brunette to continue to study and update the report on the number of parks – City, County, School and Oneida owned – throughout the 12th District with the purpose of possibly locating property where the City can develop a new park.

M. Report of the Finance Committee (August 13, 2019).

1. To receive and place on file the request by the Finance Director to review and discuss 2018 year-end financial results and management communication for the City.
2. To receive and place on file a report on the Final Sale of the 2019 Refunding Bonds related to the 2009 Taxable General Obligation (Build America Bonds).
3. To approve the request by the Finance Director for the prepayment of two state trust fund loans with principal outstanding of \$955,368.77 using Debt Service fund balance.
4. To approve the purchase of Motorola radios for GBPD from Motorola Solutions through Baycom Enterprises for \$291,683.
5. To award a contract to Camera Corner Connecting Point for combining the Data Centers at City Hall and GBPD including upgrades to equipment and a 5 year maintenance and support agreement for \$438,021.77.
6. To proceed as directed in closed session regarding the update on liability and EPL insurance proposal for 2020.

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8. Informational: A special meeting of the Finance Committee will be held on Wednesday, August 21st at 3:00PM to discuss the City's 5-year Capital Improvement Plan.
7. To receive and place on file the Report of the Claims Committee.

The Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

N. Report of the Improvement & Services Committee (August 14, 2019).

1. To approve the request by David Weise to rescind the bulk waste removal charge of \$80 at 327 North Ashland Avenue.
2. To approve rescinding \$260.58 of the \$521.17 long grass charges from the request by Xia Moua relating to charges of \$301.73 at 619 Pine Terrace and \$219.44 at 617 Pine Terrace.
3. To approve the request by Melissa Gebert for permission to allow around-the-clock street parking adjacent to 326 12th Avenue for health care workers for her daughter.
4. To refer to the Law Department the request by Ald. Johnson on the authorization of the installation of crosswalk art at the intersection of Broadway and Hubbard Streets.

5. To refer to staff the request by Ald. Johnson for recommendations on how to alleviate chronic flooding on South Broadway/Clinton Street, South Maple Avenue, South Ashland Avenue, Shawano Avenue and Antoinette Street and to bring an update to the September 11, 2019 Improvement and Services Committee meeting on the progress for Storm Lift Stations 110 and 106 and to determine solutions to solve the flooding on Antoinette Street.
6. To direct staff to transition from concept to design on three dry ponds and increase the size of the storm sewer pipe in Main Street to determine effect on area flood levels from the request by Ald. Nicholson for status update on plans to address chronic flooding in the vicinity of Main and East Mason Streets.
7. To hold until the September 11, 2019 Improvement and Services Committee meeting the request by Ald. Nicholson to address surface water drainage issues at 1661-1663 Elkay Lane.
8. To refer to staff to develop and implement a solution to alleviate the ponding from the request by Ald. Nicholson to address pavement ponding issues at 2405 Hampton Avenue.
9. To refer to staff the request by Ald. Nicholson to address chronic flooding in the Schwartz Street/Edison Street area.
10. To refer to staff the request by Ald. Steuer to study and report out on the feasibility of utilizing the “even-odd” residential address overnight parking scenario, as is done in Milwaukee, in order to relieve the parking problems at residences with limited parking spaces.
11. To receive and place on file the request by Ald. Steuer to look at placing a street light on the east of Fellows Avenue just north of Shawano Avenue.
12. To approve the request by Department of Public Works to amend contract for LED Signal Replacement on connecting highways.
13. To approve the request by Department of Public Works to award 2020 Bridge Inspection Services to Collins Engineers, Inc. for \$31,707.72.
14. To approve the request by Bay Settlement Investments, LLC to defer special assessments for remainder of parent parcel 21-396 for five years or until sold or developed, whichever is the shortest time.
15. To approve the \$2 parking citation processing fee required by the new Passport Labs parking citation system which went live on Monday, July 22, 2019 and have staff provide a report on the citation rates from neighboring communities.
16. To approve the report of the Purchasing Manager to award a 1-year contract for snow plowing and snow removal for various Department of Public Works Parking Division and Green Bay Police Department parking lots to Express Excavation for the estimated amount of \$44,500 per year; this contract will include up to five 1-year renewal options by mutual agreement.

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

A. Award of contracts

1. To approve to award contract PAVEMENT 5-19 N. WEBSTER AVENUE RECONSTRUCTION to the low responsive bidder, PTS Contractors, Inc., in the amount of \$1,045,016.

2. To approve to award contract PAVEMENT 6-19 SITKA STREET AND SUPERIOR ROAD RECONSTRUCTION to the low responsive bidder, Advance Construction, Inc., in the amount of \$2,524,722.45.

