



AGENDA OF THE COMMON COUNCIL

TUESDAY, OCTOBER 6, 2020, 6:00 PM

**This is a virtual Zoom meeting.
Please see information in the agenda.**

A. Zoom Meeting Information.

- I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

B. Roll Call.

C. Pledge of Allegiance.

D. Invocation.

- I. The invocation will be led by Alder Jesse Brunette, District 12.

E. Approval of Minutes.

- I. Approval of the minutes of the September 15, 2020 Common Council meeting.
2. Approval of the amended minutes of the September 24, 2020 Common Council Special meeting.

F. Approval of the Agenda.

G. Report by the Mayor.

H. Announcements.

I. Appointments.

I. Reappointments

Green Bay Water Commission

John Heugel, 115 E. Walnut, #716, Green Bay, 54301

Term to expire: October 1, 2027

2. **New Appointments**

Sex Offender Residency Board

John Cheslock, 2910 Ballybunion Lane, Green Bay, 54311

Term to expire: May 1, 2025

Green Bay Plan Commission

Autumn Linsmeier, 100 W. Walnut, #224B, Green Bay, 54303

Term to expire: May 1, 2021

Green Bay Water Commission

Elizabeth Wheat, 2757 Kathy Drive, Green Bay 54311

Term to expire: October 1, 2022

J. Ordinances - Second Reading for Adoption.

1. Zoning Ordinance No. 12-20

An Ordinance rezoning property located at 1748 Main Street from General Commercial (C1) to Highway Commercial (C2) District.

K. Report of the Protection & Policy Committee (September 28, 2020).

1. To approve a change of agent for Skogen's Foodliner, Inc. at 2250 W. Mason.
2. To hold until the next meeting a request by Kittner's Pub at 129 S. Washington St. to amend the liquor license include an outdoor deck.
3. To approve an application for a "Class B" Combination license by Bay Beer Bellys, LLC at 708 Bodart St. with a licensed premises description as "bar, bathrooms, cooler, backroom, closet," with the approval of the proper authorities. (Previously licensed as Bullseye 708, LLC)
4. To approve an application for a "Class A" Liquor and Class "A" Beer license by Neo Beverages at 1215 E. Mason St. with a licensed premises description as "behind the counter, shelvers (instore), back office storage, with the approval of proper authorities (Previously licensed as CCB Beverages, LLC).
5. To approve an application for a "Class B" Combination License by BMT, LLC at 312 Cherry St. with a licensed premises description as "Bar, lounge style. Serving beer/liquor & wine-one open area w/ bar, two bathrooms & a storage area, with the approval of the proper authorities (Currently licensed as C Street, LLC).
6. To approve an application for a "Class B" Combination license by Kokoro, LLC, at 875 Lombardi Ave. with a licensed premises description as "Kitchen, behind the bar, the basement, restaurant, "and to exclude patio from the license description, with the approval of the proper authorities (Currently licensed as Sunny's Restaurant, Inc.).
7. To approve an appeal by Adrian Summers regarding the denial of his public vehicle operator's license.
8. To approve an appeal by Andrea Pleshek regarding the denial of her operator's license.

9. To approve General Ordinance 25-20, an ordinance creating chapter 50, Green Bay Municipal Code, relating to equal rights, with the following amendment: remove "receipt of rental assistance" from the definition section.
10. To receive and place on file the liquor violation report for September 28, 2020.

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

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

M. Report of the Improvement & Services Committee (September 30, 2020).

1. To deny the request by Bryan Hoff to appeal the nuisance, litter and solid waste materials invoice of \$411.89 at 1019 Velp Avenue.
2. To authorize staff to apply for grants to support the Lower Green Bay & Fox River AOC Biota Committee on several potential wildlife restoration projects located within the City of Green Bay and to approve the City becoming partners on the projects presented.
3. To approve the request to rescind or reduce the long grass/weed compliance cutting charge of \$178.30 on Invoice 133126 for Rexford Buxton at 311 N. Oakland Avenue and to issue a new invoice in the amount of \$89.15. (Ald. Johnson)
4. To refer to staff the request by Paul's Pantry, Inc. to rescind the special assessments for pavement construction levied against Parcel 20-271 associated with the North Webster Avenue reconstruction project to determine if the assessment can be rescinded and hold the invoice in abeyance.
5. To receive and place on file the request to review pavement reconstruction and resurfacing programs and begin planning for future Capital Improvement Programs. (Alds. Wery and Johnson)
6. To approve the request by Department of Public Works to grant an easement to Wisconsin Central LTD for the northerly 30 feet of the westerly 55 feet of Parcel 2-275 for construction of maintenance equipment for the railroad.
7. To approve the request by Department of Public Works to enter into a Professional Service Agreement with Ayres Associates for the design of Country Club Road in the amount of \$232,651.90.
8. To refer to staff the presentation by Department of Public Works staff to the Improvement and Services Committee regarding a few options for more effective downtown snow bank management. It's requested that examples be provided from the 10 largest municipalities in the state and to meet with interested parties to develop potential solutions. (Alds. Johnson and Scannell)
9. To approve the report of the Purchasing Manager:
 - A. To award contract for Fiber Optic Cabling at Bay Beach Wildlife Sanctuary for the sum of \$42,800.00 to Holtger Bros., Inc., the lowest responsible bidder to RFB #3274.

10. To receive and place on file the report of actions taken by Department of Public Works

A. Granting of Licenses

I. Sidewalk Builder

a. Sommers Construction Co.

N. Report of the Plan Commission (September 28, 2020).

1. To postpone the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (Auto & Metal Salvage Operation) at 1156 Velp Avenue, until the next Plan Commission meeting on October 12, 2020.
2. To rezone 0 N. Huron Road from Rural Residential (RR) to Conservancy (CON). (Public Hearing held 09/28/20)
3. To amend the boundaries Zoning Ordinance 9-03, Planned Unit Development (PUD) for the property located in the 200 Block of Highland Park Avenue, Tax Parcel 21-1229. (Public Hearing held 09/28/20)
4. To authorize a Conditional Use Permit (CUP) for the height of a detached accessory structure located at 1006 N. Buchanan Street, subject to: compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval. (Public Hearing held 09/28/20)
5. To declare city property located at 946 Velp Avenue as City Surplus, subject to the following conditions:
 1. The existing power pole shall remain in its current location as noted in the attached WPS Exhibit.
 2. The owner of parcel 18-583 shall be offered the subject parcels for purchase prior to opening the sale to other interested parties.

O. Report of the Park Committee (September 30, 2020).

1. To refer to staff to install a security camera at Colburn Pool.
2. To refer to staff to work with the Police Department, Green Bay School District & Neighborhood Associations to collaborate on potential solutions for opening/closing all park restrooms on a daily basis.
3. To refer to staff to develop cost estimates for the necessary floodway studies to reopen the East River trails within the City limits on both sides of the East River and reach out to surrounding communities to collaborate on grant/funding opportunities.
4. To refer to staff for further study of Green Bay Metro Boat Launch to see if there are potential renovations/upgrades to enhance efficiencies of the facility.
5. To approve the request by the Baird Creek Preservation Foundation to begin fundraising to install art at various trailhead locations within the Baird Creek Greenway.

6. To approve authorizing staff to apply for grants to support the Lower Green Bay & Fox River AOC Biota Committee on several potential wildlife restoration projects located within the City of Green Bay and to approve the City becoming project partners on the projects presented.
7. To approve the City to enter into a trail easement with the Brogan Family Trust for the relocation of the Fox River Trail on parcel 15-168-B on the 700 block of South Adams Street.
8. To approve a \$17,940 contract amendment with Berners Shoeber for the City Hall mechanical replacement preliminary engineering.
9. To approve amending General Ordinance No; 36-20, Sections 25.04(1) and (11), of the Green Bay Municipal Code Relating to Park Hours, modifying the daily park hours from 6:00 AM-10:30 PM to 6:00 AM-10:00 PM.

P. Report of the Personnel Committee (September 29, 2020).

1. To approve the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Operator I (Night Sweeper) - Public Works
2. To receive and place on file the quotes from the Wisconsin Public Employers' Group Health Insurance Program.

Q. Report of the Traffic, Bicycle, and Pedestrian Commission (September 21, 2020).

1. A. Remove the SPEED LIMIT 35 zone on Hillcrest Drive from Haven Place to the west corporate limits.

 B. Establish a SPEED LIMIT 25 zone on Hillcrest Drive from Haven Place to West Point Road.

 C. Establish a SPEED LIMIT 35 zone on Hillcrest Drive from West Point Road to the west corporate limits.
2. A. Remove Sec. 29.203. - Class "B" parking violations (4) Railroad Crossing that no vehicle shall be parked within 50' of the nearest railroad crossing.

 B. Establish and adopt by ordinance Sec. 29.203. - Class "B" parking violations (4) Railroad Crossing that no vehicle shall be parked within 25' of the nearest railroad crossing.
3. A. Receive and place on file the documented speed study along North Webster Avenue from University Avenue to Vanderbraak Street.

 B. Remove the 25 mph posted speed limit along Webster Avenue from University Avenue to Klaus Street.

 C. Establish and adopt by ordinance a 35 mph posted speed limit along Webster Ave from University Avenue to Klaus Street.

4. Remove the 4-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the south side of Cass Street from Roosevelt Street to Irwin Avenue.

R. Report of the Sustainability Commission (September 16, 2020).

1. To hold until the December meeting consideration with possible action on the installation of a solar array at Leicht Park and an additional installation of an EV charging station.
2. To hold until the October meeting consideration with possible action on the progress of the Green Infrastructure Code Audit by Birchline Planning, consultant.

S. Report of the Ad Hoc Committee on Elections (September 10, 2020).

1. To hold the next meeting on October 22, 2020 at 5 pm.

T. Report of the Tax Incremental Districts Joint Review Committee (September 22, 2020).

1. To adopt a Resolution amending the Project Plan for TID Nine (9), State Highway 54/57 Business Park. The proposed costs include projects within the proposed boundary and within a one-half (1/2) mile radius of the proposed boundary of the TID.
2. To adopt an Allocation Amendment Resolution and amend the Project Plan for TID Twelve (12), I-43 Commercial Development.
3. To adopt an Allocation Amendment Resolution and amend the Project Plan for TID Seven (7), Ashland Avenue and Lombardi Avenue Corridors.
4. To adopt an Allocation Amendment Resolution and amend the Project Plan for TID Eight (8), Henry and Morrow Streets.

U. Report of the Finance Committee (September 29, 2020).

1. To receive and place on file a request by the Finance Director to review and discuss 2019 year-end financial results and management communication for the City.
2. To receive and place on file a late communication from Ald. Steuer to the Finance Committee which states: There is a projected shortfall of 550K in the City of Green Bay's 2020 Budget; One possible reduction would be to look at savings that could be realized by combining the functions of the various City garages.
3. To receive and place on file an update on matters pending before the Tax Appeals Commission.

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 will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

4. 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.

V. Resolutions.

1. Resolution authorizing conditional use permit at 1006 North Buchanan Street.
2. Resolution drawing final orders to contractors for October 6, 2020.
3. Resolution accepting dedication of regional storm water retention system Fox River Papermaking Corridor.
4. Resolution approving easement to Wisconsin Central LTD at Parcel 2-275.

W. Ordinances - First Reading.

1. General Ordinance 37-20
An ordinance amending Section 29.208, Green Bay Municipal Code, relating to parking regulations.
2. General Ordinance 38-20
An ordinance amending Sec. 29.307, Green Bay Municipal Code, index of traffic regulations.
3. General Ordinance 33-20
An ordinance amending Sec. 29.203, Green Bay Municipal Code, relating to Class "B" parking violations, (4) Railroad crossing.
4. General Ordinance 25-20
An ordinance creating Chapter 50, Green Bay Municipal Code, relating to equal rights.
5. Zoning Ordinance No. 13-20
An ordinance to rezone parcels along 0 North Huron Road from Rural Residential (RR) to Conservancy (CON).
6. Zoning Ordinance No. 14-20
An ordinance amending Zoning Ordinance No. 09-03 for Planned Unit Residential District located in the 2000 Block of Morrow Street.
7. General Ordinance No; 36-20
An ordinance amending Sections 25.04(I) and (II), Green Bay Municipal Code, relating to modifying daily park hours.

X. Referral of Petitions & Communications.

Y. Adjournment.

- 1) SUPPLEMENTAL INFORMATION: The Video of this meeting, Agenda, Agenda Packet, and Minutes are available online at www.greenbaywi.gov/Meetings.

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

Virtual Meeting Instructions



Common Council 10-06-2020

Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/86488351863>

Meeting ID: 864 8835 1863

Passcode: 235352

One tap mobile

+13017158592,,86488351863#,,,,,0#,,235352# US (Germantown)

+13126266799,,86488351863#,,,,,0#,,235352# US (Chicago)

Dial by your location

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 864 8835 1863

Passcode: 235352

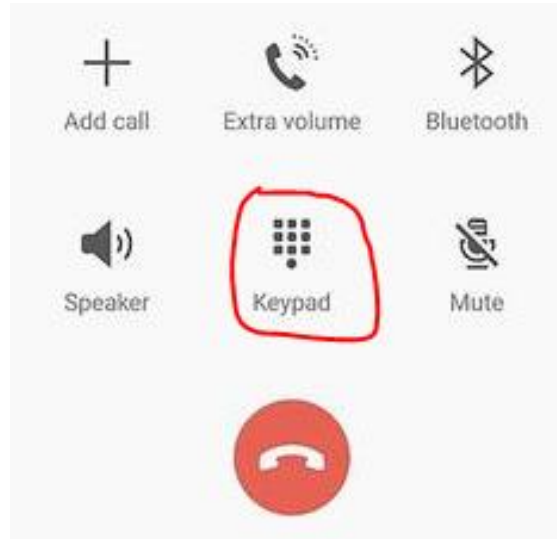
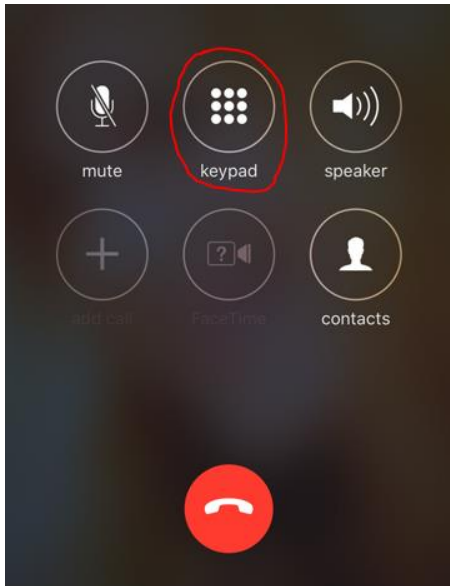
Find your local number: <https://us02web.zoom.us/j/kc0NP56WAF>

Additional Information

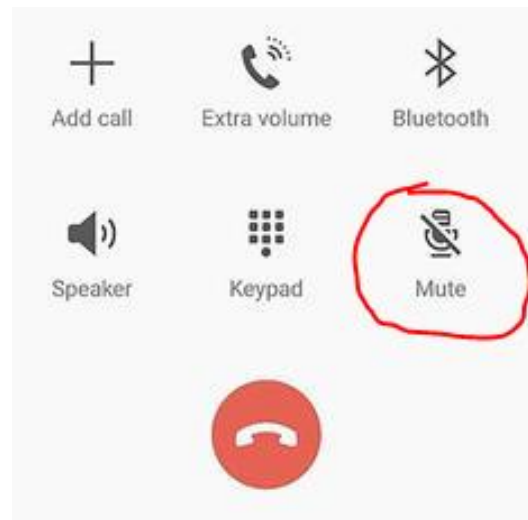
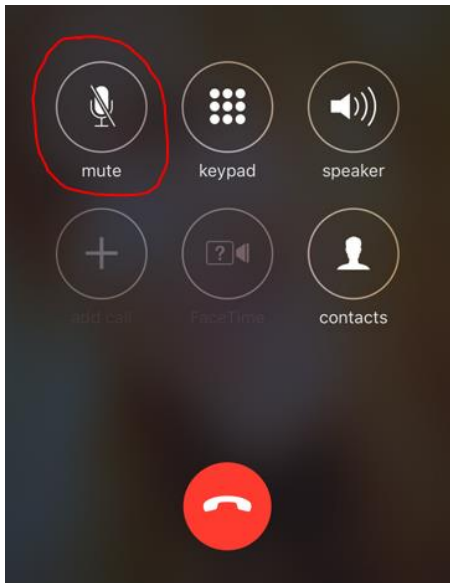
1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must give their name and address
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
3. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
4. Once you are in the meeting please mute yourselves.
 - a. You may unmute yourself when you are called upon to speak.
5. Waiting room
 - a. When you call in, all callers/participants will be placed in a “waiting room.”
 - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
6. Using Zoom with a tablet or computer
 - a. Tablet—you will be asked to sign in. Download the app either with the Apple Store or the Play Store
 - b. Computer—you will be asked to sign in. You may download the app or click on the link to open Zoom in your browser.
7. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You’ll receive another email confirming that you’re registered for the meeting.
 - b. If you’re using a phone, your registration will still be tied to an email.
8. Raising your hand
 - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you’d need to use a computer or tablet) to let the host know you’d like to speak. You can also un-mute yourselves and start speaking.
 - b. Persons on the agenda—you can “raise your hand” but you’d need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
9. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You’ll also be asked to verify your email.
 - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
 - e. For tablet and computer users—if you download the app you will be asked to verify your email.
10. Zoom etiquette
 - a. Muting yourselves when you’re not talking will prevent your background noise from interfering with others’ ability to listen to and participate in the meeting.
 - b. If you’re using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
11. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching live on YouTube will see a gray screen with the City logo during closed session.
12. Persons interested in listening to the meeting can go to www.youtube.com/CityofGreenBay

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
 - a. If you're using a smartphone, you can access the keypad by clicking "Keypad" on your screen



3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not need to talk, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button



- b. If you're using a computer, you should see a Mute button in the Zoom application



ZONING ORDINANCE NO. 12-20

**AN ORDINANCE REZONING PROPERTY LOCATED
AT 1748 MAIN STREET FROM GENERAL COMMERCIAL (C1) DISTRICT TO
HIGHWAY COMMERCIAL (C2) DISTRICT
(ZP 20-22)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning 1748 Main Street from General Commercial (C1) to Highway Commercial (C2), the following described property:

LOT 3 OF 62 CSM 161 BNG PRT OF LOT 5 ASTORS SUBD OF PC 3 TO 7 ESFR

Tax Parcel 21-1293

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

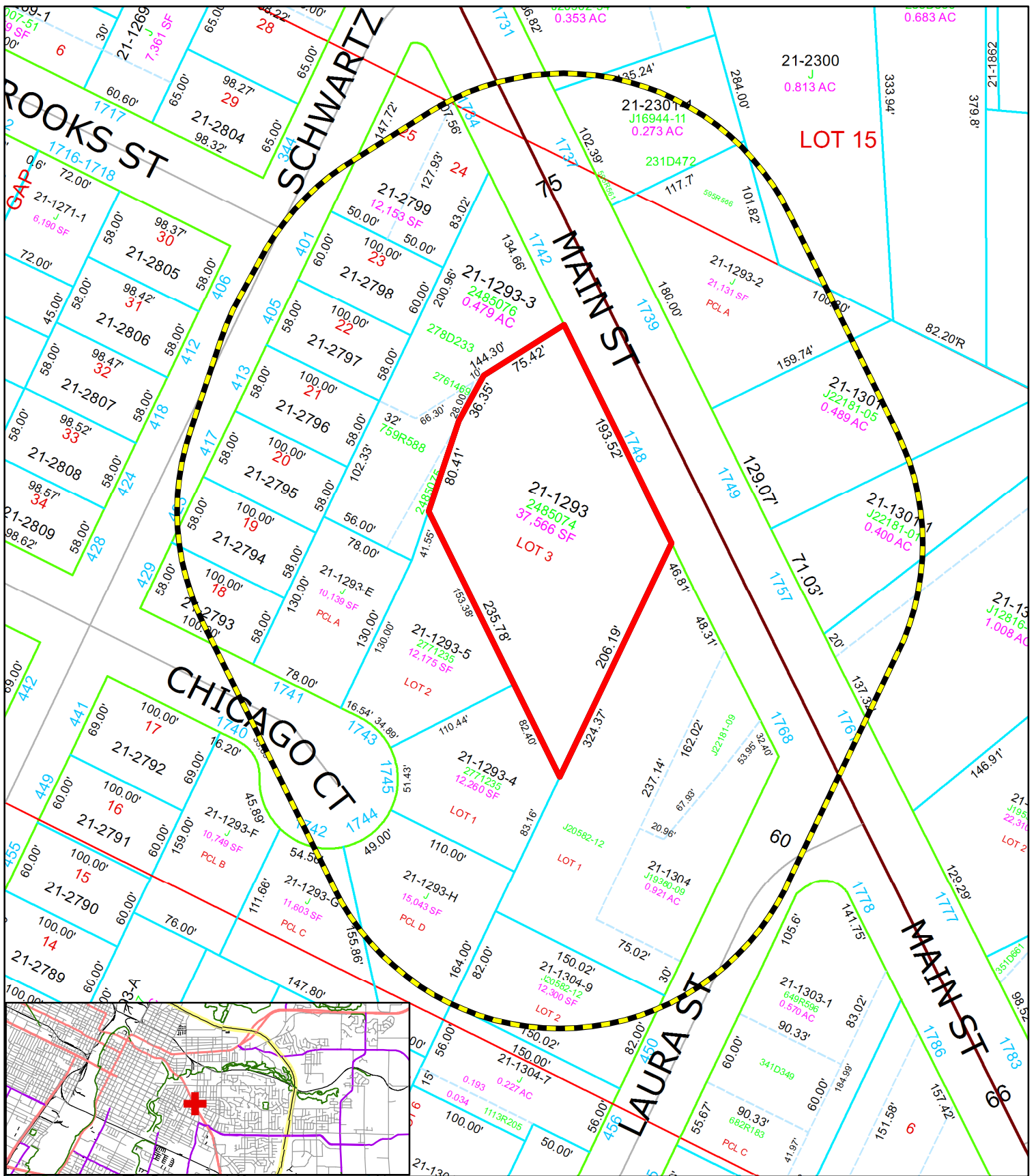
Mayor

ATTEST:

Clerk

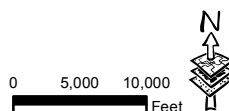
pn

Attachment – Map



Zoning Petition (ZP 20-22)
Proposed Rezoning
1748 Main Street

- Subject Area
- 200' Property Owner Notice



This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by PN



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # K.I

To approve a change of agent for Skogen's Foodliner, Inc. at 2250 W. Mason.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. CHANGE OF AGENT PAPERWORK



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # K.2

To hold until the next meeting a request by Kittner's Pub at 129 S. Washington St. to amend the liquor license include an outdoor deck.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. SKMBT_42320091609550
2. 1 - COVER-SITE
3. 2-FLOOR
4. SitePlanLetter2020092102444958
5. 129swashingtonaddress



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # K.3

To approve an application for a "Class B" Combination license by Bay Beer Bellys, LLC at 708 Bodart St. with a licensed premises description as "bar, bathrooms, cooler, backroom, closet," with the approval of the proper authorities. (Previously licensed as Bullseye 708, LLC)

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. SIGNED SECURITY PLAN AND LICENSE STIPULATION.STROJNYM.378
2. 708bodartstreetliquorlicenseapplication
3. olde main moratorium 10-23-07

RESOLUTION LIMITING THE NUMBER
OF LICENSED ESTABLISHMENTS IN THE
OLDE MAIN STREET BUSINESS IMPROVEMENT DISTRICT

October 23, 2007

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the Common Council is concerned with the present high concentration of Class "B" liquor license establishments in the Olde Main Street Business Improvement District, which can impair the public peace, safety, welfare, and order in this area; and

WHEREAS, pursuant to the powers reserved under Ch. 125 Wis. Stats., the Common Council wishes to limit the number of Class "B" Beer and Class "B" Combination Liquor Licenses, issued to establishments in and around the area of the Olde Main Street Business Improvement District; and

WHEREAS, it is the intent of this resolution to allow present Class "B" liquor license establishments to sell, maintain, renew or transfer their licenses within such area.

NOW, THEREFORE, BE IT RESOLVED:

1. Limitation Area. Any property within the following-described area:

All of Lots 154 through 162, Lots 169 through 191, Lots 193 through 231, Lots 262 through 294, Lots 301 through 322, Lot 402, Lots 420 through 422, Lots 435 through 438, Plat of Navarino. Also, all of the Certified Survey Map recorded in Volume 7, Page 287, being part of Lot 205, Plat of Navarino. Also, all of the Certified Survey Map recorded in Volume 12, Page 197, Brown County Records, being part of Lot 180, Plat of Navarino. Also, all of the Certified Survey Map recorded in Volume 25, Page 180, Brown County Records, being part of Lots 169 and 170, Plat of Navarino. Also, all of Lots 1 through 5, Subdivision of Lots 192, 434, and the north 2 feet of Plat of Navarino. Also, all of Lots 68 through 152 and the tract of land described in Volume 145, Page 405, Brown County Records, Whitney's Addition to Navarino. Also, all of Lots 1 through 8, Lots 99 through 105, Lots 108 through 114, Lots 143 through 150, Plat of Oak Grove. Also, that part of Private Claim 2, east side of Fox River, lying within the area formerly known as Lots 295 through 300, Plat of Navarino. Also, that part of the Plat of Navarino, Whitney's Addition to the Plat of Navarino and the Plat of Oak Grove as described in Jacket 4589, Image 26, being part of the former Chicago, Milwaukee, St. Paul and Pacific Railroad Company so called alley track and Cedar Street Spur. Also, that part of any vacated street or alley right-of-way

adjacent to the lands described above located in said Plat of Navarino, Subdivision of Lots 192, 434, and the north 2 feet of Plat of Navarino, Whitney's Addition to Navarino, and Private Claim 2, east side of Fox River. All located in the City of Green Bay, Brown County, Wisconsin. Excepting the south 130 feet of said Lot 402, Plat of Navarino. Also, excepting the south 125 feet of the east 46 feet of said Lot 422, Plat of Navarino (see attached map).

2. Prohibition. The Common Council shall not authorize the issuance of any new or transfer Class "B" Beer License or Class "B" Combination Liquor License within the limitation area, except restaurants, as defined in paragraph 4 hereof.

3. Exceptions.

- a. This subsection shall not prohibit the renewal of a Class "B" Beer or Class "B" Combination Liquor License for an existing premises in the limitation area.

- b. This subsection shall not prohibit the issuance of a Class "B" Beer or Class "B" Combination Liquor License for a previously licensed premises provided that such application is made within 60 days of any of the following:

- i. Surrender by the prior licensee of the license issued for that premises; or
- ii. Termination of the prior licensee's lease for the premises; or
- iii. Revocation of the prior license, for cause.

If application under this subsection is sought after 60 days, the owner of the previously licensed premises may apply to the Protection and Welfare Committee for an extension of the application time on the basis that application of the moratorium would have a substantial adverse effect on the owner's ability to use or enjoy the property. The party requesting the extension must demonstrate this effect by clear, satisfactory and convincing evidence.

- c. All applications and renewals shall be subject to review as provided by Ch. 125, Wis. Stats.

4. Prohibition Not to Apply to Restaurants.

- a. This resolution shall not prohibit the issuance of a Class "B" Beer or Class "B" Combination Liquor License to the operator of a restaurant, where the principal business conducted is that of a restaurant, as defined in Ch. 125, Wis. Stats. If the premises are operated under a Class "B" Beer or Class "B" Combination Liquor License, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- b. A restaurant licensee operating within the limitation area which fails to maintain a principal business of operating a restaurant at any time later than 60 days after the granting of a Class "B" Beer or Class "B" Combination Liquor License shall be in violation of this subsection and its Class "B" Beer or Class "B" Combination Liquor License shall be subject to revocation.
- c. "Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity, and by analyzing the sources of net income and gross income. The name, appearance and advertisement of the entity may also be taken into consideration in determining "principal business."

Adopted 10/23/07

Approved 10/24/07

Mayor

Clerk

bc

Attachment - Map



Old Main Street Business Improvement District



BID Boundary



Map produced by the
Green Bay/Brown County Planning Department
Printed: November 17, 1998



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # K.4

To approve an application for a "Class A" Liquor and Class "A" Beer license by Neo Beverages at 1215 E. Mason St. with a licensed premises description as "behind the counter, shelvers (instore), back office storage, with the approval of proper authorities (Previously licensed as CCB Beverages, LLC).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. NEO Beverages Liquor License
2. LICENSE STIPULATION.ROBINSOND.558



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # K.5

To approve an application for a "Class B" Combination License by BMT, LLC at 312 Cherry St. with a licensed premises description as "Bar, lounge style. Serving beer/liquor & wine-one open area w/ bar, two bathrooms & a storage area, with the approval of the proper authorities (Currently licensed as C Street, LLC).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. application-312CHERRYST
2. STIPULATION AGREEMENT.CARLSONC.374



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # K.6

To approve an application for a "Class B" Combination license by Kokoro, LLC, at 875 Lombardi Ave. with a licensed premises description as "Kitchen, behind the bar, the basement, restaurant, "and to exclude patio from the license description, with the approval of the proper authorities (Currently licensed as Sunny's Restaurant, Inc.).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. applicaiton_875lombardi
2. Screenshot_20200904-113932_Messages



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # K.7

To approve an appeal by Adrian Summers regarding the denial of his public vehicle operator's license.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. application
2. adrian summers_appeal letter
3. Denial Memo - 09.28.20 (002)



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # K.8

To approve an appeal by Andrea Pleshek regarding the denial of her operator's license.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. sharpscans@greenbaywi.gov_20200911_142218
2. Denial Memo - 09.28.20 (002)



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # K.9

To approve General Ordinance 25-20, an ordinance creating chapter 50, Green Bay Municipal Code, relating to equal rights, with the following amendment: remove "receipt of rental assistance" from the definition section.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Protected Classes Memo
2. AMENDED GO 25-20 - Creating Ch 50 Equal Rights from 9-28-20 P&P

MEMORANDUM

Date: September 17, 2020
From: Attorney Lindsay Mather
To: Protection & Policy Committee
Re: **Equal Rights Ordinance Protected Classes: Comparison to State & Federal Law**

OVERVIEW

The proposed Equal Rights Ordinance (“ERO”) largely mirrors and/or parallels both state and federal law with respect to prohibited forms of discrimination as well as exceptions and exemptions thereto. The principal differences between the ERO and state and federal law involve protected classes. This memo examines the areas of housing, public accommodations, and employment, and the ways in which the ERO’s definition of “protected person” differs from the protected classes enumerated in state and federal statutory law, as well as the City’s HR policies.