B. Granting of Licenses

I. Sidewalk Builder

- a. Anderson Basement Repair, Inc.
- b. Bryan Mc Ewen Concrete LLC
- c. CD Smith Construction

O. Report of the Protection & Policy Committee (August 12, 2019).

1. To approve a change of agent at The Woods Golf Operations, LLC at 530 Erie Rd.
2. Informational: To approve an application for an available "Class B" Combination license for Barney's LLC at 201 N. Washington St. with a licensed premises description as "1350 sq ft selling space (first floor), 220sq ft storage space (upstairs), subject to the approval of the proper authorities. (The Protection & Policy Committee took final action at the August 12, 2019 meeting).
3. Informational: To approve an application for "Class B" Combination license for Ramis River Run, LLC at 324 N. Roosevelt with a licensed premises description as "bar area, men's and women's bathrooms, storage, security room, basement, coolers (in basement), subject to the approval of the proper authorities. (Currently licensed as Karen's Pub, LLC). (The Protection & Policy Committee took final action at the August 12, 2019 meeting).
4. To approve an application for a "Class B" Combination license for The Braggin Bar, LLC at 219 N. Washington St. with a licensed premises as "Mexican restaurant, 2 floors plus basement area," subject to the approval of the proper authorities. (Previously licensed as El Presidente, LLC)
5. To approve a request by Richard Craniums at 840 S. Broadway to temporarily extend their licensed premises to the outside parking lot on Aug. 31 from noon to 10 p.m. for a fundraising event, subject to complaint.
6. To approve a request by Richard Craniums at 840 S. Broadway to temporarily extend their licensed premises to the outside parking lot on Sept. 5 from noon to 10 p.m. for a customer appreciation tailgate party, subject to complaint.

7. To approve a request by Brewski's On Broadway at 1100 S. Broadway to temporarily extend their licensed premises to the parking lot on September 21, September 28 and December 1, subject to complaint.
8. To approve an appeal by Dennis Bailey at 621 Challenger Dr. regarding his reinspection fee and reduce the fine to \$25.
9. To receive and place on file a request by Ald. Dorff, which reads: "I believe that steps must be taken to ensure that infra structure projects, including but not limited to those that the wheel tax will fund, must be chosen very carefully and be placed into a capital improvement plan. I am requesting that P and P develop policy with the help of DPW, legal and other appropriate staff. This policy must be developed so that the special interests and requests of individual alders do not subvert the process of choosing the projects that have been carefully researched by city staff as being appropriate for placement in a five year plan. Parameters for choosing streets to be repaired, reconstructed or resurfaced as well as other infra structure improvements should be clearly identified within this policy," which was referred to staff at a previous Protection & Policy Committee meeting.
10. To receive and place on file a request by Ald. Wery, which reads: "Request a legal opinion from the State Department of Justice Office regarding walking quorums, mayors that are legally a member of the City Council, and the practice of meeting individually with Council members regarding upcoming business that the City Council will be voting on," previously held at a Protection & Policy meeting until a response from DOJ was obtained.
11. To have staff provide alders a list of how to submit a communication and to what committee and commission communications maybe be submitted in regards to a request by Ald. Wery which reads: All requests to any city committee or commission, be it from an alderman, staff or the public, shall be placed immediately on the next agenda of said body. The request may be delayed from an agenda upon agreement of both submitter and body chairman.
12. To approve the procedure as presented by staff on a request by Ald. Galvin to the Protection & Policy committee to have a procedure for alders to be notified when petitions and communications are going to be addressed at the committee level, which was held at the June 10 & July 8 Protection & Policy meeting.
13. To approve General Ordinance No. 28-18, an ordinance to repeal and recreate Section 6.15 Green Bay Municipal Code, relating to special events, and amend it to include language that an event per application may include a series of events and amend the cancellation fee language to indicate that the assessment of a late fee be discretionary.
14. To adopt the General Records Schedule for Wisconsin Municipal and Related Records dated August 27, 2018, as recommended by staff.
15. To receive and place on file the Liquor Violation Report from the Police Department for August 12, 2019.
16. To receive and place on file the report from the Water Utility Department regarding the lead pipe removal project.

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

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

Q. Report of the Plan Commission (August 12, 2019).

1. To amend the City's Comprehensive Plan for the property located at 2607 Nicolet Drive from Commercial to Low Density Residential (Figure 22-6).
2. To amend the City's Comprehensive Plan for various parcels located in the Shipyard Neighborhood.
3. To rezone 2607 Nicolet Drive from General Commercial (C1) to Low Density Residential (R1).
4. To rezone various parcels located in the Shipyard Neighborhood.
5. To table the request for a Conditional Use Permit (CUP) to allow for a plant expansion to exceed the maximum height limitation within the General Industrial (GI) district at 1919 South Broadway.
6. To approve the repeal and recreate of Green Bay Municipal Code Chapter 13-1700 Off-Street Parking, Drives and Loading as proposed.

R. Report of the Public Arts Commission (July 31, 2019).

1. Informational: To hold annually the election of Chair and Vice Chair during the October meeting of the Green Bay Public Arts Commission.
2. Informational: To elect Kelli Strickland as Chair effective immediately.
3. To hold on creating a letter of support until Tony Whiting can provide more information about the project.
4. To approve \$1,000 for the Annual Grant Program application from LegendLyfe for a live musical - *Overcome*.
5. To receive and place on file the request by Ald. Chris Wery to create two options for an outdoor 9/11 memorial to present to the Parks Committee for consideration.
6. To approve 16 designs on two sided opaque vinyl for the Green Bay Metro Bus Shelter Art project.

S. Report of the Traffic, Bicycle, and Pedestrian Commission (July 15, 2019).

1. To receive and place on file the report by the Police Department of the 2019 2nd quarter serious injury and fatality crashes.
2. To refer to staff to study post development traffic counts of the Festival Foods and Kwik Trip area, more specifically the intersections of University Avenue & Danz Avenue, University Avenue & Peters Street, University Avenue & Clement Street, University Avenue/Sturgeon Bay Road & University Avenue, and University Avenue & University Avenue (a.k.a., Riviera Lane).

3. To remove the NO PARKING zone on the north side of Pine Street from Adams Street to a point 120 feet west of Madison Street.
4. To establish a NO PARKING zone on the north side of Pine Street from Adams Street to a point 50 feet east of Adams Street.
5. To establish a NO PARKING 15-MINUTE LOADING ONLY zone on the north side of Pine Street from a point 50 feet east of Adams Street to a point 160 feet east of Adams Street.
6. To establish a NO PARKING zone on the north side of Pine Street from a point 160 feet east of Adams Street to a point 120 feet west of Madison Street.

T. Report of the Economic Development Authority (August 12, 2019).

1. To approve the posting of a Request for Proposal (RFP) for the Community Development Investment (CDI) Grant Program.
2. Informational: To elect Pam Parish as Vice-Chair of the Economic Development Authority.

U. Report of the Sustainability Commission (August 14, 2019).

1. To fund the installation of electric vehicle chargers at Leicht Park, up to \$15,000, with Excess Stadium Tax Dollars allocated to Eland Electric.
2. To direct staff to look into the feasibility of installing two 15 kW arrays, using Excess Stadium Tax Dollars allocated to Eland Electric, on city building rooftops, and to earmark savings for maintenance, repair, other energy efficiency projects or clean energy generation (report in November).
3. To create a clean energy working group which will investigate and prioritize energy projects for the city, residents and businesses.
4. To postpone consideration of Alder Galvin's communication, "To investigate the feasibility of installing solar panels on the various closed landfills in our City," until the creation of the clean energy working group.
5. To hold Deb Hutchison's list of sustainable actions for neighborhood association newsletters until the next meeting.

V. Report of the Personnel Committee (August 13, 2019).

1. To approve request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Truck Driver (Streets) - Public Works
 - b. Parking Enforcement Officer - Public Works
 - c. 4K Naturalist - Parks, Recreation & Forestry
2. To approve request to reclassify the Parks, Recreation & Forestry HVAC Specialist position from Pay Grade G of the City Pay Plan to Grade H.

3. Update and discussion on Green Bay Professional Police Association labor negotiations

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4. Update and discussion on Green Bay Fire Fighters Local 141 labor negotiations

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W. Receive and Place on File.

1. Municipal Court Report for July 2019.

X. Resolutions.

1. Resolution authorizing amended conditional-use at 411 St. John Street.
2. Resolution authorizing conditional-use approval at 2709 Nicolet Drive.
3. Resolution authorizing and providing for the sale and issuance of \$15,495,000 General Obligation Corporate Purpose Bonds, Series 2019B, and all related details.
4. Resolution authorizing and providing for the sale and issuance of \$2,540,000 General Obligation Promissory Notes, Series 2019C, and all related details.
5. Resolution drawing final orders to contractors for August 20, 2019.
6. Resolution authorizing 2019 transfer of \$20,632.48 from Contingency for expenses related to Oneida trust matter.
7. Resolution authorizing prepayment of two State Trust Fund Loans of \$955,368.77 using Debt Service Fund balance.

Y. Ordinances - First Reading.

1. General Ordinance No. 18-19
An ordinance amending Section 29.208, Green Bay Municipal Code, relating to parking regulations.
2. Zoning Ordinance No. 07-19
An Ordinance rezoning property located at 2607 Nicolet Drive from General Commercial (C1) to Low Density Residential (R1).
3. Miscellaneous Ordinance No. 02-19
An Ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to property located at 2607 Nicolet Drive.
4. General Ordinance No. 28-18
An ordinance to repeal and recreate Section 6.15 Green Bay Municipal Code, relating to special events.

5. Zoning Ordinance No. 6-19
An Ordinance rezoning various properties located in the Shipyard Investment Neighborhood.
6. Miscellaneous Ordinance No. 1-19
An Ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to the various properties located in the Shipyard Neighborhood.
7. General Ordinance No. 19-19
An Ordinance to Repeal and Recreate Subchapter Chapter 13-1700 Green Bay Municipal Code, Off-Street Parking, Drives and Loading.

Z. Referral of Petitions & Communications.

AA. Adjournment.

- 1) SUPPLEMENTAL INFORMATION: The Video of this meeting, Agenda, Agenda Packet, and Minutes are available online at www.greenbaywi.gov/Meetings.
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.