EQUAL RIGHTS ORDINANCE (“ERO”)

“Protected Person” defined as

sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, receipt of rental assistance, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, status as a victim of domestic abuse, sexual assault, or stalking

Note: Highlighting identifies classes not specifically listed in state or federal law

COGB PERSONNEL POLICIES

Source	They have, ERO does not	ERO has, they do not
COGB Personnel Policies	Political affiliation Genetic information Arrest or conviction record	Lawful source of income Receipt of rental assistance Familial Status Status as victim of domestic abuse, sexual assault, or stalking

The City’s policies require fair treatment:

“without regard to political affiliation, race, color, creed, religion, age, sex, sexual orientation, gender expression, gender identity, gender non-conformity, transgender status, handicap disability, national origin, genetic information, ancestry, marital status, military service, arrest or conviction record, or any other basis protected by state or federal law and with proper regard to their rights”

Housing – ERO § 50.04

Source	Source has, ERO does not	ERO has, source does not
Federal Law Fair Housing Act	---	Everything except “race, color, religion, sex, familial status, or national origin”
State Law Wis. Stat. § 106.50	---	Creed (religion included) Receipt of rental assistance Gender identity Gender expression Gender non-conformity Transgender status Past or present military service

PUBLIC ACCOMMODATIONS – ERO § 50.05

Source	Source has, ERO does not	ERO has, source does not
Federal Law Title II, Civil Rights Act	---	Everything except “race, color, religion, or national origin”
State Law Wis. Stat. § 106.52	---	Religion (creed included) Age Lawful source of income Receipt of rental assistance Marital status Familial status Gender identity Gender expression Gender non-conformity Transgender status Past or present military service Status as victim of domestic abuse, sexual assault, or stalking

EMPLOYMENT – ERO § 50.08

Source	Source has, ERO does not	ERO has, source does not
Federal Law Title VII, Civil Rights Act	---	Everything except “race, color, religion, sex, or national origin”
State Law Wis. Stat. § 111.321	Arrest record Conviction record Outside use or nonuse of lawful products Declining to attend a meeting or to participate in any communication about religious matters or political matters Military service*	Religion (creed included) Lawful source of income Receipt of rental assistance Familial status Sexual Orientation Gender identity Gender expression Gender non-conformity Transgender status Past or present military service* Status as victim of domestic abuse, sexual assault, or stalking

* State law includes “military service”; ERO more specifically identifies “past or present military service”

GENERAL ORDINANCE NO. 25-20

AN ORDINANCE CREATING CHAPTER 50, GREEN BAY MUNICIPAL CODE, RELATING TO EQUAL RIGHTS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 50, Green Bay Municipal Code, is hereby created to read:

50.01 Findings; Declaration of Policy.

- (1) A vibrant, livable, successful, and productive city is made possible by the talents, contributions, and well-being of its diverse residents. It is the policy of the City that the equal rights of all those who live and work in the ~~City~~city are ensured, and that equal rights and equal opportunities within the context of the larger commercial and social fabric of the Green Bay community are promoted.
- (2) The practice of providing equal opportunities to persons without regard to actual or perceived sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, ~~receipt of rental assistance~~, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, or status as a victim of domestic abuse, sexual assault, or stalking is a desirable goal of the ~~City~~city and a matter of legitimate concern to its government. Discrimination against any City resident endangers the rights and privileges of all residents. The denial of equal opportunity intensifies group conflict, undermines the foundations of democratic society, and adversely affects the general welfare of the community. Denial of equal opportunity in housing forces individuals and families who are discriminated against to live in housing that falls below reasonably acceptable standards. Denial of equal opportunity in employment deprives the community of the fullest productive capacity of those of its members so discriminated against and denies to them the sufficiency of earnings necessary for maintaining the standards of living consistent with their abilities and talents.
- (3) The provision of adequate safeguards against discrimination is a proper and necessary function of City government. To protect the health, safety, and general welfare of all inhabitants of and all persons employed within the ~~City~~city, it is declared to be the public policy of the City to foster, protect, and enforce the right to equal opportunity without regard to sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, ~~receipt of rental assistance~~, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, status as a victim of domestic abuse,

sexual assault, or stalking, or an individual's affiliation or perceived affiliation with any of these categories. To fully effectuate this policy of promoting nondiscrimination, the City shall endeavor to eliminate all discrimination that may occur in the ~~City~~city.

- (4) Where applicable, this chapter shall be interpreted and applied consistently with the provisions of Title VII of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968; 42 U.S.C. § 2000a, et seq.; 42 U.S.C. §§ 3601, et seq.; 24 C.F.R. §§ 100, et seq.; 29 C.F.R. 1600, et seq.; Wis. Stat. §§ 66.1011, 106.50, 106.52, and 111.31-111.395; ~~Wis. Stats.~~; and any successor provisions of state and federal law.

50.02 Purpose. Each sector of society engaged in the life of the ~~City~~city has a role in promoting equal rights, equity, and a social fabric free of discrimination. City government is uniquely positioned to assume a primary leadership role in these efforts. To achieve this leadership objective, each department, agency, and unit of City government shall be accountable for promoting social and economic equity for all residents of the ~~City~~city, and structuring its work so that the outcomes are directed toward social and economic equity for all residents.

50.03 Definitions. In this chapter:

- (1) *Ancestry* means the country, nation, tribe, or other identifiable group from which one descends.
- (2) *Commission* means the Equal Rights Commission.
- (3) *Covered multifamily dwelling* shall have the same meaning as its definition in 24 C.F.R. § 100.201, as amended from time to time.
- (4) *Disability* means, with respect to a person, any of the following:
- (a) i. A physical or mental impairment which substantially limits one or more of the person's major life activities.
 - ii. A record of having such an impairment.
 - iii. Being perceived as having such an impairment.
 - (b) Disability does not include current, illegal use of or addiction to a controlled substance.
- (5) *Familial status* means one or more individuals, who have not attained the age of 18 years, being domiciled with a parent or another person having legal custody of such individuals; or the designee of the parent or other person having such custody, with the written permission of the parent or other person. For purposes of this chapter, "familial status" shall include any person who is

pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- (6) *Gender expression* means a person's external manifestations of gender, which may be expressed through name, pronouns, clothing, haircut, behavior, voice, body characteristics, or other means. A person's gender expression may be the same or different from that associated with the person's assigned sex at birth.
- (7) *Gender identity* means ~~a person's internal sense of their gender. A person's gender identity may be the same as or different from their assigned sex at birth.~~the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- (8) *Gender non-conformity* broadly describes individuals who do not conform to traditional expectations of their ~~assigned designated~~ sex at birth and/or whose gender expression does not fit neatly into a conventional gender category.
- (9) *Housing* means any building, structure, or part thereof which is used or occupied, or is intended, arranged, or designed to be used or occupied as a residence, home, or place of habitation of one or more human beings, including a mobile home as defined in Wis. Stat. § 66.0435, ~~Wis. Stats.~~, and any land or part thereof which is offered for sale, lease, or use as a site for a building, structure, or part thereof intended or designed to be used or occupied as a residence, home, or place of habitation of one or more human beings, including a mobile home park as defined in Wis. Stat. § 66.0435, ~~Wis. Stats.~~
- (10) *Lawful source of income* means income that is legally derived and that is subject to reasonable and good-faith efforts to verify the lawfulness of its derivation, and includes moneys received from public assistance, pension, and supplementary security income.
- (11) *Marital status* means the status of being married, separated, divorced, widowed, or single.
- (12) *Owner* means any person having the right of ownership or possession or the right of transfer, sale, rental, or lease of any housing, or the agent of any such person.
- (13) *Person* means one or more individuals, labor organizations, employment agencies, corporations, partnerships, associations, cooperatives, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy or receivers or other fiduciaries, and the agent or agents of any of the foregoing; ~~but, because of actual, potential, or perceived conflicts of interest, shall not include the City~~

~~of Green Bay, the Green Bay Housing Authority, the Redevelopment Authority of the City of Green Bay, any department of the City, or any other municipal, state, or federal governmental body or any agent, officer, or employee acting in the course of such employment.~~

(14) *Protected ~~Person~~person* means any individual intended to be protected from violations of prohibited discrimination under this chapter. This includes protections afforded based on an individual's actual or perceived sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, ~~receipt of rental assistance~~, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, status as a victim of domestic abuse, sexual assault, or stalking, or an individual's affiliation or perceived affiliation with any of these categories.

(15) *Public ~~Place~~place of ~~Accommodation~~accommodation or ~~Amusement~~amusement* includes those accommodations, facilities, and services that a person holds out to be open to the common and general use, participation, and enjoyment of the public for any purpose. The term "Public Place of Accommodation or Amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, restaurants, taverns, barbers, cosmetologists, aestheticians, electrologists, manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusements, goods, or services are available either free or for consideration, except where ~~such a broad interpretation would deny to any person~~application of this provision would violate rights guaranteed by the constitutions of Wisconsin and ~~of~~ the United States. This term does not include:

(a) Any institution or club which by its nature is distinctly private; or

(b) Any religious organization, association, or society, or any nonprofit institution or organization controlled by a religious organization, including places of worship; ~~or~~

(16) ~~A place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods, or services during an event at which the organization or institution provides the accommodations, amusement, goods, or services to the following individuals only:~~

(16)

(16) ~~Members of the organization;~~

(16) ~~Guests named by members of the organization or institution; and/or~~

(16) ~~Guests named by the organization or institution.~~

(16)

(16) ~~Receipt of Rental Assistance means receipt of rental assistance under Title 24, Code of Federal Regulations, Subtitle B, Chapter VII (commonly known as the~~

~~Section 8 program) or any other rental assistance that is not considered household income.~~

(16)

- (16) *Sexual Orientation* means ~~the type of sexual, romantic, emotional, or spiritual attraction one has the capacity to feel for some others, generally labeled based on the gender relationship between the person and the people to whom they are attracted~~ having a preference for homosexuality, heterosexuality, or bisexuality, having a history of such a preference, or being identified with such a preference.

- (17) *Transgender* broadly refers to individuals whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation.

50.04 Housing Discrimination Prohibited.

- (1) In this section, prohibited discrimination includes discrimination because of the protected person status of the buyer, renter, or applicant, or any person residing in or intending to reside in a dwelling after it is sold, rented, or made available.
- (2) It shall be an unfair discrimination practice and unlawful and hereby prohibited:
- (a) For any owner to refuse to transfer, sell, or rent, or to refuse to negotiate for the sale, or rental of, or to otherwise make unavailable, deny, or withhold from any person such housing because of the person's status as a protected person.
 - (b) For any owner to discriminate against any person in the terms, conditions, or privileges of the transfer, sale, or rental of any housing, or in the provision of services or facilities in connection therewith, because of the person's status as a protected person. Nothing in this section shall be deemed to prohibit a housing provider from considering a history of disruptive, abusive, or dangerous behavior.
 - (c) For any person to make, print, publish, post, or broadcast, or cause to be made, printed, published, posted, or broadcast any notice, statement, or advertisement with respect to the sale, rental, or financing of a dwelling that expresses any preference, limitation, specifications, or discrimination, or an intention to make such preference, limitation, specification, or discrimination, as to any protected persons.
 - (d) For any owner to falsely represent to any person that any dwelling is not available for inspection, sale, or rental on the basis of a prospective occupant's or tenant's status as a protected person. A person who has

received written notice from the Green Bay Police Department that a drug nuisance under Wis. Stat. § 823.113, ~~Wis. Stats.~~, exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to eviction of residents, provided such action is not a subterfuge to evade the provisions of this chapter.

- (e) For any person to induce or attempt to induce any person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of protected persons or persons of a particular economic status or by representations to the effect that such present or prospective entry will or may result in any of the following:
 - 1. The lowering of real estate values in the area.
 - 2. A deterioration in the character of the area.
 - 3. An increase in criminal or antisocial behavior in the area.
 - 4. A decline in the quality of the schools or other public service facilities in the area.
- (f) For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of a person's status as a protected person. As used in this section, the term "residential real estate-related transaction" means any of the following:
 - 1. The lending of money or security, guaranteeing any loan, accepting any mortgage, or in any other manner making available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair, improvement, or maintenance of any housing or housing accommodation.
 - 2. The selling, brokering, or appraising of residential real property. Nothing in this section prohibits a person engaged in the business of making or furnishing appraisals of residential real property from taking into consideration factors other than a person's status as a protected person.
- (g) For any owner to make or cause to be made any written or oral inquiry or record concerning the nature of any disability of prospective occupants or tenants of such housing, or persons associated with them, unless such inquiry or record is necessary for compliance with applicable local, state, or federal law.
- (h) For any person to refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, an owner may condition permission for such a modification on the

renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

- (i) For any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling.

(j) *Animals assisting persons with disabilities.*

1. If a protected person with a disability keeps an animal that is specially trained to assist the disabled person, it is discrimination for any person to refuse to sell or rent housing to the protected person, cause the eviction of the person from the housing, require extra compensation from the person as a condition of continued residence in the housing, or engage in the harassment of the person because ~~of their service animal, if all of the following apply: they keep such an animal.~~
 - i. ~~Upon request, the protected person shows to the owner credentials issued by a school recognized by the State or an agency thereof as accredited to train animals for individuals with disabilities; and An owner may ask for documentation of the individual's disability and the need for the animal, unless the disability is readily apparent or known. The owner must keep all documentation confidential.~~
 - ii. ~~The An owner may require the~~ protected person ~~to~~ accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.
2. This subsection does not apply in the case of the rental of owner-occupied housing if the owner or a member of the owner's immediate family occupying the housing possesses and, upon request, presents to the person a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the protected person possesses.

- (3) Nothing in this section shall affect any person's decision to share occupancy of a lodging room, apartment, or dwelling unit with another person or persons.

(4) *Information Allowed.*

- (a) Nothing in this section shall be deemed to prohibit an owner from requiring that any person who seeks to buy, rent, or lease any housing supply information concerning the person's prior residence, or familial, marital, financial, and business status.

- (b) Nothing in this section shall be deemed to prohibit an owner from refusing to sell, rent, or lease any housing to any person on the basis of such person's treatment of any property formerly occupied by such person or on the basis of such person's record in paying rent or other obligations when due, or such person's ability to pay.
- (5) The prohibition in this section against discrimination against a person with protected person status because of the person's age or familial status does not apply to housing for older persons, as defined in Wis. Stat. § 106.50(1m)(m); ~~Wis. Stats.~~, as amended from time to time.
- (6) It is not a violation of this ordinance to restrict occupancy in a dwelling to persons with disabilities or to provide housing for older persons as defined in Wis. Stat. § 106.50(1m)(m); ~~Wis. Stats.~~, as amended from time to time.
- (7) It is not a violation of this ordinance to restrict occupancy in a dwelling to protected persons or to provide housing for protected persons as provided under any state or federal program that is specifically designed and operated to assist persons in a protected class, as defined in the state or federal program. For example, it is not a violation of this ordinance to restrict occupancy in a dwelling to veterans, homeless individuals, or survivors of domestic violence.
- (8) It is not a violation of this ordinance for a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons.

50.05 Discrimination in Public Places of Accommodation or Amusement Prohibited.

- (1) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any public place of accommodation or amusement, as defined in this ordinance, without discrimination upon the basis of a person's status as a protected person.
- (2) It shall be an unfair discrimination practice and unlawful and hereby prohibited:
- (a) For any person to deny to another, or to charge another a price different from the regular rate charged to others for the full and equal enjoyment of any public place of accommodation or amusement because of the person's status as a protected person.

- (b) For any person to directly or indirectly publish, circulate, display, mail, or otherwise disseminate any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of status as a protected person, or that the patronage of a protected person is unwelcome, objectionable, or unacceptable for any reason.
 - (c) For any person to subject a person, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity on the basis of the individual's status as a protected person.
 - (d) For any person to, notwithstanding the existence of separate or different programs or activities provided in accordance with this section, deny an individual the opportunity to participate in programs or activities that are not separate or different on the basis of the individual's status as a protected person.
- (3) This section does not prohibit special services, rates, or benefits provided to veterans or to any protected person fifty (50) years of age or older.
- (4) Any exemption or affirmative defense available under Wis. Stat. §106.52(3) shall apply to this section.

50.06 Access by Persons with Disabilities to Public Places of Accommodation or Amusement.

- (1) No individual shall be discriminated against on the basis of disability, or because of the known disability of an individual with whom the individual or entity is known to have a relationship or association, in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any public place of accommodation or amusement by any person who owns, leases (or leases to another), or operates a public place of accommodation or amusement.
- (a) *Denial of Participation.* It shall be prohibited discrimination to subject an individual, on the basis of a disability, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.
 - (b) *Participation in Unequal Benefit.* It shall be prohibited discrimination to afford an individual, on the basis of a disability, directly or through contractual, licensing, or other arrangements, with the opportunity to

participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

- (2) A public place of accommodation or amusement shall make reasonable modifications in policies, practices, and procedures to permit the full and equal enjoyment of the public place of accommodation or amusement by a person with a disability. Those policies, practices, and procedures shall ensure that a person with a disability is not segregated from other patrons of the public place of accommodation or amusement.
- (3) This section is not intended to impose a greater duty than the reasonable accommodation requirements of the Americans with Disabilities Act Amendments Act of 2008.

~~*Exemptions for Private Clubs and Religious Organizations. The provisions of this section shall not apply to private clubs or organizations exempted from coverage under Sec. 50.03 above, or to religious organizations or entities controlled by religious organizations, including places of worship, to the extent that requiring compliance would violate state or federal law.*~~

50.07 City Facilities. It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person, public official, employee, agent, agency, authority, board, commission, or committee of the City of Green Bay to deny any person the use of City facilities or otherwise discriminate against any person in the use of City facilities because of such person's status as a protected person.

- (1) This section is not intended to impose a greater duty than the reasonable accommodation requirements of the Americans with Disabilities Act Amendments Act of 2008.

50.08 Employment Discrimination Prohibited.

- (1) It shall be an unfair discrimination practice and unlawful and hereby prohibited:
 - (a) For any person or employer to discriminate against any person with respect to the failure or refusal to hire, or with respect to the discharge, compensation, terms, conditions, or privileges of employment, including promotion, on the basis of the person's status as a protected person.
 - (b) For any person or employer, individually or in concert with others, to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any person of employment opportunities or which would otherwise adversely affect their status as an employee because of such person's status as a protected person.

- (c) For any person or employer to fail or refuse to refer for employment, or otherwise to discriminate against any person in a manner that would deprive or limit the person's employment opportunities or otherwise adversely affect their status as an applicant or prospective employee, on the basis of the person's status as a protected person.
 - (d) For any person or employer to refuse to reasonably accommodate an employee's or prospective employee's disability, unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business.
 - (e) For any person or employer to refuse to reasonably accommodate an employee's or prospective employee's religious observance or practice, unless the person or employer can demonstrate that the accommodation would pose an undue hardship on the person's or employer's program, enterprise, or business.
- (2) It is the policy of the City of Green Bay to include in all contracts negotiated or renegotiated by a contracting department of the City a provision obligating the contractor not to discriminate against any qualified employee or qualified applicant for employment on the basis of a person's status or perceived status as a protected person, and to require the contractor to include a similar provision in all subcontracts.
- (3) *Sexual Harassment.* No employer, labor organization, or employment agency shall engage in sexual harassment, and employers shall ensure that all of their employees work in an environment free of sexual harassment.
- (4) *Exceptions.* Notwithstanding any other provision of this section, the following are permitted practices which do not violate this section:
- (a) For any employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer or a labor organization to admit or employ any person in those certain instances where religion, sex, age, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.
 - (b) For any employer to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this section, except that no such employee benefit plan shall excuse the failure to hire any person.

- ~~(c) For an employer to take the behavioral manifestations of an applicant's mental disability into consideration in determining whether the applicant is qualified.~~
- (c) For any religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or such religious organization, association, or society, to give preference to an applicant or employee who is a member of the same or a similar religious denomination, in hiring or promotion to an instructional or policymaking position, including but not limited to the position of chaplain or counselor.
- (d) For any employer, labor organization, or employment agency to fail or refuse to hire a person with a disability if the employer, labor organization, or employment agency can show that the person's disability is reasonably related to their ability to adequately undertake the job-related responsibilities of the employment.
- (e) For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of status as protected persons.

50.09 Enforcement and Jurisdiction.

(1) *Complaints.*

- (a) Any person who claims to have been aggrieved or injured under this chapter may file a written complaint with the city clerk alleging a discriminatory practice or violation. The complaint shall be in writing and signed by the complainant. Such complaints shall be filed within 300 days after the alleged violation of this chapter.
- (b) The complaint shall contain the following information:
 - i. The complainant's name, address, and telephone number;
 - ii. The name and address of the person(s) or entity the complainant alleges discriminated against them or violated this code;
 - iii. The names, addresses, and telephone numbers of witnesses, if any;
 - iv. The date or dates of the alleged violation or discriminatory practice;
 - v. A statement describing in detail the alleged violation or discriminatory practice;
 - vi. A short description of any injury suffered;
 - vii. Any other facts the complainant believes are important; and
 - viii. The original signature of the complainant.

- (2) *Review of Complaint.* The city clerk shall provide a copy of a timely-filed complaint to the city ~~prosecutor-attorney~~ for preliminary review for completeness and jurisdictional determination under subsection (4).
- (a) If the city ~~prosecutor-attorney~~ determines that the complaint does not satisfy the requirements of subsection (1), the city ~~prosecutor-attorney~~ shall return the complaint to the complainant without taking any action, and notify the complainant what information is missing from the complaint.
 - (b) If the city ~~prosecutor-attorney~~ determines that the City does not have jurisdiction over the complaint, the city ~~prosecutor-attorney~~ shall notify the complainant in writing that the City does not have jurisdiction, and shall direct the complainant to the appropriate state or federal agency.
 - (c) Upon receipt of a verified complaint over which the City has jurisdiction, the city ~~prosecutor-attorney~~ shall initiate enforcement proceedings in municipal court.
 - i. The city attorney shall have the authority to issue subpoenas compelling the attendance of witnesses and production of documents for actions arising under this section. Such subpoenas shall be served according to Wis. Stat. §§ 885.03 and 885.04, ~~Wis. Stats.~~ Failure to comply with a subpoena issued under this section may result in contempt, as described in § 1.32(8), GBMC.
- (3) *Jurisdiction.* The city shall not exercise jurisdiction over any complaint that sets forth or states any facts or allegations that are within the subject matter jurisdiction of any state or federal equal rights agency, including, but not limited to, the U.S. Equal Employment Opportunity Commission (EEOC) or the Equal Rights Division of the Wisconsin Department of Workforce Development (ERD), regardless of whether the complainant has chosen to file with that agency.
- (a) The city ~~prosecutor-attorney~~ shall take no action on any complaint against the City of Green Bay or any public official, employee, agent, agency, authority, board, commission, or committee thereof. The city ~~prosecutor-attorney~~ shall refer the complaint to the ERD, EEOC, the U.S. Department of Housing and Urban Development (HUD), or any other state or federal agency that has jurisdiction over the complaint for appropriate action as provided by law. The complainant shall be informed of all such referrals.
- (4) *Other remedies.* This ordinance shall not be construed to limit any other remedies available under local, state, or federal law.

50.10 Forfeiture. Any person violating any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not more than one thousand dollars (\$1,000.00).

50.11 Equal Rights Commission.

(1) *Members.* The Equal Rights Commission shall consist of nine (9) residents of the Citycity, appointed from a diverse and representative cross-section of the community, inclusive of traditionally underrepresented groups, who shall be members only so long as they shall reside in the Citycity. The membership of the Commission shall include one Alder.

(2) *Appointment.* Members of the Commission shall be appointed by the mayor, subject to confirmation by the council. The Alder shall be elected for a term of two (2) years, and all other members of the Commission shall be appointed for a term of three (3) years, except that three (3) members initially appointed shall be appointed for a term of two (2) years, and two (2) members initially appointed shall be appointed for a term of one (1) year. Each member shall hold office until a successor is appointed and confirmed. A vacancy occurring other than by expiration of the member's term shall be filled by appointment of the mayor and confirmation by the council for the unexpired portion of the term.

(3) *Officers.* A chair and vice chair shall be elected from the membership of the Commission at the first regular meeting of each calendar year by a majority of the members of the Commission.

(4) *Powers and Duties.*

(a) The Commission shall meet not less than four (4) times annually for monitoring the employment, contracting, and program activities of the City, and prepare and provide timely reports to the mayor and council on efforts to promote equal rights, equal opportunities, positive community relations, and to eliminate discrimination and inequities in City government and the Citycity.

(b) *Reporting.*

i. *Departments.* The human resources department, with the cooperation of all departments, shall regularly provide the Commission with information of efforts and activities undertaken across City government to achieve the leadership objectives described in sections 50.01 and 50.02, Green Bay Municipal Code. This information shall from time to time identify programs and activities conducted by the City to promote equal rights and equal opportunity, as well as goals, challenges, and strategies for the future. The human resources department shall provide

the Commission with information about activities and accomplishments with respect to diversity and equal employment opportunity in City employment. Upon request of the Commission, other City departments, agencies, and units shall report to the Commission orally, in writing, or both, at the pleasure of the Commission.

- ii. *Mayor and Common Council.* The Commission shall provide a written communication to the mayor and the Common Council, not less than annually, summarizing the activities of the Commission and the progress of the City in meeting the leadership objectives specified in this chapter. This communication shall further include an examination of those conditions in the City-city at large which contribute to or detract from equal rights and an environment free from discrimination. The communication shall provide recommendations for furthering the purposes and objectives provided-identified in this chapter.

- (c) The Commission may, at its discretion, engage with employers, housing providers, community organizations, and other stakeholders to create positive working relationships focused on providing equal opportunities throughout the City-city and raising awareness of important equity issues.

50.12 Construction; Severability.

- (1) The provisions of this chapter shall be liberally construed in order to promote the purposes and provisions contained herein.
- (2) The provisions of this chapter are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this chapter or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid, unconstitutional, or inapplicable provision, sentence, clause, section, or part hereof had not been included herein, and if the person or circumstance to which the chapter or any part hereof is inapplicable had been specifically exempted herefrom.

SECTION 2. Section 1.67, Green Bay Municipal Code, is hereby created to read:

1.67 Equal Rights Commission. See § 50.11, Green Bay Municipal Code.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. Effective Date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

10/6/2020



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # K.10

To receive and place on file the liquor violation report for September 28, 2020.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 20LiqVio
2. Report September 28 2020
3. 19LiqVio

**REPORT OF THE PROTECTION AND POLICY COMMITTEE
GRANTING OPERATOR LICENSES**

October 6, 2020

The Protection and Policy Committee wishes to request that the following applications for Operator Licenses be granted.

Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Abig, Alexandra J	Medina, Alejandra
Adhikari, Abiral	Ortiz-Nicholas, Destiny A
Ball, Andrea S	Paul, Alyssa L
Becker, Amber N	Pearson, Matthew J
Beggs, Sarah L	Phillips, Brad M
Berceau, Lisa A.	Piontek, Olivia J
Bialkowski, Shimron J	Poarch, Brooke T
Bucksa, Stephanie M	Santiago-Velez, Jenitza
Burkard, Krystal L	Santos, Alexandra
Burkart, Nicholas J	Sexton, Leigha N
Casanova, Alexis R	Skenandore, Nicole J
Chung, Isaac A	Smith, Raymond JR
Conley, Amy M	Thelen, Janet C
Culligan, Jon P	Vue, Leng
Gardner, Kathryn R	Ward, Sharon L
Griffin, Justin L	Zaleski, Aaron J
Heller, Yvonne M	Zoeller-Grissom, Jessica
Hoida, Travis B	
Holte, Patricia R	
Hurley, Troy D	
Irmick, Natalia RA	
Janssen, Jesse J	
LaFord, Audrey R	
Leahy, Moriah C	
Leuthner, Lorranae M	
Longhi, Nicole M	
Lundquist, Jennifer M	
Mallien, Adam J	
Marcus, Melissa M	
Martinez, Jesenia M	
Mathys, Elizabeth A	



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # M.I

To deny the request by Bryan Hoff to appeal the nuisance, litter and solid waste materials invoice of \$411.89 at 1019 Velp Avenue.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Invoice I33278_Reschedule Email_ Appeal Fine for Nuisance Litter_1019 Velp Ave
2. Invoice I33278_Appeal Fine for Nuisance Litter_1019 Velp Ave

From: [ClerkInquiries](#)
To: [Jamie Destiche](#)
Subject: FW: Appeal Fine for Nuisance Litter
Date: Monday, September 14, 2020 7:59:37 AM

From: Bryan Hoff
Sent: Friday, September 11, 2020 10:02 AM
To: ClerkInquiries <ClerkInquiries@greenbaywi.gov>
Subject: FW: Appeal Fine for Nuisance Litter

Good morning

I sent this request on 8/28/20. On 9/9/20 I received a letter from the City dated 9/3/20 letter stating my appeal was to be taken up on 9/8/20.

Since I wasn't made aware of the meeting until a day after it occurred I am requesting a new date for the committee to take up this issue so I can present my side.

Could you please re-schedule so I can attend? I can only assume the mail was delayed due to the Labor day holiday. You can also e-mail me with the rescheduled date in lieu of physical mail.

Bryan Hoff
Hoff Investment Properties, LLC
920-660-3770

From: Bryan Hoff
Sent: Friday, August 28, 2020 11:26 AM
To: 'ClerkInquiries' <ClerkInquiries@greenbaywi.gov>
Subject: Appeal Fine for Nuisance Litter

Good Morning

I would like to appeal the invoice I received for a property cleanup. Invoice # 133278 for 1019 Velp Ave.

Reason for appealing the fine is because there was a discrepancy between what was allowed to be left outside for seating and tabletop. The zoning department (Brenda Seidl) couldn't define what was considered an "outdoor chair" vs an "indoor chair". They also removed some items from the firepit including unburnt logs that belong in the firepit yet left the trash they were there to clean up.

When the cleanup was done, the City employees left the seating and table items they had an issue with yet left the other smaller items that were claimed on case # 112641. Pictures attached. These

pictures were taken less than 5 min after the City employees left the property. If I'm going to be responsible to pay a cleanup fee, I expect the employees to complete the work in full and not just take certain items. The items left were part of the claimed nuisance litter.

Bryan Hoff
Hoff Investment Properties, LLC
920-660-3770



Administration
920 448 3100
Fax 920 448 3102

Engineering Division
920 448 3100
Fax 920 448 3102

Public Works Department

Operations Division
920 448 3535
Fax 920 448 3536

Parking Division
920 448 3431
Fax 920 448 3370

Traffic Division
920 448 3100
Fax 920 448 3102

September 3, 2020

Bryan Hoff
Hoff Investment Properties, LLC
3730 Nicolet Dr
Green Bay, WI 54311

Dear Mr. Hoff,

This letter is to notify you that the item(s) highlighted on the enclosed agenda will be presented before the Improvement & Services Committee of the City Council for its consideration.

The Improvement & Services Committee is scheduled for Wednesday, September 9, 2020 at 5:00 p.m. This will be a virtual meeting and the public may also join via Zoom. I have included instructions for you to join the meeting.

We recommend that you attend as the Committee discusses your request. At that time, you can provide your concerns and/or facts.

Sincerely,

Jamie Destiche
Administrative Clerk

Enclosure

From: [DPW Main](#)
To: [Brenda Seidl](#); [Tim Meves](#); [Steven Grenier](#)
Cc: [Inspection Website Mail](#); [Dustin McMullen](#); [Jamie Destiche](#)
Subject: FW: Appeal Fine for Nuisance Litter
Date: Monday, August 31, 2020 7:52:18 AM
Attachments: [Work Order.pdf](#)

Good Morning,

Please see the below email on an appeal for the clean-up at 1019 Velp Ave.

This will have to go through the I&S Meeting and then through Council for approval.

Please reach out to Bryan and provide him with the information needed to move forward with the appeal.

Attached is the work order I received to invoice against.

Thanks,
Audra

[Audra Van Gheem](#)
Administrative Clerk
City of Green Bay Public Works Department
100 N. Jefferson St. Room 300
Green Bay, WI 54301-5026
Phone: 920-448-3532 | greenbaywi.gov/DPW

From: ClerkInquiries
Sent: Friday, August 28, 2020 12:07 PM
To: DPW Main
Subject: FW: Appeal Fine for Nuisance Litter

From: Bryan Hoff
Sent: Friday, August 28, 2020 11:25 AM
To: ClerkInquiries <ClerkInquiries@greenbaywi.gov>
Subject: Appeal Fine for Nuisance Litter

Good Morning

I would like to appeal the invoice I received for a property cleanup. Invoice # 133278 for 1019 Velp Ave.

Reason for appealing the fine is because there was a discrepancy between what was allowed to be left outside for seating and tabletop. The zoning department (Brenda Seidl) couldn't define what was considered an "outdoor chair" vs an "indoor chair". They also removed some items from the firepit

including unburnt logs that belong in the firepit yet left the trash they were there to clean up.

When the cleanup was done, the City employees left the seating and table items they had an issue with yet left the other smaller items that were claimed on case # 112641. Pictures attached. These pictures were taken less than 5 min after the City employees left the property. If I'm going to be responsible to pay a cleanup fee, I expect the employees to complete the work in full and not just take certain items. The items left were part of the claimed nuisance litter.

Bryan Hoff
Hoff Investment Properties, LLC
920-660-3770



GREEN BAY CITY TREASURER

100 North Jefferson Street, Room 106
Green Bay, WI 54301-5026

INVOICE

Invoice Date	Invoice No.
07/21/2020	133278
Customer Number	
58194	
Invoice Total Due	
\$411.89	
Customer PO	Due Date
	08/20/2020

REMOVED NUISANCE, LITTER AND SOLID WASTE
MATERIALS AT 1019 VELP AVE. ON 07-15-2020.

HOFF INVESTMENT PROPERTIES LLC
3730 NICOLET DR
GREEN BAY, WI 54311

00000182020600133278200000411892

✂ Please Detach and return top portion with your payment ✂

City of Green Bay, Green Bay, WI 54301

Invoice Date: 07/21/2020

Customer Number: 58194

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
LABOR	1.00	\$168.23	EACH	\$168.23	\$0.00	\$0.00	\$168.23
EQUIPMENT	1.00	\$220.40	EACH	\$220.40	\$0.00	\$0.00	\$220.40
ADMINISTRATIVE FEE	1.00	\$23.26	EACH	\$23.26	\$0.00	\$0.00	\$23.26
Please put Invoice Number on your check. Make checks payable to City of Green Bay.				Invoice Total:	\$411.89		

PLEASE CALL THE DEPARTMENT OF PUBLIC WORKS AT (920) 448-3535 WITH ANY QUESTIONS.

ORIGINAL
COPY







Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # M.2

To authorize staff to apply for grants to support the Lower Green Bay & Fox River AOC Biota Committee on several potential wildlife restoration projects located within the City of Green Bay and to approve the City becoming partners on the projects presented.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Wildlife Restoration Projects Presentation

- 43 “Areas of Concern” (AOC) throughout Great Lakes with 31 in the U.S.
- AOC is a location with severe environmental degradation and contamination as compared to other areas of the Great Lakes
- There are 5 AOCs in Wisconsin



Why is the Lower Green Bay & Fox River an Area of Concern?

Significant impairment of social, economic, and ecological beneficial uses relative to other urban areas in the Great Lakes due to:

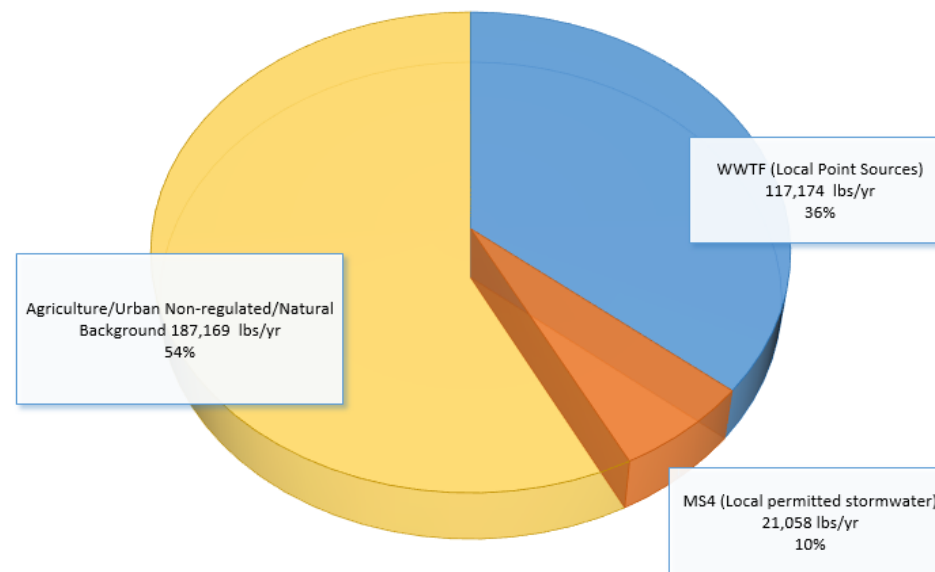
- Poor water quality
- Contaminated sediments
- Loss of Fish and wildlife habitat



Improving Water Quality: A Work in Progress



TMDL REDUCTION TARGETS



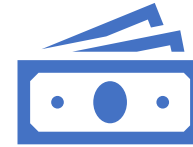
Fox River Cleanup Project: Completed in 2020



Photo credit: J.F. Brennan Inc.



8,200,000 cubic yards
of contaminated
sediment removed
from the river from
2009-2020.



Paid for by
Responsible Parties



Over 140 workers on
site daily for over 10
years, bringing in new
talent and enhancing
local economy

Improving Fish and Wildlife: Planning and Design Stage



1. Point du Sable Nature Preserve
2. Joliet Park
3. UW-Green Bay Arboretum
4. Bay Beach Wildlife Sanctuary
5. Renard Island
6. Heritage Hill State Park
7. De Pere Dam
8. Ashwaubenon Creek
9. Dutchman Creek
10. Southwest Shoreline and Tank Farm Marsh
11. Ken Euers Nature Area
12. Duck Creek Delta
13. Weitor Wharf
14. DNR West Shores
15. Fort Howard and Peters Marsh
16. Cat Island Restoration Chain
17. Dead Horse Bay
18. Longtail Point

Tank Farm Marsh



1938



1960



1978



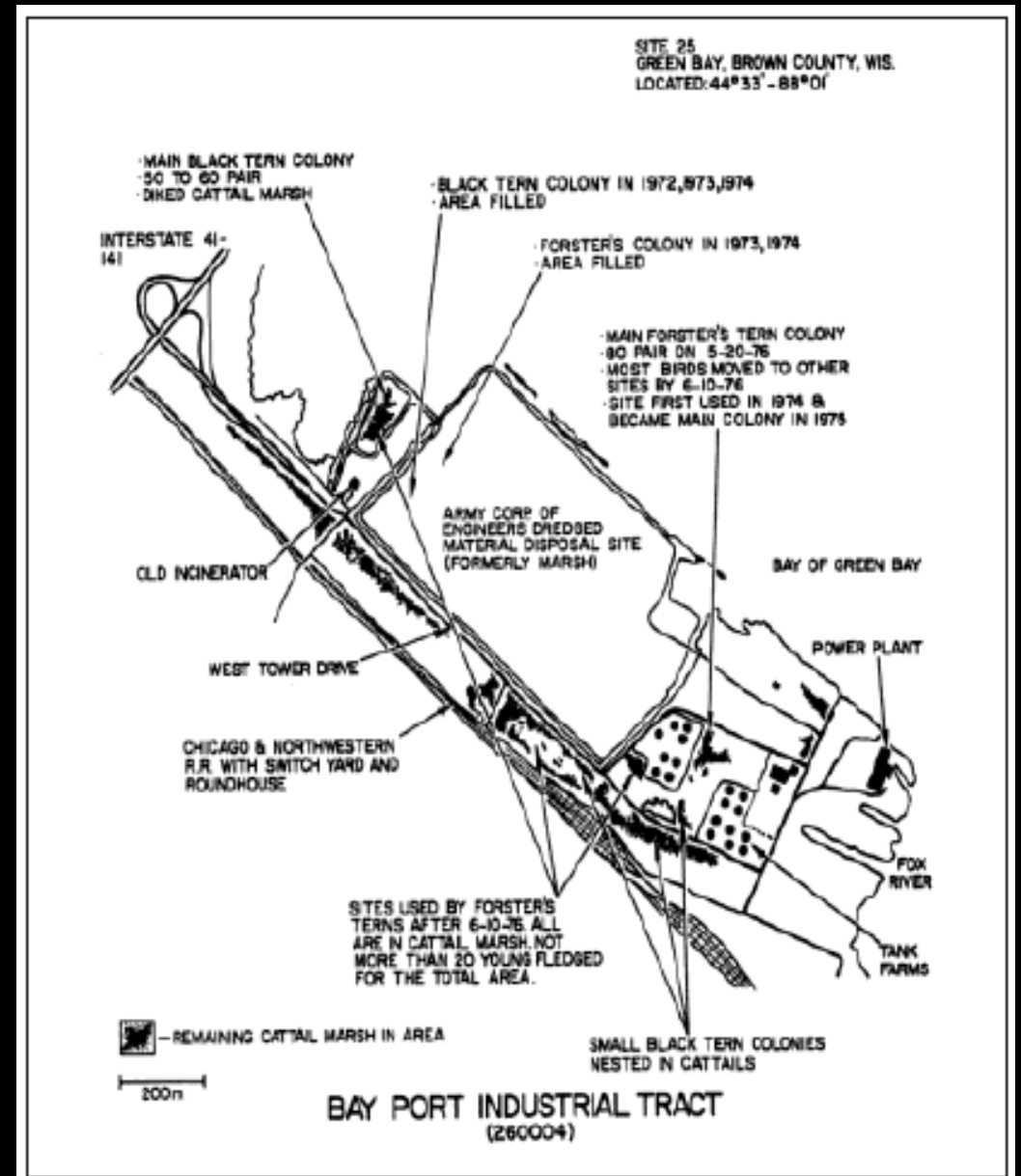
1990



2010



2017





Tank Farm Marsh

Tank Farm Marsh

- Better water level management
- Improving wetland habitat (removing invasive species and adding native species)
- Encouraging rookery habitat establishment
- Floating nest platforms
- Woody debris placement for basking turtles, frogs, fish



Dutchman Creek

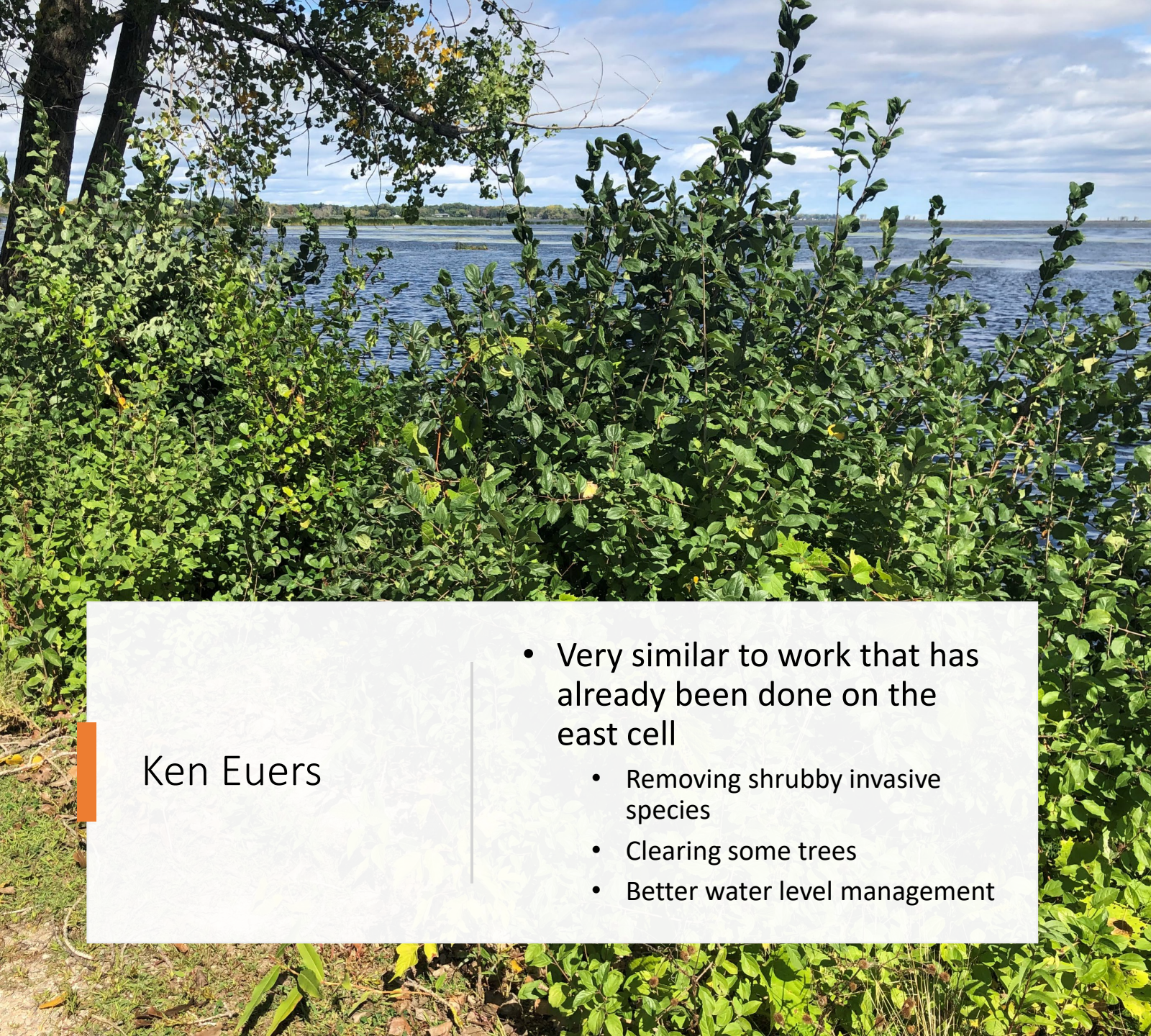
- Promoting habitat for sunfish, yellow perch, catfish and native mussels
 - Rock/gravel substrates in Dutchman Creek
 - Woody habitat and aquatic vegetation plantings along Fox River shoreline
 - Woody habitat installed along shoreline of Dutchman Creek to direct water and reduce stagnation
- Improving shoreline and land-based habitat
 - Stabilizing banks (as needed)
 - Potential prairie/meadow/rain garden plantings (where appropriate)



Bay Beach Wildlife Sanctuary

- Removing invasive species and installing native plants in forested areas and inland wetlands
- Planting prairie species in grassy/old field areas
- Naturalizing shoreline of the lagoon area
- Meadow/Prairie/Rain Garden plantings where appropriate
- “This is a really big attraction for the area. Interest spans age groups and demographics, probably reaching more than many projects.”





Ken Euers

- Very similar to work that has already been done on the east cell
 - Removing shrubby invasive species
 - Clearing some trees
 - Better water level management





Joliet Park

- Installing rock piles for additional walleye and smallmouth bass spawning/rearing habitat
- Improving existing walleye spawning reef
- Improvements to riparian vegetation along shoreline

Great Lakes Restoration Initiative Funding

- WDNR works with EPA to obtain noncompetitive funding to plan, design, and implement various environmental projects
- Submitting proposals in December for a subset of the 18 potential projects throughout the Area of Concern
 - Tank Farm, Dutchman Creek are highest priority for 2021
- Also soliciting contributions from other funding sources (Natural Resource Damage Assessment, Great Lakes Fishery Trust, etc.)
- WDNR often passes through these funds to local unit of government landowners to administer the project

Economic Benefits in Marinette

- Menekaune Harbor
 - Removed excess/contaminated sediment
 - Incorporated lots of fish and wildlife habitat
 - Now a major destination
 - \$1,000,000 in tourism revenue after National Walleye Championship Tour
- Cleaner river and harbor for growing industry/commerce



A truly impaired water body...



Coming soon to Marinette

Cabela's
NWT
NATIONAL WALLEYE TOUR

Championship

AUGUST 16-18, 2017
www.nationalwalleyetour.com

One of the biggest events in Marinette County

Hotels will be full...
Restaurants will be full...
Tourist attractions in high demand!



Economic Growth in Sheboygan

South Pier and the Sheboygan River: Then and Now



20 Years Ago
Coal depot

Today
Boardwalk, business class resort,
condos and shops.

In Sheboygan, WI, Great Lakes Restoration Initiative-funded improvements including toxic sediment removal and habitat restoration have been an influencing factor in numerous economic benefits including:

- **Development:** New housing developments have proliferated along Sheboygan's waterfront, representing an investment of \$37 million.
- **Tourism:** Sheboygan County has seen a 32 percent increase in visitor spending since 2010 and the city's Harbor Centre Marina has seen a 41 percent increase in transient boater revenue since 2014.
- **Recreation:** Numerous forms of water-based recreation have seen renewed interest, as the number of charter captains identifying Sheboygan as their home port increased from 36 to 41 between 2010 and 2016.



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # M.3

To approve the request to rescind or reduce the long grass/weed compliance cutting charge of \$178.30 on Invoice 133126 for Rexford Buxton at 311 N. Oakland Avenue and to issue a new invoice in the amount of \$89.15. (Ald. Johnson)

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Ald Johnson Communication_311 N Oakland Ave
2. DPW Documentation for Inv 133126_311 N Oakland Ave

Attachments: [115626164_1176032216101011_5569481183909494597_n.jpg](#)
[109523457_290071275532692_5968367548194468128_n.jpg](#)
[109352031_206402254096872_4846110079460004381_n.jpg](#)
[109499559_3399273510125505_3752465188868458804_n.jpg](#)

From: District Nine
Sent: Monday, August 17, 2020 4:12 PM
To: Kris Teske <Kris.Teske@greenbaywi.gov>
Cc: Steven Grenier <Steven.Grenier@greenbaywi.gov>
Subject: I&S Communication

For consideration and possible action to rescind or reduce charges for invoice no. 133126, Rexford Buxton, 311 N Oakland Ave.

Background: The resident contacted me indicating he felt the charges were excessive. He said it takes him 15 min. to cut his yard. Photos of yard and invoice attached.

Follow me on Facebook to receive regular updates on city issues. [@BrianJohnsonGB](#)

Brian H. Johnson
Alderman, District 9

City of Green Bay
100 N. Jefferson Street
Green Bay, Wisconsin 54301-5026

(e) district9@greenbaywi.gov
(p) 920.242.2206
(w) www.greenbaywi.gov

**GREEN BAY CITY TREASURER**

100 North Jefferson Street, Room 106
Green Bay, WI 54301-5026

REXFORD E BUXTON, ETAL
311 N OAKLAND AVE
GREEN BAY, WI 54303-2835

INVOICE

Invoice Date	Invoice No.
07/14/2020	133126
Customer Number	
58131	
Invoice Total Due	
\$178.30	
Customer PO	Due Date
	08/13/2020

FOR PARCEL 5-494 AT 311 N OAKLAND AVE - ACTION
TAKEN: LONG GRASS/WEED COMPLIANCE CUTTING
06/03/2020

0000018202060013312630000017830

✕ Please Detach and return top portion with your payment ✕

Green Bay, WI 54301

Invoice Date: 07/14/2020

Customer Number: 58131

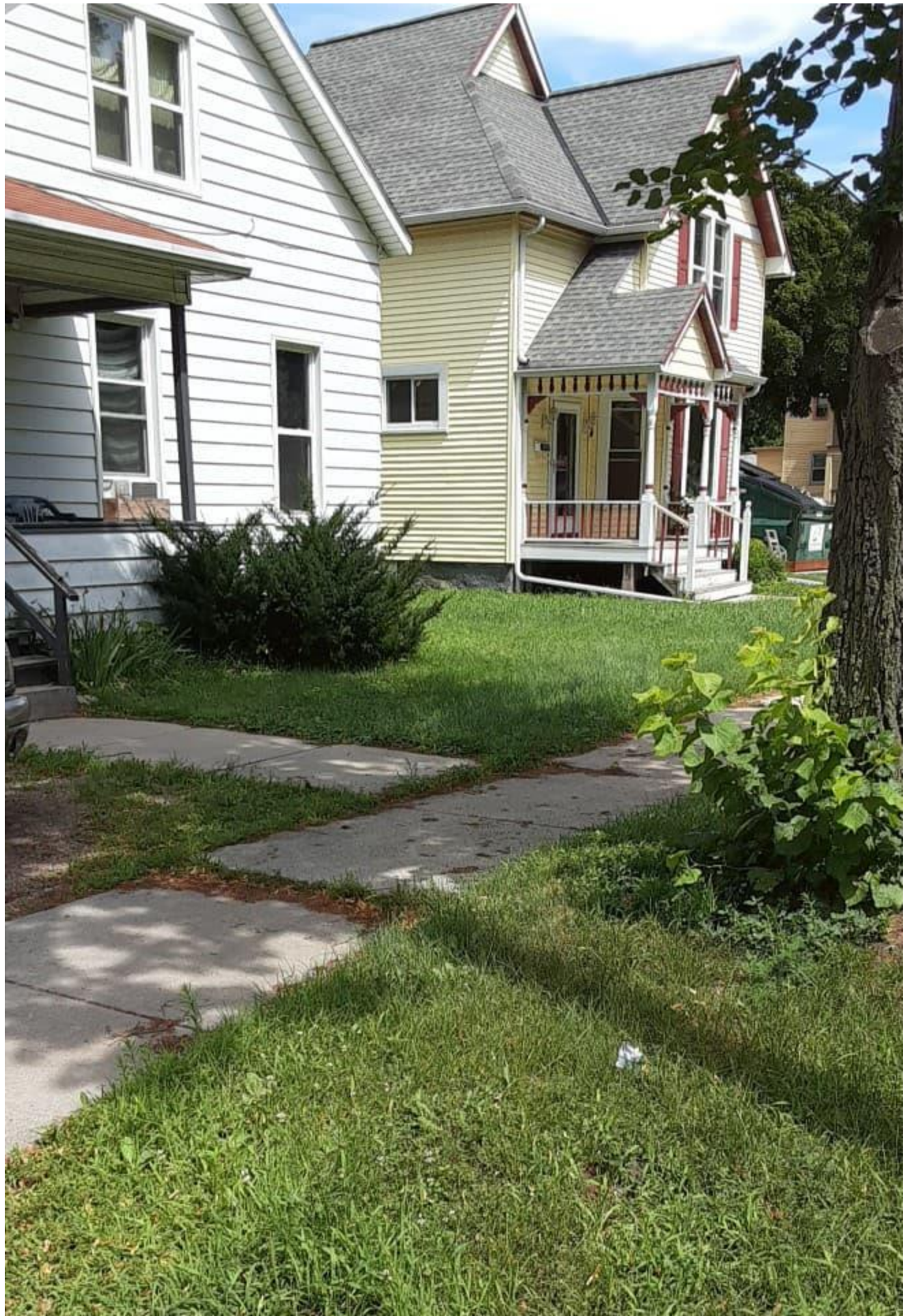
Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
ADMINISTRATIVE CHARGE PER PARCEL	1.00	\$52.00	EACH	\$52.00	\$0.00	\$0.00	\$52.00
WEED CUTTING LABOR	0.75	\$72.00	EACH	\$54.00	\$0.00	\$0.00	\$54.00
WEED CUTTING EQUIPMENT	0.75	\$84.00	EACH	\$63.00	\$0.00	\$0.00	\$63.00
	1.00	\$9.30	EACH	\$9.30	\$0.00	\$0.00	\$9.30

Please put Invoice Number on your check.
Make checks payable to City of Green Bay.

Invoice Total:

\$178.30









GREEN BAY CITY TREASURER

100 North Jefferson Street, Room 106
Green Bay, WI 54301-5026

INVOICE

Invoice Date	Invoice No.
07/14/2020	133126
Customer Number	
58131	
Invoice Total Due	
\$178.30	
Customer PO	Due Date
	08/13/2020

REXFORD E BUXTON, ETAL
311 N OAKLAND AVE
GREEN BAY, WI 54303-2835

FOR PARCEL 5-494 AT 311 N OAKLAND AVE - ACTION
TAKEN: LONG GRASS/WEED COMPLIANCE CUTTING
06/03/2020

00000182020600133126300000178301

✂ Please Detach and return top portion with your payment ✂

City of Green Bay, Green Bay, WI 54301

Invoice Date: 07/14/2020

Customer Number: 58131

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
ADMINISTRATIVE CHARGE PER PARCEL	1.00	\$52.00	EACH	\$52.00	\$0.00	\$0.00	\$52.00
LONG GRASS/WEED CUTTING LABOR	0.75	\$72.00	EACH	\$54.00	\$0.00	\$0.00	\$54.00
LONG GRASS/WEED CUTTING EQUIPMENT	0.75	\$84.00	EACH	\$63.00	\$0.00	\$0.00	\$63.00
5.5% TAX RATE	1.00	\$9.30	EACH	\$9.30	\$0.00	\$0.00	\$9.30
Please put Invoice Number on your check. Make checks payable to City of Green Bay.				Invoice Total:	\$178.30		

GENERAL ORDINANCE 8.11 NOXIOUS WEEDS & VEGETATION MANAGEMENT - AMOUNT MUST BE PAID
IN 30 DAYS OR BE PLACED ON THE TAX ROLL. PLEASE CALL THE DEPARTMENT OF PUBLIC WORKS
AT (920) 448-3535 WITH ANY QUESTIONS.

ORIGINAL
COPY



LONG GRASS/WEEDS FORM
CITY MUNICIPAL ORDINANCE 8.11

PARCEL # 5-494
INVOICE # 133126 INV. DATE 7.14.20

DATE: 5-29-20 TIME: 1045 NAME: Whiting
ADDRESS: 311 N OAKLAND AVE VEGETATION HEIGHT: _____

PROPERTY TYPE: ☐ Single ☒ Multi ☐ Apartment Duplex ☐ Vacant Lot ☐ Railroad ☐ DBO ☐ DBO

LOCATION: ☒ Front Yard ☒ Side Yard ☒ Rear Yard ☒ Fence Line
☐ Sidewalk ☒ Terrace ☐ ROW ☐ Fenced Area

REMARKS: _____

PROPERTY RE-CHECK: DATE: 6-1-20 TIME: 900 NAME: Whiting

REMARKS: _____

WORK DONE BY CITY: DATE: 6/3/2020 TIME: 7:20 NAME: Borley/Woelfel

START TIME: 7:20 FINISH TIME: 7:40 ☐ Overtime ☒ Regular Time

UNIT #: 163, 974, 231, 512, 964, 1026, 1002, 1516 LABOR/TIME: 20x2 EQUIP/TIME: 20x2

☒ Grass/Weed Control

☒ Trimming

☒ Clean-up

REMARKS: DBO on the Back Cut Front. SUPERVISORY APPROVAL DRS K15
20 min + 15 min travel = 35 min = 44.75 hr. AVG

DONE BY OWNER: DATE: _____ TIME: _____ NAME: _____

REMARKS: _____

Dan Szymik

From: noreply@ci.green-bay.wi.us
Sent: Wednesday, May 27, 2020 1:00 PM
To: Chris Pirlot; Dan Szymik; David Wiesman; Debbie Haines-Epping; Dustin McMullen; Justin Linzmeier; Nathan Wachtendonk; Tim Gates; Josh Brassfield
Subject: New Request: Street - LONG GRASS COMPLAINT

STREET - LONG GRASS COMPLAINT

ADDRESS: 315 N OAKLAND AV

LONG GRASS

~~Item: LONG GRASS~~

PickUpDate:

RateID:

05/27/2020 12:59 PM

~~Entered By: audrava~~

To view online you can visit:

<https://rfs.greenbaywi.gov/RequestForService/Sublimate.aspx?Target=Secure\RequestSearch&TrackingID=66411>

311 ALSO



LONG GRASS/WEEDS FORM
CITY MUNICIPAL ORDINANCE 8.11

PARCEL # 5-494
INVOICE # _____ INV. DATE _____

DATE: 5-29-20 TIME: 1045 NAME: Whiting
ADDRESS: 311 N OAKLAND AVE VEGETATION HEIGHT: _____

PROPERTY TYPE: ☐ Single ☒ Multi ☐ Apartment ☐ Vacant Lot ☐ Railroad
Duplex _____ ☐ DBO Duplex _____ ☐ DBO

LOCATION: ☒ Front Yard ☒ Side Yard ☒ Rear Yard ☒ Fence Line
☐ Sidewalk ☒ Terrace ☐ ROW ☐ Fenced Area

REMARKS: _____

PROPERTY RE-CHECK: DATE: 6-1-20 TIME: 900 NAME: Whiting

REMARKS: _____

WORK DONE BY CITY: DATE: _____ TIME: _____ NAME: _____

START TIME: _____ FINISH TIME: _____ ☐ Overtime ☐ Regular Time

UNIT #: _____ LABOR/TIME: _____ EQUIP/TIME: _____

☐ Grass/Weed Control ☐ Trimming ☐ Clean-up

REMARKS: _____ **SUPERVISORY APPROVAL** _____

DONE BY OWNER: DATE: _____ TIME: _____ NAME: _____

REMARKS: _____

06/03/2020 07:25

311

311

06/03/2020 07:27



06/03/2020 07:27



06/03/2020 07:28



06/03/2020 07:28



06/03/2020 07:41



06/03/2020 07:41



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # M.4

To refer to staff the request by Paul's Pantry, Inc. to rescind the special assessments for pavement construction levied against Parcel 20-271 associated with the North Webster Avenue reconstruction project to determine if the assessment can be rescinded and hold the invoice in abeyance.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # M.5

To receive and place on file the request to review pavement reconstruction and resurfacing programs and begin planning for future Capital Improvement Programs. (Alds. Wery and Johnson)

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Alds. Wery and Johnson Communication_ Road Work 2021

From: Steven Grenier
Sent: Thursday, September 17, 2020 11:53 AM
To: Elizabeth Nadolski-Spears
Subject: FW: Road Work 2021

Please see below

Steven M. Grenier, P.E.
Director of Public Works
City of Green Bay
(920) 448-3097
steven.grenier@greenbaywi.gov

From: Chris Wery [mailto:chriswery@att.net]
Sent: Wednesday, September 16, 2020 1:26 PM
To: District Nine <District.9@greenbaywi.gov>; Steven Grenier <Steven.Grenier@greenbaywi.gov>
Subject: Re: Road Work 2021

Awesome, thanks!

Alderman Chris Wery
920-490-9282
chriswery@att.net
Facebook: Alderman Chris Wery, District 8 City of Green Bay

On Wednesday, September 16, 2020, 01:20:14 PM CDT, Steven Grenier
<steven.grenier@greenbaywi.gov> wrote:

I can get that on the agenda.

Discussion with possible action on a request by Ald. Wery and Ald. Johnson to review pavement reconstruction and resurfacing programs, and begin planning for future Capital Improvement Programs.

Sound OK?
Steve

Steven M. Grenier, P.E.
Director of Public Works
City of Green Bay
(920) 448-3097
steven.grenier@greenbaywi.gov<mailto:steven.grenier@greenbaywi.gov>

From: Chris Wery [mailto:chriswery@att.net]
Sent: Wednesday, September 16, 2020 1:17 PM
To: District Nine <District.9@greenbaywi.gov>; Steven Grenier <Steven.Grenier@greenbaywi.gov>

Subject: Re: Road Work 2021

Thanks, Steve. I think it is worthy having the discussion. Perhaps we could show the past 10 years of roadwork and where we are trending and expecting to be at next year.

Alderman Chris Wery
920-490-9282
chriswery@att.net<mailto:chriswery@att.net>
Facebook: Alderman Chris Wery, District 8 City of Green Bay

On Wednesday, September 16, 2020, 07:52:31 AM CDT, Steven Grenier
<steven.grenier@greenbaywi.gov<mailto:steven.grenier@greenbaywi.gov>> wrote:

Ald. Wery,

I think that the program size (or thereabouts) from this year will become the norm. We issued several consultant contracts at the last I&S meeting, that's how we are supplementing our in-house engineering staff to complete the size program we currently have. We are further limited by the amount of bonding we can take on as a City. That's why the Finance Committee has been discussing annual and five-year Capital Improvement Programs. The financial allocation DPW received last year is pretty much the top end of what the City can afford to give us through bonding. Also, sanitary, storm, and water utilities have taken on as much new annual debt as they can. Unless the council decides to resurface roads without taking care of the underground infrastructure, we need to consider the utility budgets and bonding limits as well.

We can definitely have the discussion, but I'm not optimistic that we can increase beyond what we've risen to at this point. During last year's discussion on CIP, I tried to stress that this year's program would be the new normal target.

Let me know your wishes.

Steve

Steven M. Grenier, P.E.
Director of Public Works
City of Green Bay
(920) 448-3097
steven.grenier@greenbaywi.gov<mailto:steven.grenier@greenbaywi.gov>
<mailto:steven.grenier@greenbaywi.gov<mailto:steven.grenier@greenbaywi.gov>>

From: Chris Wery [mailto:chriswery@att.net<mailto:chriswery@att.net>]
Sent: Tuesday, September 15, 2020 9:05 PM
To: Steven Grenier <Steven.Grenier@greenbaywi.gov<mailto:Steven.Grenier@greenbaywi.gov>>;
District Nine <District.9@greenbaywi.gov<mailto:District.9@greenbaywi.gov>>
Subject: Road Work 2021

Howdy Steve,

I am hoping (expecting) that we will once again see a large increase in the number of streets repaired next year?

When can we start discussing this? Should we put it on an agenda?

Thanks,

Alderman Chris Wery

920-490-9282

chriswery@att.net<mailto:chriswery@att.net><mailto:chriswery@att.net<mailto:chriswery@att.net>>

Facebook: Alderman Chris Wery, District 8 City of Green Bay



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # M.6

To approve the request by Department of Public Works to grant an easement to Wisconsin Central LTD for the northerly 30 feet of the westerly 55 feet of Parcel 2-275 for construction of maintenance equipment for the railroad.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. EASEMENT FOR RAILROAD SIGNAL EQUIPMENT-JIB Revised-09.16.20 (JD)

EASEMENT FOR RAILROAD SIGNAL EQUIPMENT

DRAFT

THIS EASEMENT, made this _____ day of _____,
20____, by and between the City of Green Bay, a Wisconsin
Municipal Corporation, hereinafter referred to as Grantor , and
Wisconsin Central LTD. Referred to as Grantee ,

WITNESSETH:

That the Grantor for and in consideration of the sum of Ten and
no/100 dollars (\$10.00) and other good and valuable consideration,
hereby grants to the Grantee the perpetual right, privilege and
Easement for the construction, maintenance and repair of Railroad
Signal Equipment for the railroad crossing of S Ashland Avenue
known as I.D.# 281425M over and across the lands "Easement
Area(s) described herein described as follows:

Return this document to:
City of Green Bay – DPW
100 N. Jefferson Street – Room 300
Green Bay, WI 54301

Part of tax parcel number 2-275

The northerly 30.0 feet of the Westerly 55.0 feet, Lot Seven (7), Block Two (2),
according to the recorded plat of C.L.A. Tank's Third Addition, City of Green Bay,
Brown County, Wisconsin.

Grantor grants to the Grantee the perpetual right, privilege and easement to enter upon
the Easement Area for the construction maintenance and repair of Railroad Signal Equipment.
The Grantee shall have the right to enter on and across any of the Grantor's property outside of
the Easement Area as may be reasonably necessary to gain access to the Easement Area and as
may be reasonably necessary for the construction maintenance and repair of Railroad Signal
Equipment. Except in the event of an emergency, Grantee shall make reasonable efforts to
notify the Grantor before going upon Grantor's property outside of the Easement Area.

Should Grantee's work on its Facilities require excavation, the Grantee shall restore
the surface of the Easement Area to its condition prior to Grantee's work. All work performed
by the Grantee pursuant to this Easement will be performed in a safe and proper workmanlike
manner.

Grantee hereby agrees to indemnify, defend and hold harmless the Grantor, its elected
and appointed officials, officers, employees, agents, representatives and volunteers, and each

of them, from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorneys' fees, costs and expenses of whatsoever kind or nature in any manner directly or indirectly caused, occasioned, or contributed to in whole or in part or claimed to be caused, occasioned, or contributed to in whole or in part, by reason of any act, omission, fault, or negligence, whether active or passive, of Grantee or of anyone acting under its direction or control or on its behalf, even if liability is also sought to be imposed on Grantor, its elected and appointed officials, officers, employees, agents, representatives and volunteers. The obligation to indemnify, defend and hold harmless the Grantor, its elected and appointed officials, officers, employees, agents, representatives and volunteers, and each of them, shall be applicable unless liability results from the sole negligence of the Grantor, its elected and appointed officials, officers, employees, agents, representatives and volunteers.

Grantee shall reimburse the Grantor, its elected and appointed officials, officers, employees, agent or authorized representatives or volunteers for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided.

In the event that Grantee employs other persons, firms, corporations or entities (sub-contractor) as part of the work covered by this Agreement, it shall be Grantee's responsibility to require and confirm that each sub-contractor enters into an Indemnity Agreement in favor of the Grantor, its elected and appointed officials, officers, employees, agents, representatives and volunteers, which is identical to this Indemnity Agreement.

This indemnity provision shall survive the termination or expiration of this Agreement..

This instrument drafted by:
Thomas H. Giese - R/W Specialist

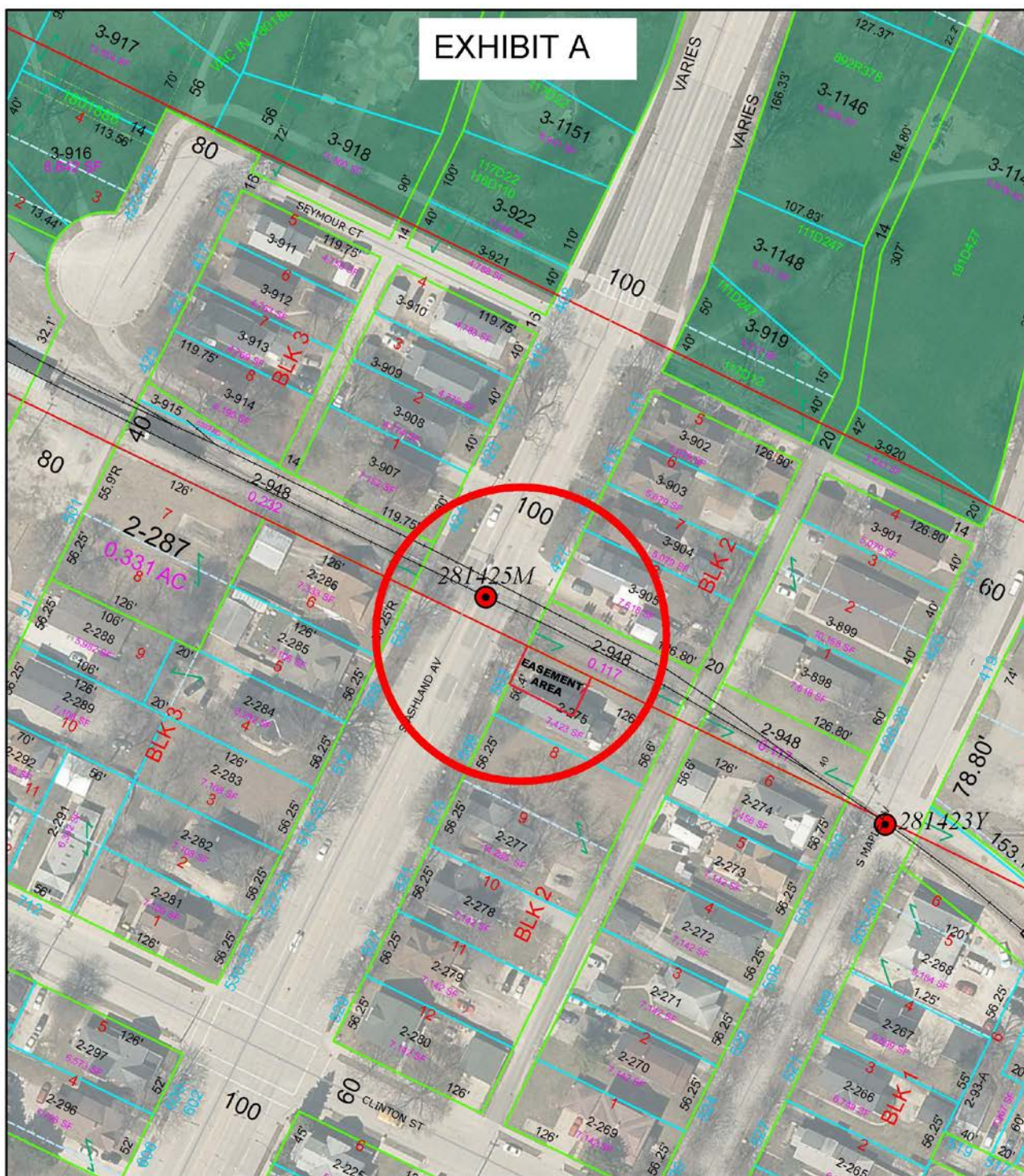
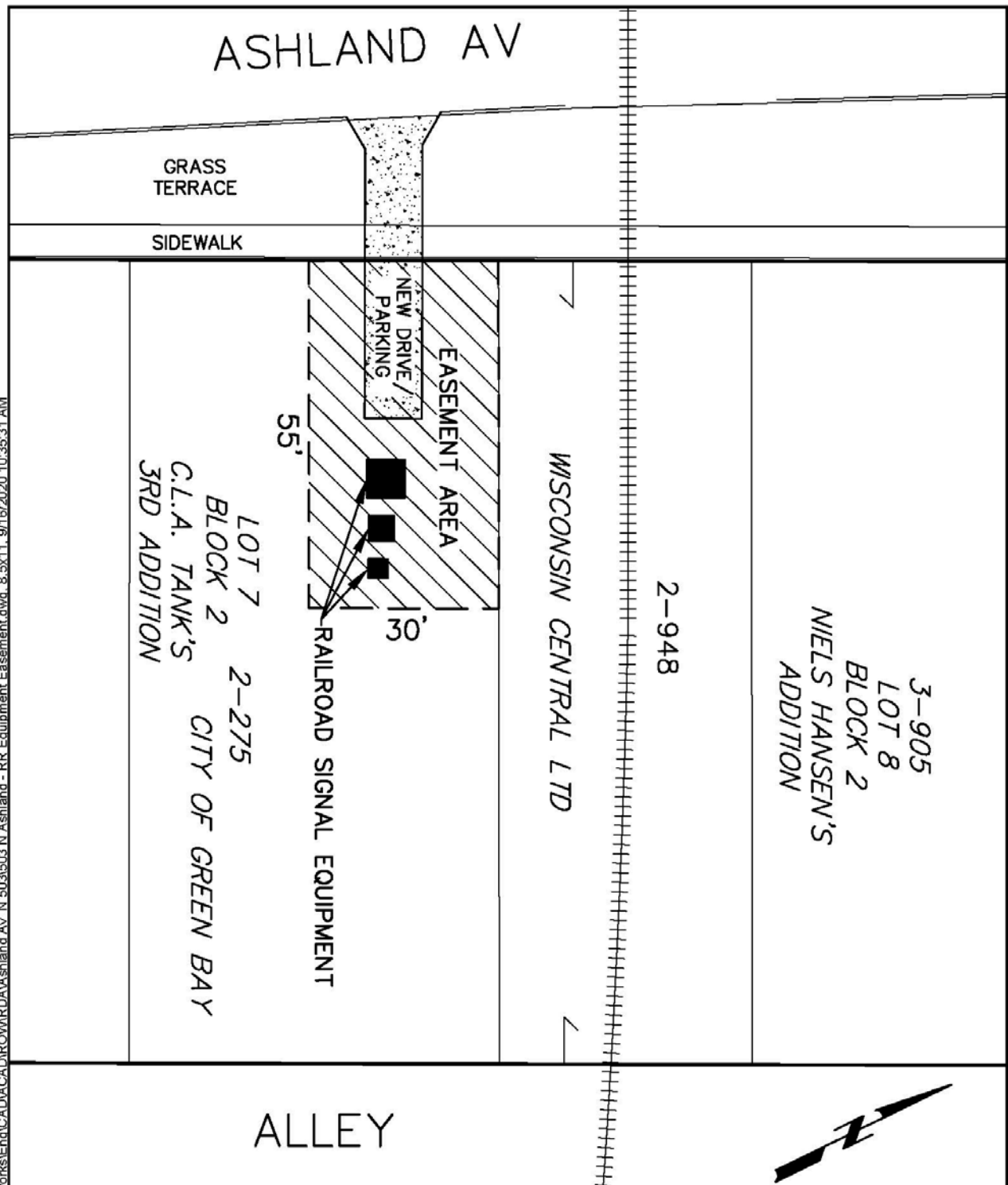


EXHIBIT A CONTINUED



I:\DeptData\PubWorks\Enn\CADD\ACAD\ROW\RD\VAshland Av. N 503\503 N Ashland - RR Equipment Easement.dwg, 8.5x11, 9/16/2020, 10:35:31 AM



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # M.7

To approve the request by Department of Public Works to enter into a Professional Service Agreement with Ayres Associates for the design of Country Club Road in the amount of \$232,651.90.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # M.8

To refer to staff the presentation by Department of Public Works staff to the Improvement and Services Committee regarding a few options for more effective downtown snow bank management. It's requested that examples be provided from the 10 largest municipalities in the state and to meet with interested parties to develop potential solutions. (Alds. Johnson and Scannell)

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Ald Johnson and Ald Scannell Joint Communication
2. 2020 WI city downtown snow policies

From: District Nine

Sent: Monday, August 17, 2020 10:30 AM

To: Kris Teske <Kris.Teske@greenbaywi.gov>

Cc: Steven Grenier <Steven.Grenier@greenbaywi.gov>; District Seven <District.7@greenbaywi.gov>

Subject: I&S Communication

This is a joint communication from Alders Scannell and Johnson:

"To direct DPW staff to present to the Improvement and Services Committee a few options for more effective downtown snow bank management. It's requested that examples be provided from the 10 largest municipalities in the state."

Alders have received multiple communications from business owners concerned about how snowbanks are currently managed. Additionally, the concern is heightened this year with reliance on curbside pickups due to the pandemic.

Follow me on Facebook to receive regular updates on city issues. [@BrianJohnsonGB](#)

Brian H. Johnson

Alderman, District 9

City of Green Bay
100 N. Jefferson Street
Green Bay, Wisconsin 54301-5026

(e) district9@greenbaywi.gov

(p) 920.242.2206

(w) www.greenbaywi.gov

Wisconsin Large City Snow Removal Practices Survey (September 2020)

<u>City</u>	<u>Population</u>	<u>Downtown Snow Windrows Removed?</u>	<u>How Often Removed?</u>	<u>Who removes snow?</u>	<u>Who pays for snow removal?</u>	<u>Notes</u>
Milwaukee	595,000	Yes	As decided by B.I.D.	Contractor Parking Division – adjacent to parking meters	B.I.D.	City does not remove snow windrows City sells permits for contractors to dump snow at City snow dump Parking Division routinely clears paths adjacent to parking meters separate from B.I.D. snow removal activity
Madison	233,200					
Green Bay	104,100	Yes	As necessary from a roadway safety perspective	DPW Parking Division – adjacent to parking meters	City operating budget	Parking Division routinely clears paths adjacent to parking meters separate from DPW snow removal activity
Kenosha	99,200	Yes	When curbside parking is affected	DPW	City operating budget	Mayor authorizes snow removal operations
Racine	78,900	Yes	After high enough levels of snow accumulate	DPW	City operating budget Parking Division – charged for snow removal where meters are installed	Some businesses clear paths to parking meters for their patrons. But not a City requirement.

Wisconsin Large City Snow Removal Practices Survey (September 2020)

Appleton	72,600	Yes	On priority basis set by DPW	DPW, with assistance from contractor	Businesses are assessed \$1.00 to \$2.00 per L.F. depending on their zone City operating budget covers costs over and above what is collected from businesses	If snow removed in residential areas, no cost to residents
Waukesha	70,700	Yes	As deemed necessary by DPW	DPW	City operating budget	
Oshkosh	66,100	Yes	Assessed after every snowfall. Removed if snow is deep enough.	DPW	City operating budget	Snow removal is scheduled for day and night shifts, and takes up to 2-weeks to complete the process
Eau Claire	65,900					
Janesville	63,600	Yes – hybrid program B.I.D. properties push sidewalk and terrace snow in street City pushes snow to storage areas when streets are plowed Contractor hauls stored snow away	When downtown B.I.D. district storage areas are full, snow is removed On arterial streets, snow is removed only as necessary	Downtown – Contractor Arterial streets – DPW	Downtown – B.I.D. Arterials – City operating budget	No metered parking in downtown area No DPW snow removal in past 2 winters

Wisconsin Large City Snow Removal Practices Survey (September 2020)

West Allis	60,400	Yes	When curb lanes get too narrow	DPW	City operating budget	
La Crosse	51,300					
Sheboygan	49,300	Yes	If snowfall is significant enough to warrant removal	DPW, with assistance from contractor	City operating budget	Downtown businesses were charged a special assessment fee for snow removal. Charge was discontinued due to unrealistic expectations from business owners and operators.



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # M.9

To approve the report of the Purchasing Manager:

A. To award contract for Fiber Optic Cabling at Bay Beach Wildlife Sanctuary for the sum of \$42,800.00 to Holtger Bros., Inc., the lowest responsible bidder to RFB #3274.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Report of the Purchasing Manager 09-23-20



CITY OF GREEN BAY - PURCHASING DIVISION

TO: I & S Committee
FR: Calvin Winters, Procurement Manager
DT: September 17, 2020
RE: Purchasing Report
Cc: Steve Grenier, Jamie Destiche

Report of the Purchasing Manager:

1. Request approval to award contract for Fiber Optic Cabling at Bay Beach Wildlife Sanctuary for the sum of \$42,800.00 to Holtger Bros., Inc. the lowest responsible bidder to RFB #3274.



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # M.10

To receive and place on file the report of actions taken by Department of Public Works

A. Granting of Licenses

I. Sidewalk Builder

a. Sommers Construction Co.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the Green Bay Plan Commission

MEETING DATE

October 6, 2020

PREPARED BY

David Buck, Staff

AGENDA ITEM # N.1

To postpone the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (Auto & Metal Salvage Operation) at 1156 Velp Avenue, until the next Plan Commission meeting on October 12, 2020.

BACKGROUND

Primary Address: 1156 Velp Avenue

Reason for Request: To permit the use of the property for automobile and metal salvage operations.

Aldersperson/District: Ald Randy Scannell / District 7

Subject Property: C2 Highway Commercial & GI General Industrial - Material Recover

North: GI General Industrial - Warehousing

South: C1 General Commercial & R-1 Low Density Residential - Hair Salon & single-family homes

East: GI General Industrial - Auto service and outdoor storage

West: GI General Industrial - Manufacturing

Comprehensive Plan: The 2022 Smart Growth Plan designates the southern half of the subject site suitable for commercial uses and the northern half of the subject site as general Industrial. Additionally, the Velp Avenue Areawide Plan (adopted in June 2017) designates the property as Transformative Opportunity Site #3 with the most desirable and compatible land-uses to include commercial, office, mixed-use and modern industrial uses. The proposed use of the entire property for salvage operations is not consistent with the recommendations of the Comprehensive Plan and the Velp Avenue Plans.

Additional Information following Postponement: This item was postponed at the August 31, 2020, Plan Commission meeting. The Plan Commission wanted to allow additional time for public comment as well as requested additional information including review of current activities, alderperson comments, neighborhood contact, potential traffic impacts, potential environmental impacts and the submission of comments from Dennis Nelson (received too late to be shared at the previous meeting).

An inspector from the City investigated the site on September 10, 2020 and observed that at that time the operation of the material recovery business is in compliance with their approved site and operation plan currently on file with the city. Staff has been in contact with both Ald. R. Scannell (District 7) of the district the property is located and Ald. Steuer (District 10) whose district is located directly across Velp Avenue to the south. They indicated that they will either be present at the Plan Commission meeting or provide a statement.

The Mather Heights Neighborhood Association was contacted and held a neighborhood meeting on the topic on September 21, 2020, with approximately 20 residents in attendance. In general, the neighbors were not in favor of an industrial use of any kind on the property. However, more specific concerns expressed were related to noise levels, poor views of the operation from the south, potential environmental impacts,

debris from transport vehicles accumulating in the area, stormwater management and drainage, protection of the southern part of the site along Velp Avenue from becoming industrial in use and afterhours drop-off of materials at the site when it is unmanned.

The city received comments from an area business called Global Recognition, who felt the inclusion of salvage operations in the area would depress property values and marketability of their property, create a negative image of the Velp Avenue Corridor limiting desire of other businesses to locate or expand and concern that the truck traffic and speeds would negatively affect the corridor. A letter from the adjacent business, Alwin Manufacturing, was received as well opposing the proposed CUP based on potential for water run-off, contamination, unsightliness of scrap piles, potential to attract rodents and pests and that the use is contradictory to the recently adopted Velp Avenue Plan.

The City's Traffic Engineer, Dave Hansen, reviewed the proposal relating to the impact this use may have on the intersection of Velp Avenue and Winford Avenue. He stated he would need additional detail on the business operation to conduct a thorough analysis but that the proposed use would likely not affect the level of service or safety situation at the intersection or along Velp Avenue. He stated the intersection is newer and the design can accommodate truck traffic.

Land use is regulated through the Zoning Ordinance as well as general regulation of noise, dust, odors and other nuisances. Salvage dealers are licensed through the WI Department of Transportation, who also regulate and monitor their operations. This license requires conformation of permits through the WI Department of Natural Resources, who are responsible for regulations related to air pollution, stormwater, waste handling, spills and wastewater. Environmental impacts related to the salvage operation are generally regulated by the State of Wisconsin.

A large submittal from Mr. Dennis Nelson was received the afternoon of August 31, 2020 and was not able to be included within the Plan Commission packet. The submission was vetted by the Law Department to determine relevance of the contents as they relate to the land use matter at hand. The submission is included as an attachment.

Based on information collected/received, staff added two recommended conditions of approval that include:

5. No drop-off/pick-up or other business operations be permitted after 7:00 p.m. Monday through Friday or after 1:00 p.m. on Saturdays.

6. Area prohibited for salvage uses (referenced in condition 1) be brought forward for a zone change request from the General Industrial District designation to a Commercial District designation.

Original Report: The subject property is an existing 138,000 sq. ft. / 3.17 acre parcel located at the northwest corner of the Velp Avenue-Winford Avenue intersection. The lot is currently vacant of all buildings but is fully covered with impervious concrete and compacted gravel, loose gravel from a recently demolished 15,000 sq. ft. building and the remnants of a stone and block wall/display structure. The site also contains two curb-cuts along Velp Avenue and six curb-cuts along Winford Avenue.

The request for the Conditional Use Permit (CUP) is to permit the newly established material recovery use to include automobile salvage/scrap yard operations, both defined in the Zoning Code as:

- Material recovery facility (major): A facility for the deposit, sorting, or batching, but not processing, of post-consumer recyclable materials, including limited compacting or crushing of recyclable materials.
- Auto salvage yard, scrap yard: A facility where scrap or salvage materials, including used motor vehicles, are sorted, stored, dismantled, assembled, and distributed, including wholesale and retail sales of such materials. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, plastics and aluminum cans.

The petitioner intends to redevelop the site as a secondary scrap yard for the collection of metals and

junk/salvaged vehicles as described in the submitted application. Current commercial material recovery operations began in August 2020, with operating hours Monday – Friday from 6:00 a.m. to 6:00 p.m. Proposed public operating hours for salvage are Monday-Friday from 7:00 a.m. to 4:00 p.m. and Saturdays from 7:00 a.m. to 12 noon. Anticipated site modifications would be made over an undefined timeframe and include an industrial truck scale, 5,400 sq. ft. warehouse, 600 sq. ft. mobile storage container to function as an office space, outdoor storage of “rolloffs/luggers/trailers”, outdoor storage and stockpiles of scrap materials and outdoor equipment parking/storage.

The Comprehensive plan depicts the north half of the site suitable for general industrial uses consistent with the request while the southern half is designated for commercial uses not consistent with the request. The Velp Avenue Areawide Plan’s recommendation is primarily for mixed-use and modern industrial uses such as small scale production facilities and showrooms with the general intent of reserving the Velp Avenue frontage for commercial and less intense industrial uses that will redefine Velp Avenue as a gateway corridor to the downtown with greater “curb appeal”. However, the zoning designation of a majority of the site is currently GI General Industrial. To facilitate the proposed use, while also retaining consistency with adopted plans, staff is recommending that the proposed material recovery/scrap operations be limited along the Velp Avenue frontage to the extent needed to provide suitable area for the development of commercial or less-intense industrial uses. After consultation with a commercial real estate professional and the City’s Economic Development staff, it was determined that a minimum of approximately 1 acre of land would be needed to be reserved for commercial redevelopment along the frontage. This equates to an area extending from the Velp Avenue right-of-way to the northeast 130 ft. along the western property line and 200 ft. along the Winford Avenue right-of-way / eastern property line (.88 acres) and staff is recommending that Salvage operations be prohibited within this area.

Evaluation of the property during standard CUP request evaluation revealed that the site is currently in a semi-blighted state with no longer used improvements remaining in place at various locations including remnants of former building, piles of gravel, two unused curb cuts on Velp Avenue and six curb cuts on Winford Avenue, four of which appear to be unused on the submitted site plan. While many of these improvements may need to be removed in relation to recently issued demolition permits, staff believes it is important to include a condition of CUP approval that the area prohibited for salvage uses (referenced above) shall have pavement, curb-cuts and other improvements removed and be returned to vegetative ground cover as well as the unused curb-cuts along Velp and Winford Avenues be removed.

Operations of this type and intensity with primarily outdoor industrial business require fencing as a screen within the existing Zoning Code. The site currently has a fence with fabric covering that is somewhat impervious to sight. However, this regulation assumes that other industrial or heavier commercial uses are adjacent/nearby. The close proximity to low density residential uses (across Velp Avenue to the south) can often be incompatible. Additionally, visual, noise and other impacts associated may hinder potential redevelopment of the Velp Avenue frontage. In an attempt to minimize and/or alleviate these potential issues, staff is recommending that screen/buffer be enhanced along the south side of the fencing with established buffer design for nonresidential uses in residential districts (Zoning Code Section 13-1820) which is the inclusion of a landscaped buffer/vegetative screen a minimum of six ft. in height and not less than 90 percent opaque on a year-round basis.

Although the proposed use of the site is not the most desirable and not fully consistent with the long range plans adopted by the City, Staff is supporting the CUP request with the inclusion of the proposed conditions, suggested in order to achieve the highest level of compliance with adopted plans while still allowing the salvage operation to be established.

Ald. Randy Scannell, Mather Heights Neighborhood Association and property owners within 400 ft. have been notified of the request as well as the placement of a zoning action notification sign along the Velp Avenue frontage. Staff has received six inquiries as of the drafting of this report, three of which were simply

inquiries and three of which were objections. The objections are based on concerns over noise levels of the operations, views of the materials stored outside from Velp Avenue, negative impacts on redevelopment efforts of the Velp Avenue corridor and potential negative impacts to property values of homes on the south side of Velp Avenue.

RECOMMENDATION

Staff is recommending approval of the CUP request with the following conditions:

1. Salvage operations are prohibited along the Velp Avenue frontage within an area encompassed by the Velp Avenue right-of-way/western property line on the south extending northeast 130 ft. along the western property line and 200 ft. along the Winford Avenue right-of-way / eastern property line;
2. Area prohibited for salvage uses (referenced in condition 1) shall have pavement, curb-cuts and other improvements removed and the area returned to vegetative ground cover;
3. Unused curb-cuts along Winford Avenue be removed and replaced with appropriate curbing as regulated by the Department of Public Works;
4. Inclusion of a landscaped buffer/vegetative screen along the south side of the fence that is a minimum of six ft. in height and not less than 90 percent opaque on a year-round basis.
5. No drop-off/pick-up or other business operations are permitted after 7:00 p.m. Monday through Friday or after 1:00 p.m. on Saturdays.
6. Area prohibited for salvage uses (referenced in condition 1) be brought forward for a zone change request from the General Industrial District designation to a Commercial District designation.

FISCAL IMPACT

ATTACHMENTS

1. Petitioner Request to Postpone to October Meeting
2. ZP 20-23 Location Map_color
3. Request for City Action - Plan Commission - Conditional Use Permit
4. Alwin Manu Comments
5. Bigelow Comments
6. Star Elect Comments
7. K Staub Comments
8. Perrott Comments
9. M. Semrau Comments
10. Global Recognition, Inc. Comments
11. DNelson submittal 8.31.20_Edited by Law
12. Big 3 Performance Comments
13. Beyond Redline Comments
14. Petition Opposing Junk Yard 9.21.20
15. ZP 20-23 Resolution

David Buck

From: Travis L. Yang <tyang@mgwlawwi.com>
Sent: Friday, September 25, 2020 9:56 AM
To: David Buck
Cc: Ryan R. Graff
Subject: Request to postpone 1156 Velp Ave CUP application agenda item

Dave,

Thanks for speaking with me today. Please consider this our request to postpone this item to October's meeting. Unfortunately the owners of Burrows Midwest LLC have a conflict with that date that cannot be avoided. We are requesting that the plan commission table the request for the CUP to next month's meeting so that my clients can be present to address any additional concerns or inquiries. Thank you in advance.

Travis

Attorney Travis L. Yang
Mayer, Graff & Wallace, LLP
1425 Memorial Drive
Manitowoc, WI 54220
(920) 683-5800

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-  Proposed CUP Site
- 400' Property Owner Notice

REQUEST FOR CITY ACTION - PLAN COMMISSION

(Submit two copies to the Planning Department, Room 608 or City Clerk's Office, Room 106, City Hall)

Date: 8/6/2020

Petitioner(s): Burrows Midwest, LLC (dba Midwest Scrap Metal)

Phone Number: 920-693-8261

Address: 1156 Velp Ave City: Green Bay State: WI Zip Code: 54303

Property Owner: Sal Bs on Velp, LLC

Phone Number: 920-693-8261

Parcel Numbers (required): 18-782-E

Location of Property: 138,559 SQ FT WHITNEY OR LAVENTURE CLAIM THAT PRT OF LAVENTURE CLAIM AS DESC IN 598 R 361 EX 624 R 348 & EX PCL 112 OF TPP 1450-04-21-4.15 - *Please See Attached*

Attach maps and legal descriptions (required).

To: Honorable Mayor and Common Council, c/o City Clerk

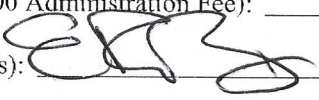
I, Eric Burrows of Burrows Midwest, LLC, respectfully request that the City of Green Bay take the following action:

Attach Zoning Petition Form with first three items.

- ☐ Rezone Property (\$300.00 Review Fee)
☒ Conditional Use and CUP Amendment, including Single Lot Duplexes (\$300.00 Review Fee)
☐ PUD and PUD Amendments (\$350.00 Review Fee)

☐ Approve Preliminary City/Extraterritorial Subdivision Plat (\$150.00 plus \$35.00 per Lot/Outlot Review Fee)
☐ Approve Preliminary City/Extraterritorial Certified Survey Map (\$150.00 Review Fee)
☐ Approve Final City/Extraterritorial Subdivision Plat (\$100.00 Review Fee)
☐ Grant a City/Extraterritorial Subdivision/CSM Variance (\$150.00 Review Fee)
☐ Grant a Postponement of Development Fees (\$100.00 Review Fee) [Review by I&S and/or Park Committees]

☐ Development District Map Amendment (\$200.00 Administration Fee)
☐ Official Map/Area Development Plan Amendment (\$200.00 Administration Fee)
☐ Plat of Right-of-Way (\$200.00 Administration Fee)
☐ Discontinue a Public Utility Easement (\$200.00 Administration Fee)
☐ Street Name Change (\$200.00 Administration Fee)
☐ Declare City Property "City Surplus" (\$200.00 Administration Fee)
☐ Vacate a Street/Alley/Pedestrian Way (\$200.00 Administration Fee)
☐ Other (\$200.00 Administration Fee): _____

Petitioner Signature(s): 

Review Fee: _____ Receipt No.: _____ Zoning Petition No.: _____

Briefly describe action desired, noting the property affected and all other pertinent information.
Attach maps and legal descriptions (required).

Please See attached document.

Please contact the Planning Department in Room 608, City Hall, (920) 448-3400, if you have any questions.

Action Desired:

Burrows Midwest, LLC (dba Midwest Scrap Metal) is requesting a Conditional Use Permit (CUP) to purchase junk/ salvage vehicles. Junk/salvaged vehicles would be removed and transported to B&B Metals biweekly or sooner time frame.

Operational Activity

The Facility is located at the former County Materials Corporation operation in Green Bay, WI which ceased manufacturing in approximately 2012. Sal Bs Scrap Metal on Velp, LLC purchased the property in November 2013. Burrows Midwest, LLC (dba Midwest Scrap Metal) rents the property from Sal Bs Scrap Metal on Velp, LLC. Midwest Scrap Metal is in the process of removing and demolishing structures to allow for further redevelopment and future operations at the property. The property consists of one legal parcel, with a total acreage of approximately 3.18 acres.

Midwest Scrap Metal's will operate out of portable office of 16' x 40'. There is also intentions of having a 60' x 90' warehouse building built on the site. Bill Lorrigan Construction is in the process of submitting the application for the building permit.

Midwest Scrap Metal opened for operations in August 2020. Current operating hours are Monday through Friday from 6:00 am to 6:00 pm. All outdoor scrap processing operations are currently occurring on the central and north side of the property. These operations consist of acceptance and unloading of scrap from a variety of local commercial accounts. The scrap materials are received directly at the facility when incoming loads are weighed at the scale house. Vehicles are then directed to the appropriate unloading/storage area on the property. Commercial vehicles with ferrous metals typically unload outdoors in segregated scrap areas. The scrap is either placed on the ground on paved surfaces, or placed directly in dumpsters (if the threat of stormwater contamination is apparent).

Ferrous metals accepted include the following:

- Farm Machinery
- Clean Steel Rebar
- Machine Cast
- Transformers/Welders
- Prepared Foundry Steel
- Stove, Motor, Auto Cast & Brake Drums
- Unclean Auto Blocks
- Baling Wire/Fencing
- Electric Motors

Non-Ferrous metals accepted include the following:

- Aluminum
- Die Cast
- Lead
- Magnesium
- Radiators
- Brass
- Copper
- Stainless
- Zinc
- Sealed Units
- Auto Batteries

The following items are NOT accepted:

- Light bulbs
- Tires
- Small household batteries
- Dishwashers
- Electronics
- Precious Metals
- Treadmills
- New all plastic microwaves
- Aerosol Cans

Anticipated public operating hours are Monday through Friday from 7:00 am to 4:00 pm and Saturday from 7am until Noon. Residential items to be accepted includes the following:

- Appliances (any refrigerant remaining in appliances is removed indoors in a Refrigerant Removal Area by qualified technicians)
 - Air Conditioners
 - Dehumidifiers
 - Freezers
 - Refrigerators
- Grills
- Propane tanks (only if obvious holes are present)
- Snow blowers and lawn mowers (if all fluids are drained and tires removed)
- Bikes (with tires removed)
- Junk vehicles / Salvage vehicles

For commercial accounts, Midwest Scrap Metal also offers lugger and roll off boxes and/or trailers. Covers for lugger boxes are provided upon request. They also provide fork lift boxes and self-dumping hoppers to use inside facilities. In addition, they also provide semi-trailers and large containers for large amounts of scrap from major scrap clean ups, and can pick up large obsolete machines and equipment.

Once received, all scrap is segregated into common piles or containers and held for shipment to B&B Metals Processing Company, Inc. (B&B Metals) in Newton, WI. Junk/salvaged vehicles would be removed and transported to B&B Metals biweekly time frame. B&B Metals operates a large metal shredder capable of shredding large metal objects (including vehicles) to facilitate the reintroduction of the waste metals into various recycling streams and uses, primarily the smelting and metal industries.

Owner: Sal Bs Scrap Metal on Velp, LLC

Petitioners: Burrows Midwest, LLC (dba Midwest Scrap Metal)

Parcel#: 18-782-E

Legal Description:

Part of the Laventure Claim, West Side of the Fox River, in the City of Green Bay, Brown County, Wisconsin, more fully described as follows:

Commencing at the Brown County Surveyor's Traverse Point ID Number 40Q20: thence N60° 29'12"E, 1589.97 feet to Brown County Surveyor's Traverse Point ID Number 40021.1; thence N59° 41'47"W, 1867.36 feet to a point on the Westerly right of way of Winford Ave being 94.4 feet South of the North line of the Laventure Claim, and being the point of beginning; thence S26°29'53"W, 606.44 feet along said Westerly right of way; thence S45°35'30"W, 6.22 feet along said right of way to point #1294 of the recorded Transportation Project Plat Number 1450-04-4.15(Volume1. Transportation Project Plats, page 90, Document Number 2447897, Brown County Records); thence S26°28'52"W. 43.71 feet along said right of way to point 1315, said Transportation Project Plat; thence 47.48 feet along the arc of a 24.00 foot radius curve to the right whose long chord bears S83°09'34"W, 40.11 feet to point 1316, said Transportation Project Plat; thence N40°09'45"W, 195.45 feet along the Northerly right of way of United States Highway 141, also known as Velp Avenue to point 1317, said Transpiration Project Plat; thence N26°29'53"E, 598.53 feet: thence S64°03'47"E, 215.00 feet to the point of beginning.

Parcel contains 138,399 sq. ft / 3.18 acres more or less.

Parcel subject to easements and restrictions of record.

Amended Site Plan

Part of the Laventure Claim, West Side of the Fox River, in the
City of Green Bay, Brown County, Wisconsin.

LEGAL DESCRIPTION

Part of the Laventure Claim, West Side of the Fox River, in the City of Green Bay, Brown County, Wisconsin, more fully described as follows:

Commencing at the Brown County Surveyor's Traverse Point ID Number 40020; thence N60°29'12"E, 1589.37 feet to Brown County Surveyor's Traverse Point ID Number 40021; thence N67°41'47"W, 1867.36 feet to a point on the Western right of way of Winford Avenue being 94.4 feet South of the North line of the Laventure Claim; and being the point of beginning; thence S28°29'53"W, 606.44 feet along said Western right of way; thence S45°35'30"W, 6.22 feet along said right of way to point #1224 of the recorded Transportation Project Plat Number 140-04-21-4.15 (Volume 1, Transportation Project Plats, page 90, Document Number 2447897, Brown County Records); thence S28°28'52"W, 43.71 feet along said right of way to point 1315; said Transportation Project Plat; thence 47.48 feet along the arc of a 24.00 foot radius curve to the right whose long chord bears S83°09'34"W, 40.11 feet to point 1316; said Transportation Project Plat; thence N40°09'45"W, 195.45 feet along the Northern right of way of United States Highway 141, also known as Velp Avenue to point 1317; said Transportation Project Plat; thence N28°29'53"E, 595.53 feet; thence S64°03'47"E, 215.00 feet to the point of beginning.

Parcel contains 138,399 sq. ft. / 3.18 acres, more or less.
Parcel subject to easements and restrictions of record.

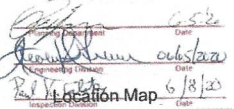


Survey M-0001
PLS-2275
May 14, 2017
Revised June 7th, 2019 (Maintenance/scale blog)
Revised August 22nd, 2019 (Per City review letter)
Revised March 10th, 2020 (Labeled Uses)
Revised May 18th, 2020 (moved scale and scale building)
Revised May 28th, 2020 (Per City Review)

NOTES

- 1) Subject parcel is zoned G - General Industrial
- 2) Property located in Flood Zone "AE" (Base Flood Elevation Determined) and "X" (Areas determined to be outside the 0.2% annual chance floodplain) according to the FEMA FIRM 50090C0166F, dated August 19, 2009
- 3) Table A #16, There is no evidence of current earth moving work, building construction or building additions
- 4) There are no wetlands per the WDNR inventory maps
- 5) It is the Buyer's intent to provide green cloth screening as required by City Code Section 13-904.
- 6) Gravel areas for the sized buildings shall be restored to green space per City Code.
- 7) Any entrance drives to be abandoned, shall be abandoned in compliance with City Code Sec. 13-1706(n)
- 8) The Buyer does not intend on making any improvements, including utility related improvements, to the Property of this line other than as indicated herein.
- 9) The type of material to be located on site will be primarily ferrous metals/scrap (for example, sheet metal, steel, etc.) and some non-ferrous metals/scrap (for example, aluminum siding, etc.)
- 10) No hazardous materials will be stored within the 100 year floodplain (Flood Zone AE)
- 11) REVISIONS TO THIS SITE PLAN FROM PREVIOUS SUBMITTAL:
Outdoor Roll-off Box & Lugger Box parking, new fencing, material storage areas and moved scale and maintenance 1/2 scale building.

CITY OF GREEN BAY, WISCONSIN
CONDITIONALLY APPROVED
SITE PLAN



City of Green Bay

Site Coverage Calculations

Total Site = 138,399 s.f. = 100.0%
Asphalt = 111,376 s.f. = 78.3%
Concrete = 27,961 s.f. = 20.2%
Buildings = 60.2%
Grass = 1.3%

Roll-off & Lugger Box Parking

Winford Avenue

Velp Avenue

Thomas Street

2nd REVISED
OWNER 1156 Velp Av
RECEIVED SH 1545
JUN 05 2020
DH 70424

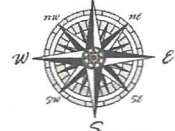
Owner:

SALES SCRAP METALS ON VELD LLC

Mau & Associates
LAND SURVEYING & PLANNING

TAX PARCEL NO. 18-782-E

Site Plan



Bearings referenced to the Northern right of way of
United States Highway 141, also known as Velp
Avenue, assumed to be N40°09'45"W.

- ### Legend
- 1.32' (0.4) x 18" iron pipe with cap weighing 1.58 lbs/lin ft set
 - 1" iron pipe found
 - PK nail found
 - PK nail set
 - cut + set
 - 5/8" iron rod found
 - Brown County monument - type noted
 - () recorded as bearing / distance
 - storm sewer manhole
 - curb inlet
 - storm sewer line
 - sanitary sewer manhole
 - sanitary sewer line
 - hydrant
 - watermain
 - valve
 - underground gas line
 - gas meter
 - underground electric line
 - electrical pedestal
 - power pole
 - concrete curb & gutter line
 - blacktop
 - concrete
 - gravel
 - Proposed building
 - building has been razed. (Existing concrete to remain)
 - pavers
 - fence line
 - sign
 - rock wall

September 18, 2020

Mr. David Buck, AICP
Principal Planner
City of Green Bay
Department of Community and Economic Development
100 North Jefferson Street, Room 608
Green Bay, WI 54301-5026

Re: (ZP 20-23) Proposed Conditional Use Permit – 1156 Velp Avenue

Dear Mr. Buck:

Alwin Manufacturing owns the property located at 1206 Velp Avenue and 1255 Winford Road. We oppose the proposed conditional use permit for a Material Recovery Facility at 1156 Velp Avenue. This property is located next to both of these properties. There are a few points that concern me.

Any water run off onto Alwin's property could be a contamination risk. If there were contamination run off, it would be an unwarranted, costly expense to clean up.

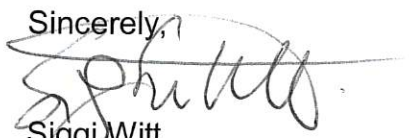
The fence running along that property belongs to Alwin. The site could possibly be an unsightly area of junk that might pile higher than the fence. A higher, blocking fence would need to be put up. We will not incur the expense of a higher, blocking fence.

The scrap may be contaminated with food or other debris that will attract unwanted rodents and pests.

Another point I would like to bring up is that this type of business is completely opposite of what we were told by the City a few years ago for the Velp Avenue Corridor Plan.

It is very disappointing to see this type of business being considered by the Plan Commission for our area and especially next to our property. I hope you will consider my points when acting on the request.

Sincerely,



Siggi Witt
Vice President/Owner
Alwin Manufacturing Co.

Bigelow Rentals

1216 N. Buchanan Street
Green Bay, WI 54303

Phone: (920) 494-8864
www.bigelowrentals.com
info@bigelowrentals.com

September 21, 2020

RE: Proposed Conditional Use Permit (ZP 20-23) – 1156 Velp Avenue

Mr. David Buck, AICP
Principal Planner - City of Green Bay
Department of Community and Economic Development
100 North Jefferson Street, Room 608
Green Bay, WI 54301-5026

Dear Mr. Buck,

We are Gerald and Gloria Bigelow who are local business owners and have been in this neighborhood for decades. Our properties are located at 1214 Winford Street, 1207, 1216 and 1223 Buchanan Street and a soon to be multi-family residential complex at 1060 Gray Ct.

We oppose the proposed conditional use permit for a junk yard, referred to as Material Recovery Facility, at 1156 Velp Avenue. This property and proposed activities are cause for several concerns for the surrounding community such as water quality, run-off, chemical spills, food and garbage, birds/rodents, noise level, unsightly property and use of city streets to do business. The use of a trailer as an office and place of business is also concerning.

Allowing this type of facility will make the surrounding properties, both commercial and residential, unsuitable for further development.

The proposed conditional use permit is in stark contrast to the previously proposed and supported plan where "The City of Green Bay wants to enhance the vitality of Velp Avenue" (VELP AVENUE AREA WIDE PLAN 12.09.2016). A junk yard that accepts, stores and piles scrap including farm machinery, appliances, batteries, etc. does not align with the Velp Avenue Corridor Plan.

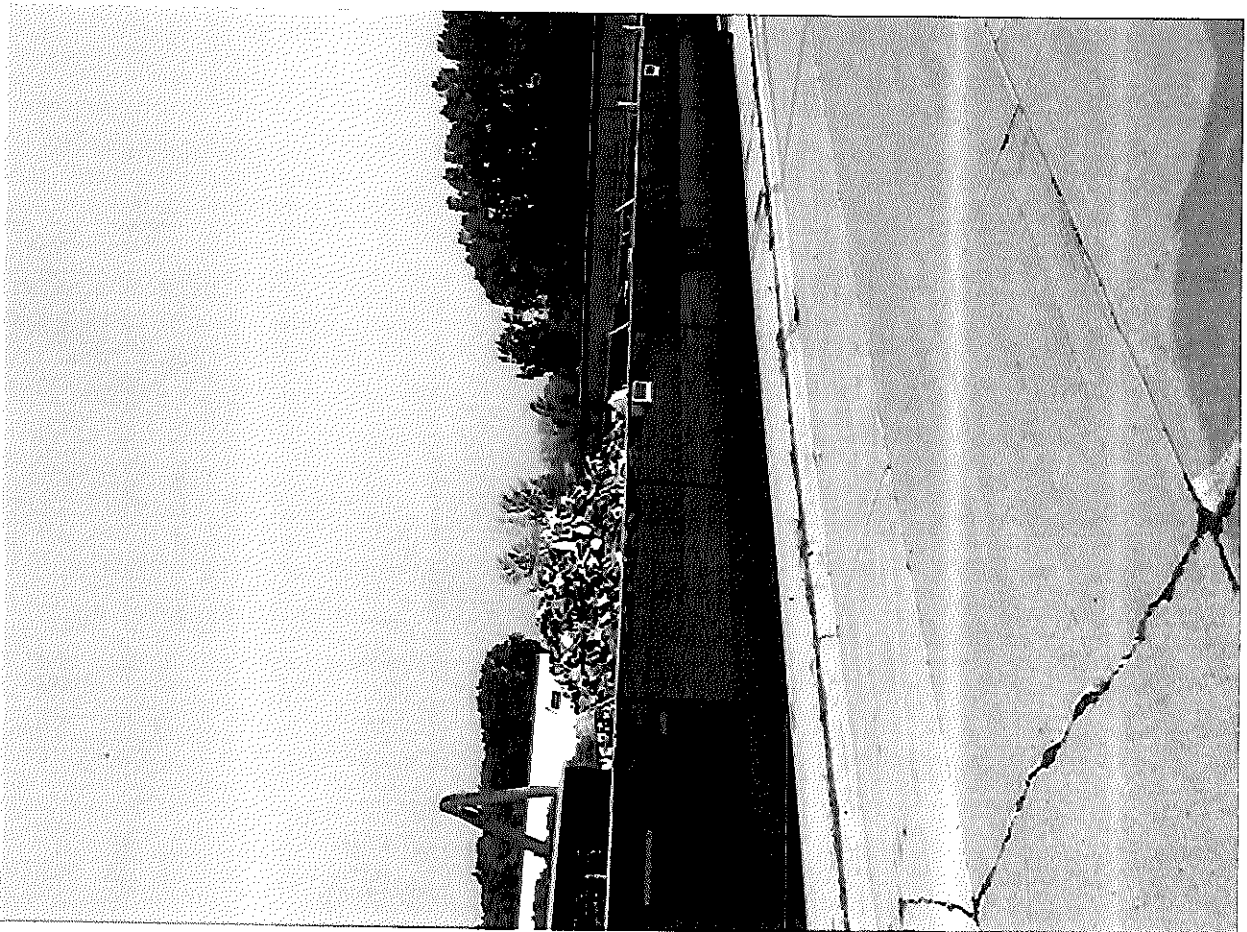
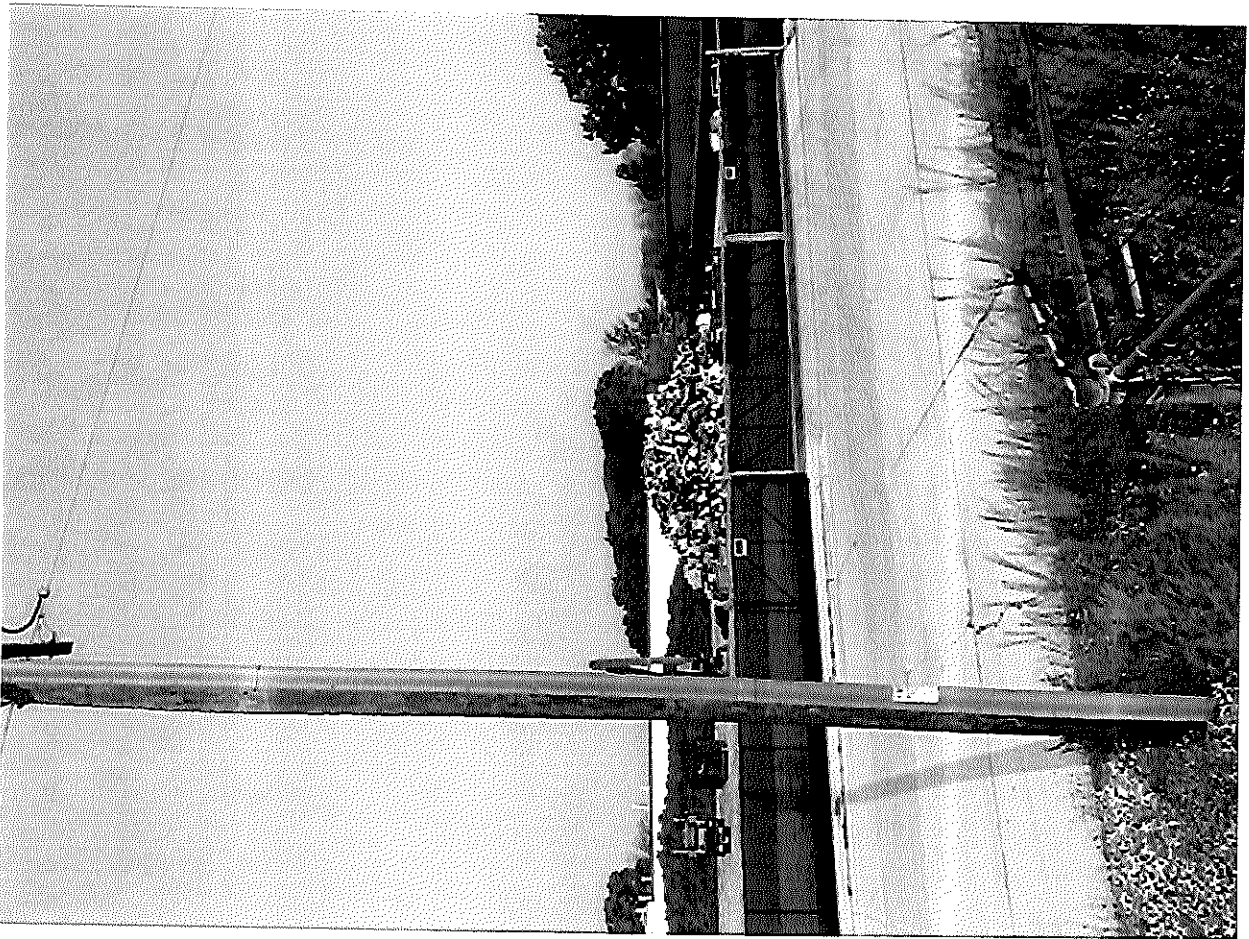
We also believe that "Velp Avenue has great potential to serve as a gateway into Green Bay and a destination for neighbors. However, Velp Avenue is not widely perceived this way today." (VELP AVENUE AREA WIDE PLAN 12.09.2016).

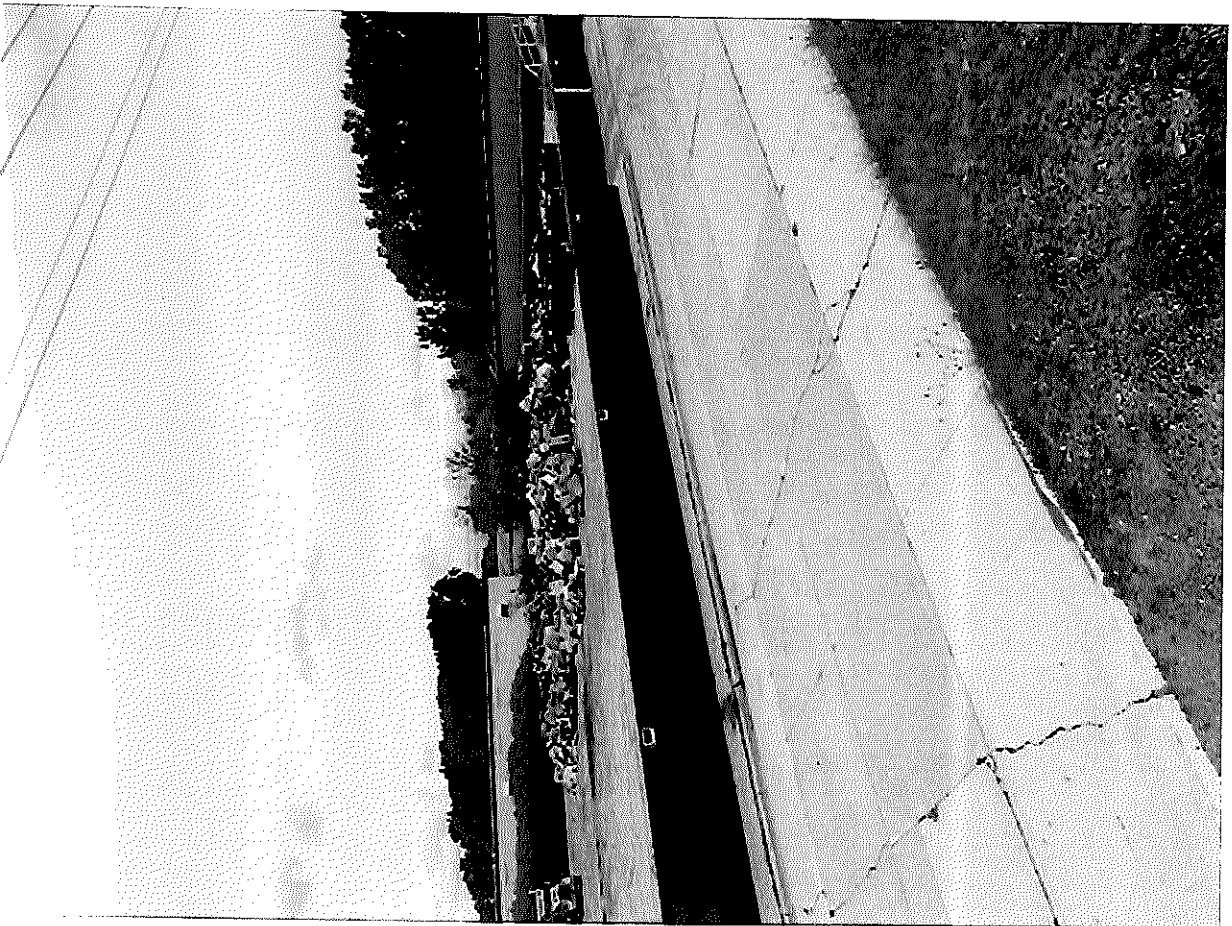
We hope that you will consider these community concerns when reviewing the request.

Sincerely,

Gerald & Gloria Bigelow
Bigelow Rentals

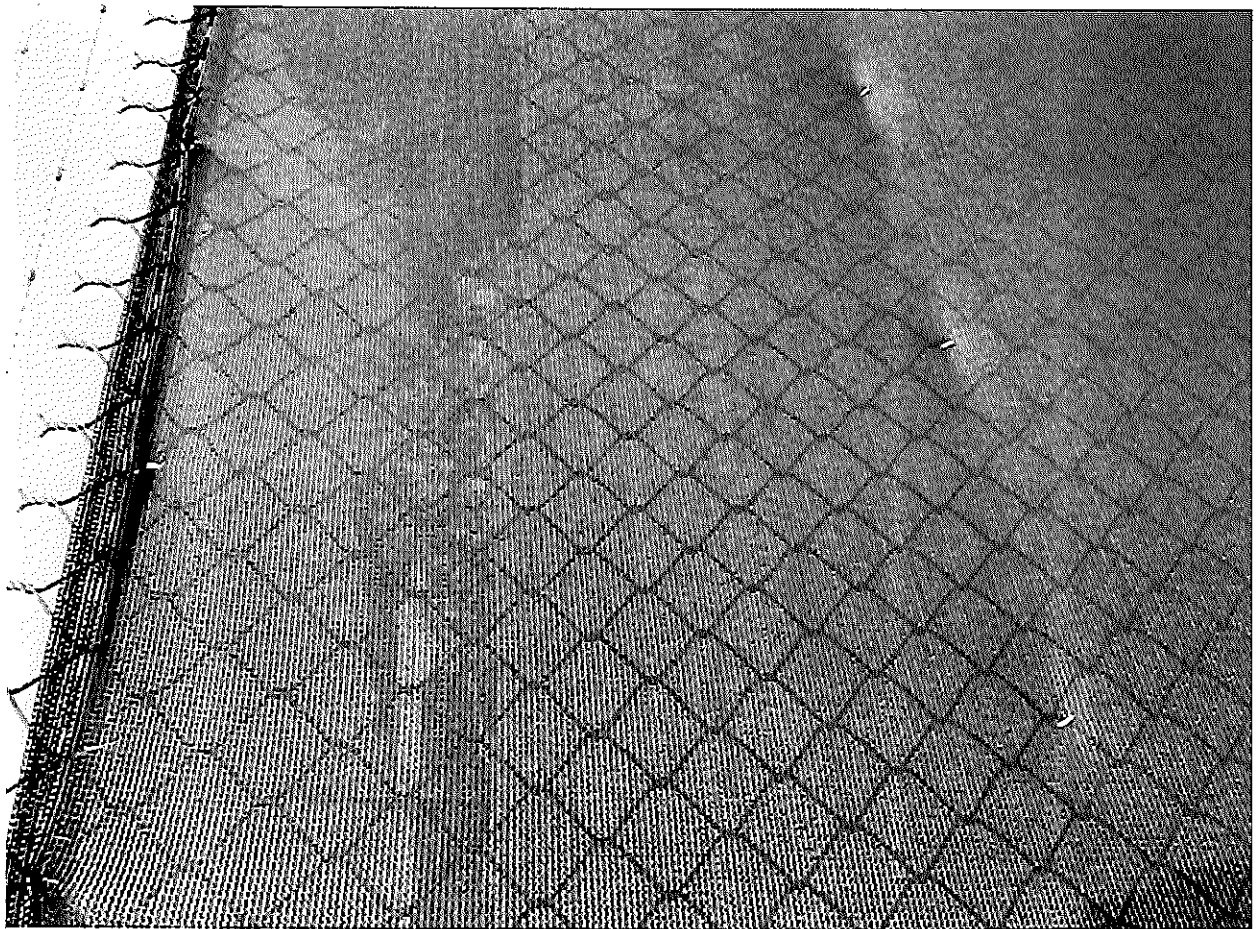












Star Electric Service Inc.

Dear City of Green Bay Planning Commission:

My name is Kerry Rathburn and my wife, Karen and I own Star Electric Service, Inc. at 1142 Velp Avenue, in Green Bay. Our business has been in our family and here in Green Bay for over 73 years - 72 of those years have been at 1142 Velp Avenue.

We have dealt with economic ups and downs just like so many businesses, large or small, have been, especially recently with the corona virus and the challenges placed upon everyone. When the housing market crashed and the economy followed in the mid-late 2000's, we saw lots of companies close their doors as well, especially in the construction trades.

In the late 2000's, we were faced with some of the worst business in all of our years of operation. We were forced to decide whether or not we wanted to continue to invest in what was a very uncertain future.

There were discussions with the City and DOT about the widening of Velp Avenue and changes to the Velp Avenue/41/43 interchanges. There was a push to "revitalize Velp Avenue." This was especially true, as it was to become an even more "essential" thoroughway to the City, particularly from growing areas of Howard and Suamico.

This sort of conversation also became a focal point at some of the neighborhood meetings, as the discussions started regarding the construction of Jerry Bigelow's new apartments. There was a very big demand for the new housing and Jerry's investment would help fuel the growth in the area, especially for new small businesses. Jerry met with the City and neighborhood members at multiple community meetings to explain his apartments and intentions. Jerry made numerous changes to meet the needs and requests of all parties involved.

The City shared pictures and plans of the potential buildings and storefronts to come along Velp, including the light commercial and retail along the 1200 block of Velp Avenue. All of this was encouraging and a motivation for my wife and I to work with the City and the DNR to update our property. There was no need to move as this would be a prime location with additional residential, retail and service growth. My wife and I took a deep breath, tightened our belt and pressed ahead.

Now as the apartment buildings begin to take shape, we look forward to the next steps in revitalizing the Velp Avenue corridor and stepping away from the old, deteriorated and vacant areas.

The problem then becomes why the junkyard is being introduced to this redevelopment process that was to be taking place. Is this a temporary arrangement? What of this move would do anything to improve the likelihood of enticing new investments for small businesses and retailers? What about other people, like the young man across the street who just invested in the business and apartment. For the view of a dump site?

Please explain how allowing this sort of usage does anything to encourage updating and improving and investing in the surrounding properties. Why did my wife and I continue to invest in this location, particularly if there is not going to be any push to attract more new businesses and regular clients?

Karen and I have had lots of discussion over the changes that have already occurred and the potential for the area. This recent move with the salvage yard however, is making both of us start to question our own decisions, as well as the affect of this junkyard on those around us. This may be especially unappealing to the potentially new residents in Jerry Bigelow's new complex. A very frustrating issue to someone who just staked so much time and money to make a better, wiser use of the area for all involved.

Please consider all of the rippling and potentially negative effects of this on the businesses and residents around this property - particularly all of us who have been here and invested in this area for our entire life. I appreciate your time and thoughtful attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kerry F. Rathburn".

Kerry F. Rathburn

President

Star Electric Service, Inc.

David Buck

From: [REDACTED]
Sent: Tuesday, September 22, 2020 5:44 PM
To: David Buck; District Seven; District Ten
Subject: Oppose Junk yard at 1156 Velp Ave

Hi,

I am writing to express my concern of an proposed Junk yard at 1156 Velp Avenue. I live near by at 1125 Neville Ave and am concerned about the noise and storm water runoff and the consequences of that run off. I am opposed to putting a Junk Yard so close to my home. I have lived on Neville Avenue for the past 21 years and have seen many companies come and go on Velp Avenue. I feel that a scrap metal processing place has no need of being so close to a residential area and just off of a busy and well travelled street. Velp Avenue does have junk yards(Arrow and Bay Area salvage) down farther on Velp Ave that are well established and doesn't need another one....

Please do not approve another Junk yard on Velp Avenue.

Sincerely,
Kim Staub



1100 Velp Avenue
Green Bay, WI 54303
(920)499-1757

September 22, 2020

Mr. David Buck
Principal Planner – City of Green Bay
Department of Community and Economic Development
100 North Jefferson Street, Room 608
Green Bay, WI 54301-5026

RE: Proposed Conditional Use Permit (ZP 20-23) – 1156 Velp Avenue

Dear Mr. David Buck:

Perret Homes, Inc. strongly opposes the above cited proposed conditional use permit.

The increased volume of such business activity on Velp Avenue will only further deteriorate the corridor, making it difficult to attract new outside investment to the area and slow investment of existing property owners. This fact will depress the neighboring residential home values.

With its proximity to the developing Broadway and Downtown Districts, we agree with the idea stated in the "Velp Avenue Area Wide Plan" that "Velp Avenue has great potential to serve as a gateway into Green Bay and a destination for neighbors."

We simply find this proposed use at odds with the City of Green Bay's "Smart Growth 2022" objectives of enhancing property uses, redeveloping underutilized property, improving the environment, and improving nearby neighborhoods.

Sincerely,

PERRET HOMES, INC.

A handwritten signature in black ink, appearing to read "Greg Meisinger", with a large circular flourish at the end.

Greg Meisinger
Chief Financial Officer

A handwritten signature in black ink, appearing to read "Dave Perret", with a large, sweeping flourish at the end.

Dave Perret
President

David Buck

From: [REDACTED]
Sent: Wednesday, September 23, 2020 12:29 PM
To: David Buck; District Seven; District Ten
Subject: Proposed Conditional use permit (ZP 20-30) - 1156 Velp Avenue

We are **VEHEMENTLY AGAINST** the proposed conditional use permit for a junk yard, referred to as Material Recovery Facility at 1156 Velp Avenue. The proposed activities are cause for several concerns for the surrounding community such as run-off, chemical spills, food and garbage and rodents. Also Unsightly property with piles of garbage in view. They have another junk yard down the street already functioning why can't they do this there.

The proposed conditional use permit of a junk yard is in contrast to the proposed and supported plan that the City of Green Bay wanting to enhance vitality of Velp Ave (Velp Avenue areawide plan 12.06.2016). Allowing this to go through will make the surrounding properties both commercial and residential unsuitable for further development.

PLEASE do not allow this type of business into our neighborhood.

Thank you,

Mark Semrau
LaJava
1250 Velp Avenue



**Mr. David Buck, AICP
Principal Planner-City of Green Bay
Department of Community and Economic Development
100 North Jefferson Street, Room 608
Green Bay, Wi 54301-5026**

Dear Mr. Buck,

As the owner of the property at 980 Velp Ave, and part owner of the company using the property at 980 Velp Ave, I appose the proposed conditional use permit for a Material Recovery Facility at 1156 Velp Ave.

After being on the Steering Committee for Velp Ave, in Green bay in 2016-2017, this proposed facility goes against everything that local business and home owners in this area want. Besides all the pollution, and run off, and potential contamination, this facility will bring down the efforts that have been made by local businesses and home owners to keep, and improve the Velp Ave. The biggest part of the discussions that we had as a committee was the past businesses, contaminated property, as well as the esthetics that will drive the Velp Ave corridor to less than desirable looks. Many discussions and plans were talk about to help make Velp a desirable place to have a business, and help the area with desirable businesses.

I was impressed that the City was looking to clean up Velp Ave when I was approached to be on the committee, and I was also impressed with the people who were involved to give perspective on what it will take to make Velp Ave the gateway it could be to the downtown.

Since the rebuilding and improvements to both Velp Ave, and hwy 41, the Akinson/Velp interchange with hwy 43 has become the route to Downtown. We here at 980 Velp ave have have improved the esthetics of our building and property to look the part of a successful business thriving on a busy Green bay Street.

I ask that idea of this permit not happen and this property be used for something that will help out the local residence, and businesses in the Velp Ave Community!

Sincerely,

**Arthur E. Gage
Global Recognition Inc.
980 Velp Ave.
Green Bay, WI 54303**

RECEIVED

AUG 31 2020

COMMUNITY AND
ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Honorable Mayor Eric Genrich & Green Bay Plan Commission

DATE: August 28, 2020

RE: **Conditional Use Permit Request/Eric Burrows and Burrows Midwest, LLC**

Mr. Mayor and Honorable Members of the Plan Commission:

The purpose of this memorandum is to provide you with important details as there is an important issue facing the Green Bay Plan Commission and the City of Green Bay at large. As you know, the Green Bay Plan Commission will hold a public hearing on Monday, August 31, 2020 at 6:00 p.m. The purpose of the public hearing will be to consider a Conditional Use Permit filed by Eric Burrows on behalf of Burrows Midwest, LLC. Although this is an application typical to ones you have probably received numerous times during your tenure, the pending application which will take up on Monday night could have a tantamount impact on the City. With this in mind, we urge Plan Commission Members to review this document and strongly consider denying or delaying the applicants' CUP request.

As mentioned above, the request appears to be a typical request for a Plan Commission to allow Eric Burrows of Burrows Midwest, LLC, to engage in scrapyards activities at the 1156 Velp Avenue property. Eric Burrows and his father, Robert "Bob" Burrows, are the owners of Burrows Midwest, LLC and B & B Metals Processing Co., Inc. (see attached Exhibit A). B & B and the Burrows family own scrapyards throughout eastern Wisconsin. A careful review of the Burrows' activities in eastern Wisconsin is required as part of the Plan Commission's meeting on Monday. Please find below an itemized summary of matters for which the City of Green Bay should investigate prior to making any decisions.

Existing Violations of City Code

Please know the Velp Avenue property is already in violation of conditional approvals granted to this property going back to 2013. We have attached and marked as Exhibit B, a copy of a Site Plan and correspondence from B & B's lawyer. This document states that there is enclosed a copy of a blueprint for a proposed scale at the site. Having a scale on site is a legal requirement under the City's approval and planning documents clear back in 2013. For whatever reason, the commitment to provide a scale was never implemented and thus, the requirement was not satisfied.

In fact, years later an additional document was filed on June 19, 2017 (see attached Exhibit C) in which there is again correspondence from the same law firm now representing a different scrap metal entity at the same location. Again, the documentation calls for a scale to be brought on site. However, that never happened, and the property has continued to be in violation of its own permits.

Fast forward to today, the Conditional Use Permit Request before you again indicates a scale would be brought in for the purpose of weighing scrap materials being bought and sold at this site. Since B & B has not lived up to its permit obligations going back to 2013, we think the City needs to seriously question whether B & B would live up to this condition which is a requirement of operation, but has not been complied with for almost 7 years.

Additionally, know that a scale is a critical component of a scrapyard. Throughout the U.S., scrap materials are purchased at various scrapyards. Scrapyards are regulated activities, and in Wisconsin they are controlled by the Wisconsin Department of Agriculture, Trade, and Consumer Protection. Therefore, the yard which already has started purchasing and stockpiling material is in violation of Wisconsin's Administrative Code, in addition to the conditional permission which was granted going clear back to 2013.

With this in mind, as part of Green Bay's investigation of this request, the City should reach out to the Wisconsin Department of Agriculture, Trade, and Consumer Protection and work closely on and learn more details as to how and why material is already being purchased and stockpiled in direct violation of Wisconsin's Administrative Code. We highly encourage Green Bay Officials to contact the Department of Agriculture, Trade, and Consumer Protection Compliance Officer on this issue and other potential violations of scrapyard requirements. The Bureau Director for the State of Wisconsin is a person by the name of Alicia Clark whose phone number is 608-224-4938 and her email address is Alicia.Clark@wisconsin.gov.

Environmental Concerns

Please kindly find attached as Exhibit D, a picture of the site. Material has already started being purchased and stockpiled on the site. This picture was taken on August 25, 2020. As you will see, the material is currently being stored on property which is not impervious and has many cracks. Consequently, stormwater which enters this pile can leach off the material and directly access groundwater. We think this poses risks of the heavy metals and industrial chemicals leaching off the debris found on Exhibit D and entering groundwater and the Green Bay water shed.

Additionally, the area demonstrated in the picture appears to lie in the floodplain. A review of GIS Online Mapping indicates the area where the scrap metal debris is located is in the floodplain. In fact, the property shown in Exhibit D of the premises is on the northwest portion of the property which is not only in the floodplain, it also adjoins the southern marsh area and wetland area. In the event of heavy rains or flooding, the handling of this material creates additional environmental risks. To demonstrate location of the floodplain and connection with the existing debris, please see the attached Exhibit E as part of verification of the concern.

Equally important is that many of the items pictured in Exhibit D are contaminated by the very nature of their application. For example, a careful review of the picture will show there are refrigerators within the stockpiled debris pile. Refrigerators contain freon which can be hazardous to both the water shed and to people if it is not contained in a controlled environment. There are many important state and federal statutes, procedures, and protocols in place which regulate the

handling, disposal, and removal of freon and other fluids prior to refrigerators and other appliances being scrapped for metal recycling. This is just one example of where the City needs to be careful and not complicit in allowing this type of activity to occur in an unregulated fashion at the Velp Avenue property, in potential violation of WDNR and EPA statutes.

Please find attached as Exhibit F, an affidavit signed by a Green Bay area resident who has concerns about the environmental impacts of this project. As noted in Mr. Nelson's affidavit, he is a life-long resident of Brown County and is concerned for the City and the City's water shed.

Conclusion

In summation, we are hopeful the Green Bay Plan Commission gives deep consideration and fully reviews all the attached documents. We think the Plan Commission should vote “No” on the rezoning request or, at a minimum, delay voting until further information on all of the concerns raised above can be addressed and vetted by City Staff. Thank you in advance for your consideration and most importantly for your commitment to the City of Green Bay.

Exhibit A

Wisconsin Department of Financial Institutions

Strengthening Wisconsin's Financial Future

Search for:
burrows midwest

Search Records [Search](#)
[Advanced Search](#)
[Name Availability](#)

Corporate Records

Result of lookup for B098262 (at 8/28/2020 8:30 AM)

BURROWS MIDWEST, LLC

You can: [File an Annual Report](#) - [Request a Certificate of Status](#) - [File a Registered Agent/Office Update Form](#)

Vital Statistics

Entity ID	B098262
Registered Effective Date	06/30/2020
Period of Existence	PER
Status	Organized Request a Certificate of Status
Status Date	06/30/2020
Entity Type	Domestic Limited Liability Company
Annual Report Requirements	Limited Liability Companies are required to file an Annual Report under s. 183.0120, WI Statutes.

Addresses

Registered Agent Office	ROBERT BURROWS 14520 PIONEER ROAD NEWTON , WI 53063
	File a Registered Agent/Office Update Form

Principal Office

Historical Information

Annual Reports	None
Certificates of Newly-elected Officers/Directors	None
Old Names	None

Chronology

Effective Date	Transaction	Filed Date	Description
06/30/2020	Organized	06/30/2020	E-Form

[Order a Document Copy](#)

Wisconsin Department of Financial Institutions

Strengthening Wisconsin's Financial Future

Search for:
B&B Metals

Search Records [Search](#)
[Advanced Search](#)
[Name Availability](#)

Corporate Records

Result of lookup for 1B17351 (at 8/28/2020 8:30 AM)

B & B METALS PROCESSING CO., INC.

You can: [File an Annual Report](#) - [Request a Certificate of Status](#) - [File a Registered Agent/Office Update Form](#)

Vital Statistics

Entity ID 1B17351

Registered Effective Date 11/23/1982

Period of Existence PER

Status Restored to Good Standing [Request a Certificate of Status](#)

Status Date 11/05/2018

Entity Type Domestic Business

Annual Report Requirements Business Corporations are required to file an Annual Report under s.180.1622 WI Statutes.

Addresses

Registered Agent Office ROBERT BURROWS JR
14520 PIONEER RD
NEWTON , WI 53063-9729

[File a Registered Agent/Office Update Form](#)

Principal Office 14520 PIONEER RD
NEWTON , WI 53063-9729

Historical Information

Annual Reports

Year	Reel	Image	Filed By	Stored On
2019	000	0000	online	database
2018	000	0000	online	database
2016	000	0000	online	database
2015	000	0000	online	database
2014	000	0000	online	database
2013	000	0000	online	database
2012	000	0000	online	database
2011	000	0000	online	database

2009	000	0000	online	database
2007	000	0000	online	database
2005	000	0000	online	database
2004	000	0000	online	database
2003	000	0000	online	database
2001	022	1037	paper	microfilm
2000	030	1339	paper	microfilm
1999	025	2250	paper	microfilm
1998	031	0016	paper	microfilm
1997	024	1601	paper	microfilm
1996	028	1498	paper	microfilm
1995	027	2104	paper	microfilm
1994	027	0996	paper	microfilm
1993	026	2237	paper	microfilm

[File an Annual Report - Order a Document Copy](#)

**Certificates of
Newly-elected
Officers/Directors**

None

Old Names

None

Chronology

Effective Date	Transaction	Filed Date	Description
11/23/1982	Incorporated/Qualified/Registered	11/23/1982	*****RECORD IMAGED*****
10/01/1984	In Bad Standing	10/01/1984	
01/29/1985	Restored to Good Standing	01/29/1985	
10/01/1991	Delinquent	10/01/1991	
01/27/1992	Notice of Administrative Dissolution	01/27/1992	922010130
02/28/1992	Restored to Good Standing	02/28/1992	
01/18/1994	Change of Registered Agent	01/18/1994	FM 16 -1993
03/04/1999	Change of Registered Agent	03/04/1999	FM16 1998
10/01/2003	Delinquent	10/01/2003	
11/07/2003	Restored to Good Standing	11/07/2003	E-Form
06/12/2006	Change of Registered Agent	06/12/2006	FM16-E-Form
10/01/2007	Delinquent	10/01/2007	
06/12/2008	Restored to Good Standing	06/12/2008	E-Form
10/01/2009	Delinquent	10/01/2009	
03/02/2010	Restored to Good Standing	03/02/2010	E-Form
10/01/2011	Delinquent	10/01/2011	
03/30/2012	Restored to Good Standing	03/30/2012	E-Form
10/01/2018	Delinquent	10/01/2018	
11/05/2018	Restored to Good Standing	11/05/2018	Form16 OnlineForm
10/15/2019	Change of Registered Agent	10/15/2019	Form16 OnlineForm

[Order a Document Copy](#)

Exhibit B



Building Inspection Division
City Hall, Room 610

Robert Strong
Planning Director

December 11, 2013

Submitter:

DAVID P. DEWICK
200 South Washington
Green Bay, WI 54301

Property Owner:

NATIONWIDE LP
PO BOX 100
MARATHON WI 54448-0100

Re: 1156 VELD AV...18-782-E / Site Plan #93, Project #60210
SCALE & SCALE HOUSE

This site plan is being returned **CONDITIONALLY APPROVED** having been found to be in reasonable conformance with applicable municipal ordinances and standards.

This document is a development agreement between the submitter and the City of Green Bay, which permits the development as conditionally approved. Deviation from this agreement without prior approval is a violation of 40.05, Green Bay Municipal Ordinance, which is subject to cancellation and/or other enforcement efforts.

If you have any questions, please feel free to contact the Planning Department/Inspection Division at (920) 448-3300.

Sincerely,

James Brunette, P.E.
Inspection Service Specialist

City of Green Bay

100 North Jefferson
Street
Green Bay, WI 54301

Site Plan Checklist

~~Prelim~~ Review
Final

Review #: 93, Project #: 60210

1st Rtn:

2nd Rtn:

Contact:

Address: 1156 VELD AV..18-782-E

DAVID P. DEWICK

Title: SCALE & SCALE HOUSE

200 South Washington
Green Bay, WI 54301
430-1900

Descrip:

Planning Division

1st Review:

2nd Review:

- 1- ☐ ☐ Zoning District
- 2- ☐ ☐ Prop. dim., legal description
- 3- ☐ ☐ Driveways - exist & proposed
- 4- ☐ ☐ R.O.W. shown
- 5- ☐ ☐ Landscaping in setbacks
- 6- ☐ ☐ Building uses identified
- 7- ☐ ☐ Parking & loading, ADA
- 8- ☐ ☐ Curbs, wheelblocks, barricades
- 9- ☐ ☐ Parking lot surfacing
- 10- ☐ ☐ Fencing
- 11- ☐ ☐ "IN" & "OUT" signs
- 12- ☐ ☐ Signage, location & size
- 13- ☐ ☐ Utilities, easements, etc.

Code 1st Review Comment

Code 2nd Review Comment

John F. Hager
David P. Dewick
Matthew C. Zuengler
Brian T. Flood*
Ryan D. Krumrie**
Michael R. Demerath*

*Also licensed in Illinois
**Also licensed in Minnesota



200 South Washington Street
Suite 401
Green Bay, WI 54301
(920) 430-1900
fax (920) 430-1909
www.hdz-law.com

ddewick@hdz-law.com

December 4, 2013

HAND DELIVERED

City of Green Bay
Department of Planning
Inspection Division, Room 608
100 North Jefferson Street
Green Bay, WI 54301

RE: 1156 Velp Avenue, Green Bay, WI - Site Plan Review Application

Dear Sir or Madam:

As previously mentioned in our letter, dated November 7, 2013, our firm represents B&B Metals Processing Co., Inc. in connection with the purchase of the real estate and improvements located at 1156 Velp Avenue, Green Bay, Wisconsin ("Subject Property"). We are in receipt of the approved Site Plan from your office; however, based on various discussions with Mr. Paul Neumeyer subsequent thereto regarding the need for the construction of a portable scale, we understand an Amended Site Plan needs to be submitted.

Therefore, on behalf of B&B Metals Processing Co., Inc., enclosed for your review is the Site Plan Review Application, together with eight (8) copies of the Amended Site Plan for the Subject Property. Also, enclosed is a copy of the blueprint for the proposed scale, which was previously provided to Mr. Neumeyer. We are also enclosing our office check in the amount of \$50.00 in payment of the processing fee. The only change to the original approved Site Plan is the addition of reference to the scale, scale hut and proposed 110 volt electrical line. There are no other changes.

In light of the fact that the original Site Plan (except for the above referenced changes) was previously approved, we are hoping that your Department, as well as the other necessary

December 4, 2013

Page 2

commenting Departments, can provide an expedited review and approval of the enclosed Amended Site Plan.

If you have any questions or require any additional information, please do not hesitate to contact us.

Thank you for your prompt attention to this matter.

Sincerely,

HAGER, DEWICK & ZUENGLER, S.C.

By

David P. Dewick

DPD:mai

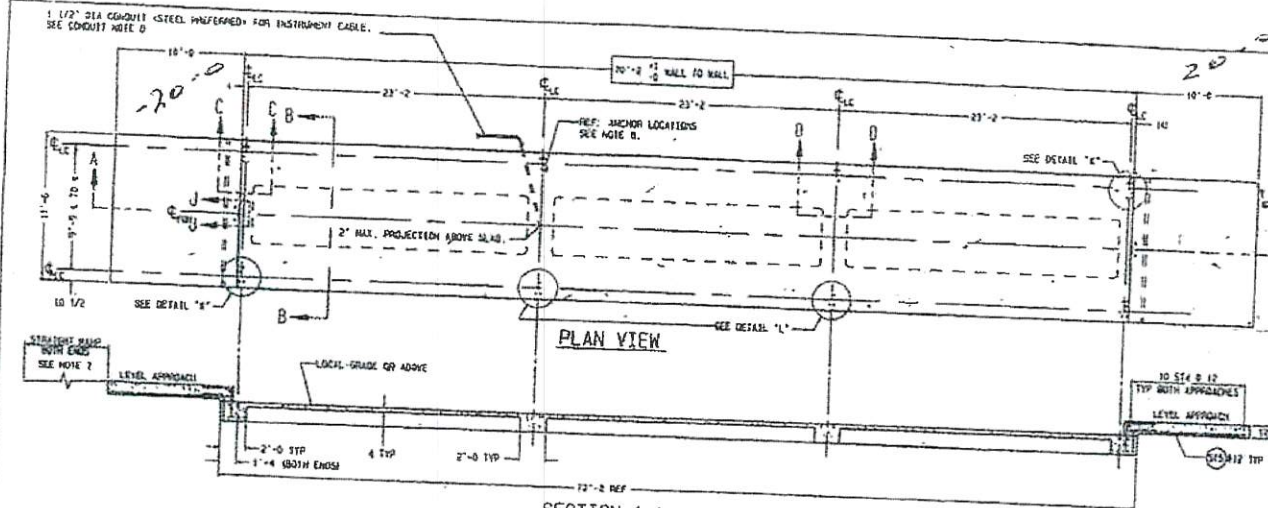
Enc.

cc: B&B Metals Processing Co., Inc.

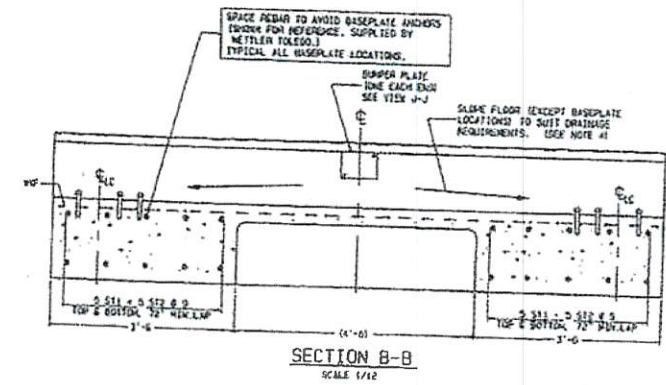
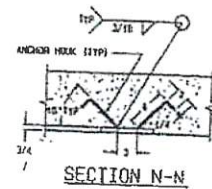
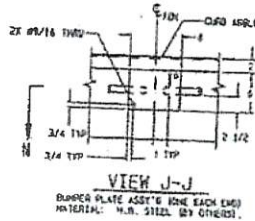
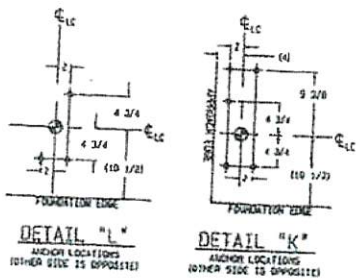
Attn: Mr. Robert T. Burrows (w/enc.)



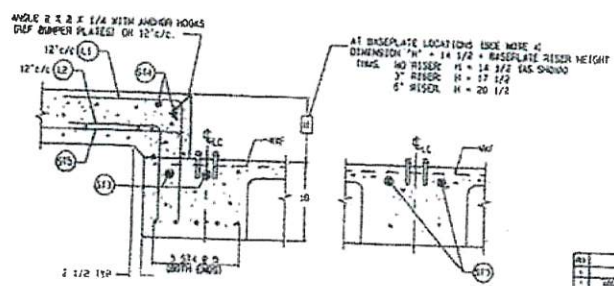
Relationships Mattersm



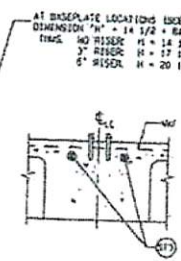
SECTION A-A



SECTION B-B
SCALE 1/12



SECTION C-C
SCALE 1/12
(TYPICAL END WALL)



SECTION D-D
SCALE 1/12
(TYPICAL FOOTING SINGLE BASEPLATE)

NO 70 FT
But 20 FT

110 X 12 =
1320
SQ FT

REINFORCING STEEL SCHEDULE (A.S.T.M. A-615 GRADE 60)									
BAR	QTY	SIZE	LOCATION, DIRECTION	A	B	WGT			
S11	20	#8	FLOOR BEAMS, LONG.	40'-0"		2100			
S12	20	#8	FLOOR BEAMS, LONG.	37'-0"		2011			
S13	4	#8	FOOTERS, LATERAL	11'-0"		275			
S14	10	#8	ENDS, LATERAL	11'-0"		110			
S15	24	#8	APPROACHES, LONG.	5'-0"		220			
L1	24	#8	APPROACH TO END TIES	2'-0"	2'-0"	110			
L2	24	#8	APPROACH TO END TIES	1'-0"	1'-0"	55			

L1 & L2 GIVEN WITHOUT RISER BASEPLATES. DIMENSION "B" WILL VARY WITH THE ACTUAL HEIGHT OF RISERS USED, AS FOLLOWS:

NO RISERS	L1	L2
3" RISERS	2'-3"	1'-0"
6" RISERS	2'-9"	2'-3"

MATERIAL SUMMARY	
CONCRETE (C30, WGT.)	43
REINFORCING STEEL (S11)	5211
WGT: 415.41, 415.41, 415.41, 415.41	920

- NOTES:**
- 1) USE MINIMUM 3000 PSI STRENGTH CONCRETE AT 28 DAYS WITH 5-7% AIR ENTRAINMENT.
 - 2) USE MINIMUM 60,000 YIELD STRENGTH REINFORCING STEEL. REBAR MINIMUM DEPTH OF COVER SHOULD BE IN ACCORDANCE WITH THE LATEST ACI BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE (ACI 308-SECTION 7.7.1), UNLESS OTHERWISE SPECIFIED.
 - 3) FOUNDATION REQUIRES 1000 PSF RATED SOIL.
 - 4) TOP OF CONCRETE AT BASEPLATE LOCATIONS TO BE LEVEL AND IN ONE PLANE 1/4".
 - 5) DIAGONAL MEASUREMENTS ENDWALL TO ENDWALL MUST BE EQUAL WITHIN 1/4".
 - 6) BASEPLATE ANCHORS TO BE SUPPLIED BY METTLER TOLEDO. USE BASEPLATE AS TEMPLATES TO LOCATE ANCHORS DURING SCALE INSTALLATION.
 - 7) RAMP LENGTH, MIN LOCAL REGULATIONS.
 - 8) CONDUIT LOCATIONS MAY VARY BASED ON APPLICATION, AS LONG AS IT DOES NOT INTERFERE WITH BASE PLATE OR ANCHOR LOCATIONS, OR ABOVE CANNON INSTALLATIONS. THE CONDUIT MAY BE RUN ALONG THE SIDE OF THE FOUNDATION. PLEASE CHECK FOR LOCAL CODE REQUIREMENTS REGARDING CONDUIT PLACEMENT.
 - 9) CONTRACTOR SUPPLIES:
 - EXCAVATION
 - REINFORCING STEEL
 - CHAIN ANGLE ASSEMBLIES (SCALE C-C)
 - CONCRETE AND FORMS
 - 1/2" DIA CONDUIT
 - BUMPER PLATE ASSEMBLIES (VIEW J-J & D-D)

DRAWING IS TO SCALE ONLY WHEN BONDOR MEASURES 22'-7/8" X 35" (FULL SIZE)									
NO.	CHANGE	DATE	BY	SCALE	DATE	BY	SCALE	DATE	BY
1	WORKED BY: [blank]								
2	DESIGNED BY: [blank]								
3	CHECKED BY: [blank]								
4	APPROVED BY: [blank]								
5	SCALE: 1/12								
6	SCALE: 1/12								
7	SCALE: 1/12								
8	SCALE: 1/12								
9	SCALE: 1/12								
10	SCALE: 1/12								

METTLER TOLEDO
SCALE 1/12
TYPICAL FOOTING SINGLE BASEPLATE
TC205B44

Exhibit C



Community Services Agency

June 19, 2017

Submitter:

David Dewick
200 S Washington Street, Suite 401
Green Bay, WI 54301

Property Owner:

SAL BS SCRAP METALS ON VELP LLC
14520 PIONEER RD
NEWTON WI 53063

RE: 1156 VELP AV...18-782-E
Site Plan, Sal Bs Scrap Metal

Site Plan #1545, Project # 70424

This site plan is being returned **CONDITIONALLY APPROVED** having been found to be in reasonable conformance with applicable municipal ordinances and standards. However, the conditions of approval, listed below, are to be adhered to during the course of the project.

Inspection Division, Room 610, (920) 448-3300 – Reviewed by Chad Rothmeier

1. Permits will need to be pulled for the Demolition when project is ready to go forward.

This document is a development agreement between the submitter and the City of Green Bay, which permits the development as conditionally approved. Deviation from this agreement without prior approval is a violation of 40.05, Green Bay Municipal Ordinance, which is subject to cancellation and/or other enforcement efforts.

If you have any questions regarding any of the above items, please feel free to contact the reviewer indicated above the item, or contact the Planning Department/Inspection Division at (920) 448-3300.

Sincerely,

Chad Rothmeier
Building Inspector

City of Green Bay

100 North Jefferson
Street
Green Bay, WI 54301

Site Plan Checklist

Prelim Review

Review #: 1545, Project #: 70424	1st Rtn:	2nd Rtn:	Contact:
Address: 1156 VELP AV., 18-782-E			David Dewick
Title: Site Plan, Sal Bs Scrap Metal			200 S Washington Street, Suite 401 Green Bay, WI 54301 920-430-1900
Descrip: Change of Use			

Planning Division	1st Review:	2nd Review:
1- ☐ ☐ Zoning District		# Code 1st Review Comment
2- ☐ ☐ Prop. dlm., legal description		
3- ☐ ☐ Driveways - exist & proposed		# Code 2nd Review Comment
4- ☐ ☐ R.O.W. shown		
5- ☐ ☐ Landscaping in setbacks		
6- ☐ ☐ Building uses identified		
7- ☐ ☐ Parking & loading, ADA		
8- ☐ ☐ Curbs, wheelblocks, barricades		
9- ☐ ☐ Parking lot surfacing		
10- ☐ ☐ Fencing		
11- ☐ ☐ "IN" & "OUT" signs		
12- ☐ ☐ Signage, location & size		
13- ☐ ☐ Utilities, easements, etc.		

RECEIVED

JUN 01 2017

INSPECTION
DIVISION

John F. Hager
David P. Dewick
Matthew C. Zuengler
Ryan D. Krumle*
Michael R. Demerath**
Nicholas J. Linz
Matthew M. Van Nuland
*Also licensed in Minnesota
**Also licensed in Illinois



200 South Washington Street
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Green Bay, WI 54301
(920) 430-1900
fax (920) 430-1909
www.hdz-law.com

ddewick@hdz-law.com

May 31, 2017

HAND DELIVERED

City of Green Bay
Department of Planning
Inspection Division, Room 608
100 North Jefferson Street
Green Bay, WI 54301

RE: 1156 Velp Avenue, Green Bay, WI - Site Plan Review Application

Dear Sir or Madam:

As a follow up to our discussion with Mr. Paul Neumeyer, our firm represents Sal Bs Scrap Metals On Velp, LLC in connection with the real estate and improvements located at 1156 Velp Avenue, Green Bay, Wisconsin ("Subject Property"). We had previously applied for and received an approved Site Plan from your office on or about December 11, 2013; however, based on our discussions with Mr. Paul Neumeyer, we understand the Site Plan has expired and a new Application and Site Plan need to be submitted.

Therefore, on behalf of Sal Bs Scrap Metals On Velp, LLC, enclosed for your review is the Site Plan Review Application, together with eight (8) copies of the updated Site Plan for the Subject Property. Also, enclosed is a copy of the blueprint for the proposed scale, which was previously provided to your office. The attached Site Plan is identical to the prior approved Site Plan, except, however, we have identified that portion of the building that will be razed pursuant to demolition and related permits to be obtained from the City by our client and/or its contractors. We are also enclosing our office check in the amount of \$50.00 in payment of the processing fee.

In light of the fact that the prior Site Plan was previously approved, we are hoping that your Department, as well as the other necessary commenting Departments, can provide an expedited review and approval of the enclosed Application and Site Plan.

City of Green Bay
Department of Planning
May 31, 2017
Page 2

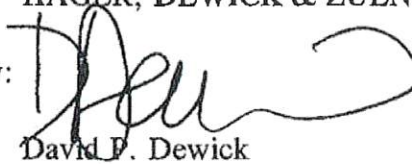
If you have any questions or require any additional information, please do not hesitate to contact us.

Thank you for your prompt attention to this matter.

Sincerely,

HAGER, DEWICK & ZUENGLER, S.C.

By:



David F. Dewick

DPD:mmh

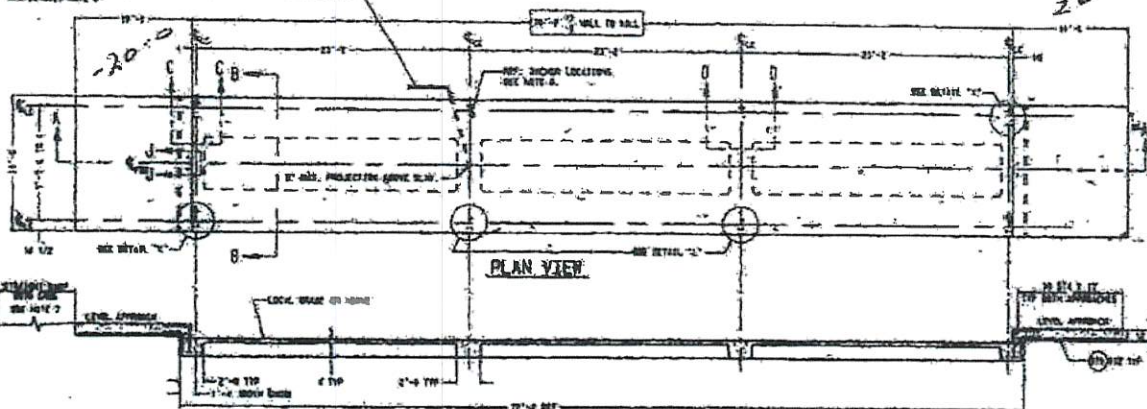
Enc.

cc: Sal Bs Scrap Metals On Velp, LLC
Attn: Mr. Robert T. Burrows (w/enc.)

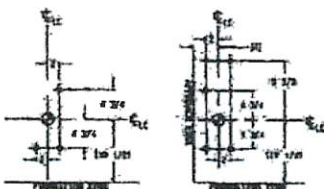


Relationships Mattersm

1. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE.
SEE DETAIL "L".

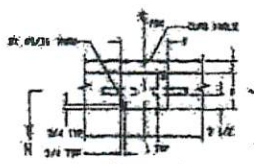


SECTION A-A

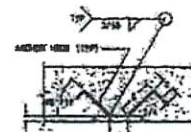


DETAIL "L"
CABLE LOCATION
WHICH SIDE IS APPROXIMATE

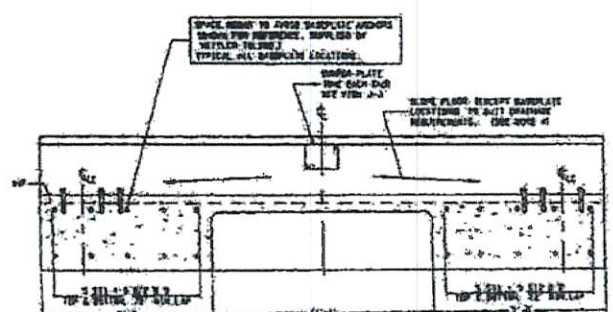
DETAIL "K"
CABLE LOCATION
WHICH SIDE IS APPROXIMATE



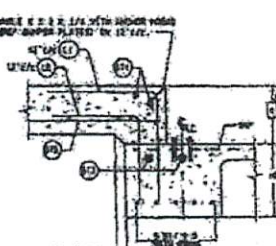
VIEW A-A
CABLE LOCATION
WHICH SIDE IS APPROXIMATE



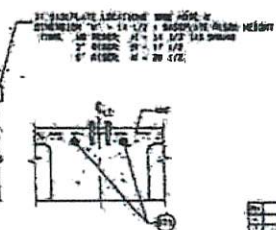
SECTION N-N



SECTION B-B
SCALE 1/2"



SECTION C-C
SCALE 1/2"



SECTION D-D
SCALE 1/2"

NOT TO SCALE
B + 20 FT

110 X 12 =
1320
58 FT

NO.	TYPE	LOCATION	SECTION	1	2	3	4	5
101	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
102	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
103	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
104	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
105	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
106	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
107	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
108	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
109	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
110	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
111	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
112	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
113	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
114	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
115	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
116	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
117	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
118	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
119	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
120	20	10	FLYING WHEEL, CONC.	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"

1. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE.
SEE DETAIL "L".

MATERIAL SUMMARY	
CONCRETE, 4000 PSI	10
STEEL, 60,000 PSI	10
WATER, 100 GALLONS	10

- NOTES:
1. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 2. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 3. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 4. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 5. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 6. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 7. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 8. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 9. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 10. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 11. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 12. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 13. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 14. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 15. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 16. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 17. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 18. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 19. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".
 20. (P.T. 213) CONCRETE STEEL PROTECT FOR EXISTING CABLE. SEE DETAIL "L".

MATERIAL SUMMARY	
CONCRETE, 4000 PSI	10
STEEL, 60,000 PSI	10
WATER, 100 GALLONS	10

Part of the Laventure Claim, West Side of the Fox River, in the
City of Green Bay, Brown County, Wisconsin

Part of the Lovers' Cove, West Side of the Fox River, in the City of Green Bay, Brown County, Wisconsin, more fully described as follows:

[illegible]

Parcel contains 128,300 sq. ft. / 3.18 acres, more or less.
Parcel subject to easements and restrictions of record.

I, David J. Olywsen, Professional Land Surveyor, No. 1179, do hereby certify that the above described property was surveyed and mapped in accordance with Act 10 of the Wisconsin Statutes, Chapter 193, and is correct to the best of my knowledge and belief.

David J. Chouven
PLS-1576
May 31, 2017

1) Subject parcel is zoned Q - General Industrial

2) Property located in Flood Zone "M" (Special Flood Hazard Determined) and "X" (Area determined to be outside the 0.2% annual chance floodplain) according to the FEMA Flood Insurance Study (FIS) dated August 12, 2009.

1) I agree to be bound by the 2000 Warranty, Regs.

2) I am the Owner's intent to provide great child screening on fishing owned by Bales as may be required by California Title 12-0000.

3) The Buyer does not intend to make any improvements, including utility related improvements.

08 July 6 16 17

Signature: [Signature] Date: 10/1/17

 Date

[Signature] 6/2/17
Action Division Date

City of Green Bay

- 1.25" (x 1.5" 1/8" 1/4" 3/8" 1/2" 5/8" 3/4" 1" 1 1/4" 1 1/2" 1 3/4" 2" 2 1/4" 2 1/2" 2 3/4" 3" 3 1/4" 3 1/2" 3 3/4" 4" 4 1/4" 4 1/2" 4 3/4" 5" 5 1/4" 5 1/2" 5 3/4" 6" 6 1/4" 6 1/2" 6 3/4" 7" 7 1/4" 7 1/2" 7 3/4" 8" 8 1/4" 8 1/2" 8 3/4" 9" 9 1/4" 9 1/2" 9 3/4" 10" 10 1/4" 10 1/2" 10 3/4" 11" 11 1/4" 11 1/2" 11 3/4" 12" 12 1/4" 12 1/2" 12 3/4" 13" 13 1/4" 13 1/2" 13 3/4" 14" 14 1/4" 14 1/2" 14 3/4" 15" 15 1/4" 15 1/2" 15 3/4" 16" 16 1/4" 16 1/2" 16 3/4" 17" 17 1/4" 17 1/2" 17 3/4" 18" 18 1/4" 18 1/2" 18 3/4" 19" 19 1/4" 19 1/2" 19 3/4" 20" 20 1/4" 20 1/2" 20 3/4" 21" 21 1/4" 21 1/2" 21 3/4" 22" 22 1/4" 22 1/2" 22 3/4" 23" 23 1/4" 23 1/2" 23 3/4" 24" 24 1/4" 24 1/2" 24 3/4" 25" 25 1/4" 25 1/2" 25 3/4" 26" 26 1/4" 26 1/2" 26 3/4" 27" 27 1/4" 27 1/2" 27 3/4" 28" 28 1/4" 28 1/2" 28 3/4" 29" 29 1/4" 29 1/2" 29 3/4" 30" 30 1/4" 30 1/2" 30 3/4" 31" 31 1/4" 31 1/2" 31 3/4" 32" 32 1/4" 32 1/2" 32 3/4" 33" 33 1/4" 33 1/2" 33 3/4" 34" 34 1/4" 34 1/2" 34 3/4" 35" 35 1/4" 35 1/2" 35 3/4" 36" 36 1/4" 36 1/2" 36 3/4" 37" 37 1/4" 37 1/2" 37 3/4" 38" 38 1/4" 38 1/2" 38 3/4" 39" 39 1/4" 39 1/2" 39 3/4" 40" 40 1/4" 40 1/2" 40 3/4" 41" 41 1/4" 41 1/2" 41 3/4" 42" 42 1/4" 42 1/2" 42 3/4" 43" 43 1/4" 43 1/2" 43 3/4" 44" 44 1/4" 44 1/2" 44 3/4" 45" 45 1/4" 45 1/2" 45 3/4" 46" 46 1/4" 46 1/2" 46 3/4" 47" 47 1/4" 47 1/2" 47 3/4" 48" 48 1/4" 48 1/2" 48 3/4" 49" 49 1/4" 49 1/2" 49 3/4" 50" 50 1/4" 50 1/2" 50 3/4" 51" 51 1/4" 51 1/2" 51 3/4" 52" 52 1/4" 52 1/2" 52 3/4" 53" 53 1/4" 53 1/2" 53 3/4" 54" 54 1/4" 54 1/2" 54 3/4" 55" 55 1/4" 55 1/2" 55 3/4" 56" 56 1/4" 56 1/2" 56 3/4" 57" 57 1/4" 57 1/2" 57 3/4" 58" 58 1/4" 58 1/2" 58 3/4" 59" 59 1/4" 59 1/2" 59 3/4" 60" 60 1/4" 60 1/2" 60 3/4" 61" 61 1/4" 61 1/2" 61 3/4" 62" 62 1/4" 62 1/2" 62 3/4" 63" 63 1/4" 63 1/2" 63 3/4" 64" 64 1/4" 64 1/2" 64 3/4" 65" 65 1/4" 65 1/2" 65 3/4" 66" 66 1/4" 66 1/2" 66 3/4" 67" 67 1/4" 67 1/2" 67 3/4" 68" 68 1/4" 68 1/2" 68 3/4" 69" 69 1/4" 69 1/2" 69 3/4" 70" 70 1/4" 70 1/2" 70 3/4" 71" 71 1/4" 71 1/2" 71 3/4" 72" 72 1/4" 72 1/2" 72 3/4" 73" 73 1/4" 73 1/2" 73 3/4" 74" 74 1/4" 74 1/2" 74 3/4" 75" 75 1/4" 75 1/2" 75 3/4" 76" 76 1/4" 76 1/2" 76 3/4" 77" 77 1/4" 77 1/2" 77 3/4" 78" 78 1/4" 78 1/2" 78 3/4" 79" 79 1/4" 79 1/2" 79 3/4" 80" 80 1/4" 80 1/2" 80 3/4" 81" 81 1/4" 81 1/2" 81 3/4" 82" 82 1/4" 82 1/2" 82 3/4" 83" 83 1/4" 83 1/2" 83 3/4" 84" 84 1/4" 84 1/2" 84 3/4" 85" 85 1/4" 85 1/2" 85 3/4" 86" 86 1/4" 86 1/2" 86 3/4" 87" 87 1/4" 87 1/2" 87 3/4" 88" 88 1/4" 88 1/2" 88 3/4" 89" 89 1/4" 89 1/2" 89 3/4" 90" 90 1/4" 90 1/2" 90 3/4" 91" 91 1/4" 91 1/2" 91 3/4" 92" 92 1/4" 92 1/2" 92 3/4" 93" 93 1/4" 93 1/2" 93 3/4" 94" 94 1/4" 94 1/2" 94 3/4" 95" 95 1/4" 95 1/2" 95 3/4" 96" 96 1/4" 96 1/2" 96 3/4" 97" 97 1/4" 97 1/2" 97 3/4" 98" 98 1/4" 98 1/2" 98 3/4" 99" 99 1/4" 99 1/2" 99 3/4" 100" 100 1/4" 100 1/2" 100 3/4" 101" 101 1/4" 101 1/2" 101 3/4" 102" 102 1/4" 102 1/2" 102 3/4" 103" 103 1/4" 103 1/2" 103 3/4" 104" 104 1/4" 104 1/2" 104 3/4" 105" 105 1/4" 105 1/2" 105 3/4" 106" 106 1/4" 106 1/2" 106 3/4" 107" 107 1/4" 107 1/2" 107 3/4" 108" 108 1/4" 108 1/2" 108 3/4" 109" 109 1/4" 109 1/2" 109 3/4" 110" 110 1/4" 110 1/2" 110 3/4" 111" 111 1/4" 111 1/2" 111 3/4" 112" 112 1/4" 112 1/2" 112 3/4" 113" 113 1/4" 113 1/2" 113 3/4" 114" 114 1/4" 114 1/2" 114 3/4" 115" 115 1/4" 115 1/2" 115 3/4" 116" 116 1/4" 116 1/2" 116 3/4" 117" 117 1/4" 117 1/2" 117 3/4" 118" 118 1/4" 118 1/2" 118 3/4" 119" 119 1/4" 119 1/2" 119 3/4" 120" 120 1/4" 120 1/2" 120 3/4" 121" 121 1/4" 121 1/2" 121 3/4" 122" 122 1/4" 122 1/2" 122 3/4" 123" 123 1/4" 123 1/2" 123 3/4" 124" 124 1/4" 124 1/2" 124 3/4" 125" 125 1/4" 125 1/2" 125 3/4" 126" 126 1/4" 126 1/2" 126 3/4" 127" 127 1/4" 127 1/2" 127 3/4" 128" 128 1/4" 128 1/2" 128 3/4" 129" 129 1/4" 129 1/2" 129 3/4" 130" 130 1/4" 130 1/2" 130 3/4" 131" 131 1/4" 131 1/2" 131 3/4" 132" 132 1/4" 132 1/2" 132 3/4" 133" 133 1/4" 133 1/2" 133 3/4" 134" 134 1/4" 134 1/2" 134 3/4" 135" 135 1/4" 135 1/2" 135 3/4" 136" 136 1/4" 136 1/2" 136 3/4" 137" 137 1/4" 137 1/2" 137 3/4" 138" 138 1/4" 138 1/2" 138 3/4" 139" 139 1/4" 139 1/2" 139 3/4" 140" 140 1/4" 140 1/2"

1156 VEIP

PROJECT NO.
N-10013

SHEET NO.
1 of 1

DRAWINGS NO
S-22261

Sal Bs Scrap Metal on Velp LLC *Mau & Associates*
Velp Ave. & Winford Ave. LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9870 Fax: 920-434-9872

Site Plan

SCALE
1"=30'
DRAWN BY
JEL

Exhibit D



Exhibit E

Green Bay, WI, 54303, USA X

Show search results for 1156 V...



Layer List

Layers

- ☒ Parcels Query
- ☒ ParcelLinesColor
- ☐ Alder Districts and Wards
- ☒ Annotation
- ☒ OwnerNames
- ☐ Building Footprints Year 2000
- ☐ Liquor Licenses
- ☐ Historic Districts
- ☐ TIF
- ☒ FEMA Flood Layers
- ☒ Flood Hazard Areas
 - Zone AO (100 year floodplain, 1 to 3 feet average depths determined)
 - Zone A (100 year floodplain, No Base Flood elevation determined)
 - Zone AE (100 year floodplain with Base Flood Elevation determined)
 - Floodway Areas in Zone AE
 - 500 year floodplain (0.2 PCT ANNUAL CHANCE)
- ☒ University Heights
- ☐ S27.621 Allowable Area
- ☐ Zoning
- ☐ Future Landuse
- ☒ Aerials_May2020
- ☐ Aerial 2017

Exhibit F

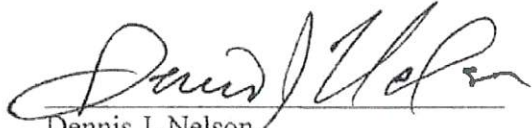
AFFIDAVIT OF DENNIS J. NELSON

STATE OF WISCONSIN)
) ss
BROWN COUNTY)

I, Dennis J. Nelson, being duly sworn, state the following:

1. I am a Green Bay native and life-long area resident who is concerned with the activities at 1156 Velp Avenue, Green Bay, WI 54303 (the "Property").
2. I am a graduate of the University of Wisconsin-Green Bay, a university founded on environmental stewardship. I have been an observer of the environmental health of the Fox River and lower Bay of Green Bay (the "Bay") for over 50 years.
3. I have observed, on several dates beginning August 3rd, 2020 and through August 26th, 2020, that scrap metal including old refrigerators and freezers has been accumulating on the surface of the premises on the northwest portion of the Property, which is an identified floodplain, adjoining the southern marsh area and wetland area of the Bay.
4. Upon information and belief, the southern Green Bay Marshland is an important wetland for the health of water quality in the Bay.
5. Upon information and belief, the massive Polychlorinated Biphenyls (PCB) clean-up, which cost hundreds of millions of dollars is near completion on the Fox River and lower Bay. It is one of the largest projects of its' kind in the World.
6. In the year 2020 , the Bay should not be exposed to unnecessary, and preventable, pollutants. The owners of the Property are accumulating materials that pose a significant risk of contamination from heavy metals, industrial chemicals, and other pollutants.

7. Upon information and belief, the water level of the Bay is at record highs, meaning the likelihood of an inundation of waters from the Bay is extremely high.
8. Upon information and belief, due to scrap metal not being contained, heavy rains will leach chemicals into the water of the Bay.
9. The owners of the Property are not permitted to conduct activities in this manner and are proceeding in a way that creates a significant and dangerous risk to the waters of the Bay. There is a wanton disregard for the laws and regulations of the City of Green Bay and State of Wisconsin.
10. The owners have previously filed, and ignored, plans which state scrap metal will be held in containers and that refrigerants will be handled carefully.
11. The owners are in violation of their own site plans and show no intent to follow them. The mere dumping of these appliances can result in damage to a line and the release of dangerous chemicals into the water supply and the Bay.
12. The owners are not residents of Green Bay or surrounding communities and show a blatant disregard for the public interest, public well-being, and corporate social responsibility.
13. The owners should not be entrusted with a permit as they are in violation of their own site plans and have proceeded with an unlawful operation and disregard for the community's well-being before being granted permission to operate.


Dennis J. Nelson

Subscribed and sworn before me

this 27th day of August, 2020.



_____, Notary Public

BROWN County, Wisconsin

My commissioner expires: 1/1/2021



To whom it may concern,

I am reaching out in regards of the property on the corner of Winford Ave. and Velp Ave. with some business concerns. I have been a renter of Alwin Manufacturing for 10 years at our current address (1255 Winford Ave.). I have noticed a new business entering the once vacant land prior owned by County Concrete. This property is changing quickly with multiple concerns being raised on our end. I will address concerns in bullet point form.

- View point standard is poor. This visual standard of a 6 ft fence and coving on the fence doesn't hide the large mess of iron, sheet metal, garbage, Etc. being "hidden" / displayed. This is a very poor visible site and belong more in an industrial park area.
- Style of business. This style of business is messy in every way. For example, fluids from item being salvaged, Screws, nails, sharp objects being carried out on to city street where traffic and our personal property is damaged.
- Contaminants run off. This is a major issue! We are the building seeing all the runoff of Velp Ave. to our building (down the hill). This will no longer be dust and debris from past county concrete but now fluids and garbage running to our building. We must address this issue because the buildup over time floods our building when it rains. This rain will now be highly contaminated! The grass / weeded area between property which I was trying to care for is now hard to excess because of entrance way being fenced off. This grass area is being built up again and will need constant attention made extremely difficult because of this style fenced off business.
- Concern of clientele. I have been in the automotive industry for 35 years and I am concerned on the clientele this style business draws. I have had my organized, separated, palletized, "Waste" which includes cast iron, aluminum, scrap steel barrels, etc. stolen by customers of this style business. This clearly is a not good "housekeeping look" the city wants to protrude from my experience.
- Concerned on fires. Scrap style yards are fire risks with offering heat buildup in large metal piles have no escape and ignite easy.
- Scrap, scrap cars or car parts such as electronics are also susceptible to fires. I do not need my building burned down if all precautions are not met. Again, this is a "style business" I've dealt with through the years.

Thank you very much for reading my concerns. Please call or email anytime for more info,

Aaron Stauber (owner)



1220 Winford Ave., Green Bay, WI 54303 (920)498-1223 email: info@beyondredline.com

To whom it may concern,

I am writing to share my concerns regarding the scrap metal yard at the corner of Velp Ave and Winford Ave. Presumably the address being 1156 Velp Ave and 1225 Winford Ave in Green Bay, WI 54303. (According to Google Maps)

As a business owner within feet of the scrap metal yard, I have many concerns and oppose the operations and business location, of Midwest Scrap Metal or any scrap metal business at that location.

Since the business has begun it has brought countless semi trucks (over 40 daily) driving up and down Winford Ave. There is lots of trash in the roads causing an eye sore for what is supposed to be a Velp Ave. revitalization.

This yard is definitely a detractor from our business. We service high-end, expensive cars owned by some prominent people in our community. It gives them an uneasy feeling to have to dodge all the unsightly trash and semi truck traffic, not to mention the 50-foot high pile of junk with no fencing to block it from view.

Also, there has been a few times where countless seagulls have circled the property presumably getting food out of the scrap refrigerators. I can't imagine rodents are too far behind. I'm sure I don't have to get into the damage they can do.

Lastly, I have spent a lot of time and money on making building improvements. In the last year we restructured and replaced our roof, gutters, downspouts and garage doors. We replaced our air conditioners and their location to improve our cosmetic appearance. We updated our security cameras and parking lot lighting. We have future plans of painting our building and asphalt improvements.

All these things were done not just to improve our building appearances for our customers, but done with the Velp Ave. business redevelopment plan in mind. To allow a business that represents garbage/recycling does not adhere to the cities goals of Velp Avenue redevelopment plans.

No amount of planted bushes can diminish the appearance of dumpsters and piles of junk. Frankly this is a disappointment to our business and the area businesses in the Velp Ave area that have all spent capital on improving their building appearances.

Sincerely,
Luke Stubbs, Owner
Beyond Redline Performance LLC
1-888-498-1223
www.beyondredline.com

Petition to Oppose the Junk Yard at Velp & Winford

Petition summary and background	Opposing the Proposed Conditional Use Permit (ZP 20-23) for a Material Recovery Facility at 1156 Velp Avenue.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to and OPOSE the Proposed Conditional Use Permit (ZP 20-23) which, if approved, would allow a Scrap Yard and Material Recovery Facility at 1156 Velp Avenue.

Printed Name	Signature	Address	Comment	Date
Kick Trison	Rick Trison	1129 Neville St		9/22/20
Kenny & Ma	Kathleen	1109 Neville		9/22/20
Jennifer Kaselman	Jennifer	1134 Neville		9/22/20
Susan Niemi	Susan Niemi	1129 Winford Ave		9/22/20
Allen Niemi		1129 Winford Ave		9/22/20
Mike Gottfredson	Mike Gottfredson	1222 Park St	Velp needs to improve!	9/25/20
Boy Seifert	Boy Seifert	1206 Michael	Speed	9-25-20
Deena Fischer	Deena Fischer	1044 N Buchanan St		9-25-20
Rachel Fischer	Rachel Fischer	1044 N Buchanan St		9-25-20
Dick Davis	Dick Davis	1037 N. Buchanan St		9/25/20
GEORGE L. FANOS	George L. Fanos	1037 N. Buchanan St		9-25-20
MARY E. KENNA	Mary E. Kenna	1031 N. Buchanan St		9-25-20

418, W1 54303

**RESOLUTION AUTHORIZING CONDITIONAL USE
APPROVAL AT 1156 VELP AVENUE
(ZP 20-23)**

October 06, 2020

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 20-23 and the recommendation of the Plan Commission on August 31, 2020, the City of Green Bay does authorize a conditional-use permit for a Material Recovery Facility (Auto & Metal Salvage Operation) on the following described property located at 1156 Velp Avenue, submitted by Burrows Midwest, LLC/dba Midwest Scrap Metal, property owner:

Part of the Laventure Claim, West Side of the Fox River, in the City of Green Bay, Brown County, Wisconsin, more fully described as follows:

Commencing at the Brown County Surveyor's Traverse Point ID Number 40Q20: thence N60° 29' 12"E, 1589.97 feet to Brown County Surveyor's Traverse Point ID Number 40021.1; thence N59° 41'47"W, 1867 .36 feet to a point on the Westerly right of way of Winford Ave being 94.4 feet South of the North line of the Laventure Claim, and being the point of beginning; thence S26°29'53"W, 606.44 feet along said Westerly right of way; thence S45°35'30"W, 6.22 feet along said right of way to point #1294 of the recorded Transportation Project Plat Number 1450-04-4.15(Volume I. Transportation Project Plats, page 90, Document Number 2447897, Brown County Records); thence S26°28'52"W. 43.71 feet along said right of way to point 1315, said Transportation Project Plat; thence 4 7.48 feet along the arc of a 24.00 foot radius curve to the right whose long chord bears S83°09'34"W, 40.11 feet to point 1316, said Transportation Project Plat; thence N40°09'45"W, 195.45 feet along the Northerly right of way of United States Highway 141, also known as Velp Avenue to point 1317, said Transpiration Project Plat; thence N26°29' 53"E, 598.53 feet: thence S64°03 '4 7"E, 215 .00 feet to the point of beginning.

Parcel contains 138,399 sq. ft/ 3.18 acres more or less.

Parcel subject to easements and restrictions of record.

Tax Parcel No. 18-782-E

Said conditional-use permit shall be granted subject to the following conditions:

- a) Salvage operations are prohibited along the Velp Avenue frontage within an area encompassed by the Velp Avenue right-of-way/western property line on the south extending northeast 130' along the western property line and 200' along the Winford Avenue right-of-way/eastern property line;

- b) Area prohibited for salvage uses (referenced in condition 1) shall have pavement, curb-cuts, and other improvements removed and the area returned to vegetative ground cover;
- c) Unused curb-cuts along Winford Avenue shall be removed and replaced with appropriate curbing as regulated by the Department of Public Works; and
- d) Inclusion of a landscaped buffer/vegetative screen along the south side of the fence that is a minimum of six feet in height and not less than 90 percent opaque on a year-round basis.
- e) No drop-off/pick-up or other business operations are permitted after 7:00 p.m. on Monday through Friday or after 1:00 p.m. on Saturdays.
- f) Area prohibited for salvage uses (referenced in condition 1) be brought forward for a zone change request from the General Industrial District designation to a Commercial District designation

Adopted _____

Approved _____

Mayor

Clerk

db

Attachment – Map



Report to the Green Bay Plan Commission

MEETING DATE

October 6, 2020

PREPARED BY

Madison Smith

AGENDA ITEM # N.2

To rezone 0 N. Huron Road from Rural Residential (RR) to Conservancy (CON). (Public Hearing held 09/28/20)

BACKGROUND

Primary Address: 0 N. Huron Road

Parcel Numbers: 21-385, 21-387

Reason for Request: To restore the north and south parcel to native habitat and preserve the parcels.

Aldersperson(s)/District(s): Ald. Barb Dorff / District 1
Ald. Veronica Corpus-Dax / District 2

Zoning and Land Uses:

Subject Property: Rural Residential (RR)

NORTH: Low Density Residential (RI)

SOUTH: Low Density Residential (RI); Rural Residential (RR) Rural residential; Public Property (PI)
Public/Institution

EAST: Rural Residential (RR)

WEST: Rural Residential (RR); Low Density Residential (RI)

Comprehensive Plan: The 2022 Smart Growth Plan designates this area for greenway/parkway. The proposed rezone is in compliance with the recommendations of the Comprehensive Plan.

Report: The subject area is located along 0 N. Huron Road that currently contains two parcels north and south of the railroad tracks, the balance is 7.05 and 7.42 acres respectively, for the two parcels subject to conservancy. The proposed rezoning would allow for the Conservancy District to be established for the two parcels and promote the preservation of open space and natural and scenic features. It may also be used to preserve watercourses, floodplains, wetlands and stormwater management facilities.

Approval of the request will allow for the preservation of the north and south parcels along 0 N. Huron Road. The City of Green Bay Community and Economic Development Department and Parks and Recreation Department are aware these two parcels were purchased in spring 2020. Baird Creek Preservation Foundation will be gifting the south parcel to the City and the north parcel will be restored to native habitat. This request is on the basis of conservancy tax purposes and preservation/restoration along Baird Creek.

Staff is recommending approval of the request to rezone the North and South Parcel of 0. N. Huron Road from Rural Residential (RR) to Conservancy (CON). Ald. Barb Dorff, Ald. Veronica Corpus-Dax and property owners within 400+ ft. have been notified of the request. Staff has received one inquiry requesting more information and in favor.

RECOMMENDATION

Staff is recommending approval of the request.

FISCAL IMPACT

ATTACHMENTS

1. ZP 20-24 City Action Form - PC Mtg
2. ZP 20-24 Map
3. ZO 13-20 - Rezone Baird Creek Huron Road

REQUEST FOR CITY ACTION - PLAN COMMISSION

(Submit two copies to the Planning Department, Room 608 or City Clerk's Office, Room 106, City Hall)

Date: 8/6/2020

Petitioner(s): Holly Baseman

Phone Number: 920-328-3505

Address: 1270 E Main St Ste #246

City: Green Bay

State: WI

Zip Code: 54302

Property Owner: Baird Creek Preservation Foundation

Phone Number: 920-328-3505

Parcel Numbers (required): 21-385, 21-387

Location of Property: West side of Huron Rd north and south parcels, split by the railroad tracks.

Attach maps and legal descriptions (required).

To: Honorable Mayor and Common Council, c/o City Clerk

I, the Baird Creek Preservation Foundation, respectfully request that the City of Green Bay take the following action:

Attach Zoning Petition Form with first three items.

☒ Rezone Property (\$300.00 Review Fee)

☐ Conditional Use and CUP Amendment, including Single Lot Duplexes (\$300.00 Review Fee)

☐ PUD and PUD Amendments (\$350.00 Review Fee)

☐ Approve Preliminary City/Extraterritorial Subdivision Plat (\$150.00 plus \$35.00 per Lot/Outlot Review Fee)

☐ Approve Preliminary City/Extraterritorial Certified Survey Map (\$150.00 Review Fee)

☐ Approve Final City/Extraterritorial Subdivision Plat (\$100.00 Review Fee)

☐ Grant a City/Extraterritorial Subdivision/CSM Variance (\$150.00 Review Fee)

☐ Grant a Postponement of Development Fees (\$100.00 Review Fee) [Review by I&S and/or Park Committees]

☐ Development District Map Amendment (\$200.00 Administration Fee)

☐ Official Map/Area Development Plan Amendment (\$200.00 Administration Fee)

☐ Plat of Right-of-Way (\$200.00 Administration Fee)

☐ Discontinue a Public Utility Easement (\$200.00 Administration Fee)

☐ Street Name Change (\$200.00 Administration Fee)

☐ Declare City Property "City Surplus" (\$200.00 Administration Fee)

☐ Vacate a Street/Alley/Pedestrian Way (\$200.00 Administration Fee)

☐ Other (\$200.00 Administration Fee):

Petitioner Signature(s):

Holly Baseman

Review Fee:

0

Receipt No.:

Zoning Petition No.:

Per Paul Neumeyer

Briefly describe action desired, noting the property affected and all other pertinent information.

Attach maps and legal descriptions (required).

The City of Green Bay, Parks and Recreation Department as well as the Zoning Department is aware that we purchased these two parcels in Spring 2020. We will be gifting the southern parcel to the City as soon as we can work through the process, the north parcel will be restored to native habitat before it can be gifted but we are asking all of it to be zoned conservancy for tax purposes.

Please contact the Planning Department in Room 608, City Hall, (920) 448-3400, if you have any questions.

Parcels 21-385 and 21-387

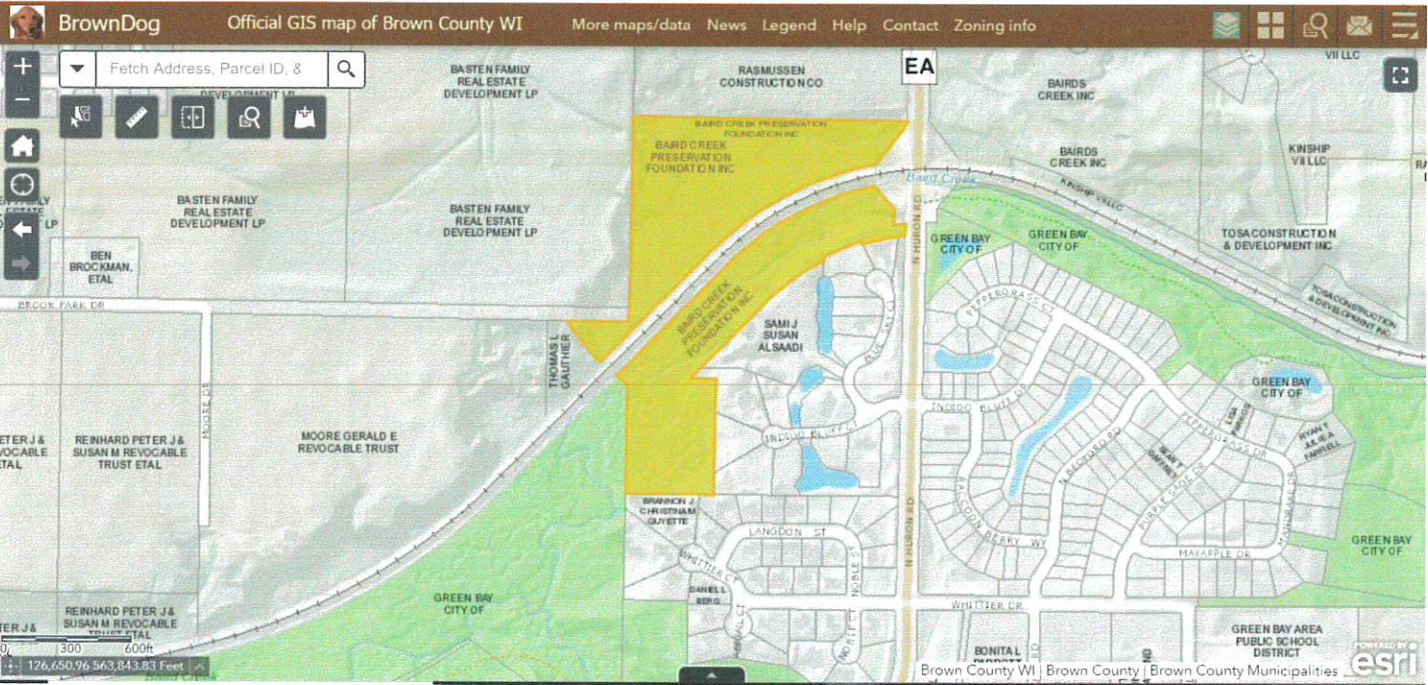
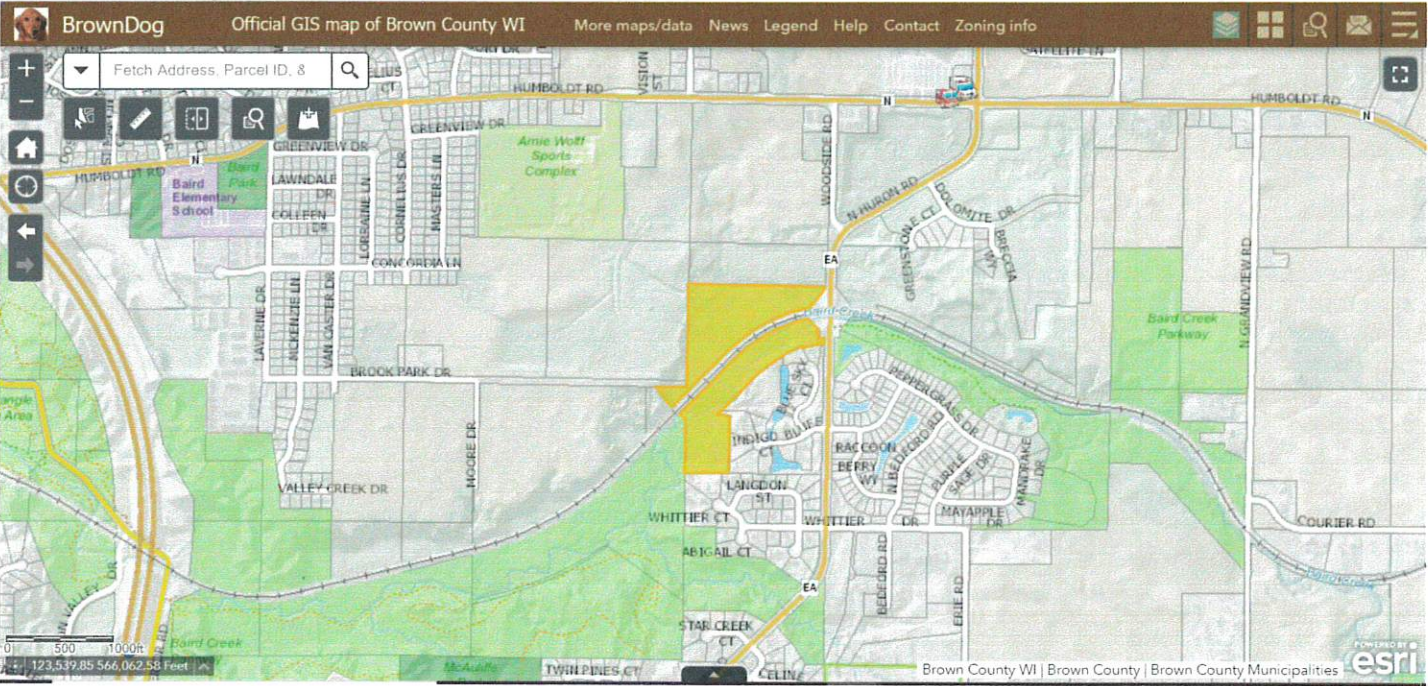


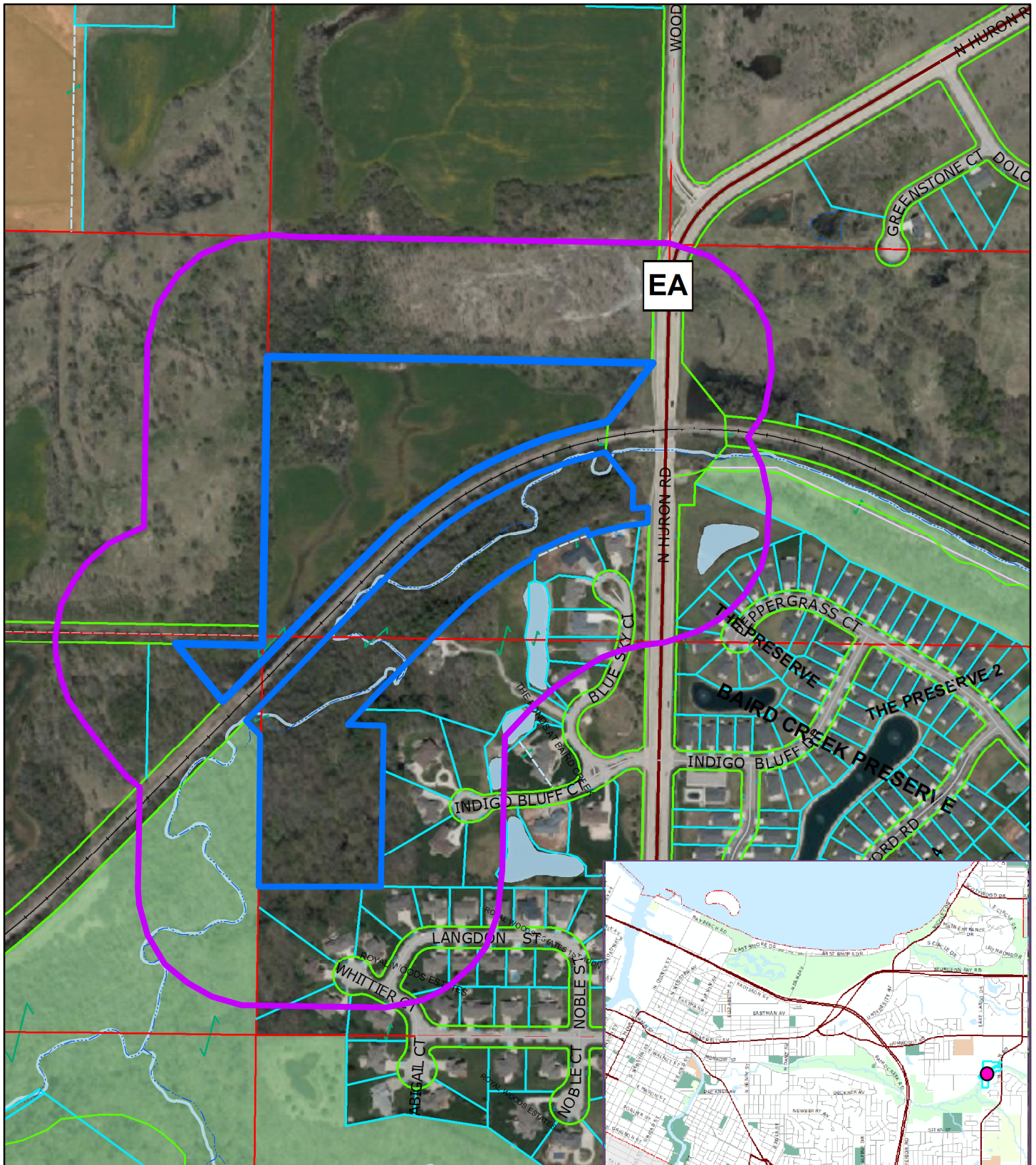
Exhibit A – Legal Description

Lot One and Outlot One of Certified Survey Map No. 9151, recorded as document no. 2893460, on March 4, 2020 in the Register of Deeds, Brown Co., Wisconsin.

Being more particularly described as follows:

Commencing at the East 1/4 Corner of Section 35, T24N-R21E; thence S1°25'09"W, 392.71 feet along the East line of the Southeast 1/4 of said Section; thence N88°54'14"W, 1376.99 feet to the West right of way of North Huron Road A.K.A. C.T.H. "EA" and the Point of Beginning; thence continuing N88°54'14"W, 1276.99 feet; thence S0°59'31"W, 962.79 feet along the West line of the Northwest 1/4 of the Southeast 1/4 of said Section to the south right of way of the unimproved Brook Park Drive; thence N89°03'57"W, 287.30 feet along said South right of way; thence S37°22'29"E, 186.33 feet; thence S47°44'29"E, 58.28 feet to a point on the West right of way of the Fox Valley & Western Railroad; thence S47°44'29"E, 100.09 feet to a point on the East right of way of the Fox Valley & Western Railroad; thence N44°41'56"E, 714.62 feet along said East right of way; thence 801.88 feet along the arc of a 1382.68 foot radius curve to the Right whose long chord bears N61°16'51"E, 790.69 feet along said East right of way; thence S41°06'59"E, 145.49 feet along the West right of way of North Huron Road A.K.A. C.T.H. "EA"; thence S5°14'30"W, 75.50 feet along said West right of way; thence N82°45'30"E, 55.93 feet along said West right of way; thence S1°12'15"W, 51.14 feet along said West right of way; thence 200.83 feet along the arc of a 1132.62 foot radius curve to the Left whose long chord bears S77°28'30"W, 200.56 feet being the North line of Lot 16 of the recorded plat of "The Ponds at Baird Creek" (Volume 22, Plats, Page 254, Document number 2207757, Brown County Records); thence N26°12'38"W, 20.00 feet; thence S66°55'02"W, 190.08 feet; thence S0°22'32"E, 20.00 feet; thence 349.01 feet along the arc of a 1132.62 foot radius curve to the Left whose long chord bears S53°29'35"W, 347.63 feet; thence S44°40'01"W, 484.16 feet along the West lines of Lot 10 and 6 of said plat; thence S88°47'43"E, 121.90 feet along a South line of Lot 6 of said plat; thence S1°12'18"W, 538.26 feet along the West lines of Lot 6, 5 and 4 of said plat; thence N89°29'39"W, 407.58 feet along the North line of Lots 16 and 14 of the recorded plat of "Royal Woods Estates" (Volume 22, Plats, Page 45, Document number 2013554, Brown County Records); thence N0°59'31"E, 502.30 feet along the West line of the Southwest 1/4 of the Southeast 1/4 of said Section; thence N47°44'29"W, 69.99 feet to a point on the East right of way of the Fox Valley & Western Railroad; thence N47°44'29"W, 100.09 feet to a point on the West right of way of the Fox Valley & Western Railroad; thence N44°41'56"E, 718.82 feet along said West right of way; thence 889.67 feet along the arc of a 1482.68 foot radius curve to the Right whose long chord bears N61°51'24"E, 876.38 feet along said West right of way; thence N37°14'55"E, 241.19 feet along the West right of way of North Huron Road A.K.A. C.T.H. "EA"; thence N1°11'46"E, 4.48 feet along said right of way to the Point of Beginning.

The property is subject to outstanding rights, restrictions and easements of record. It is also subject to any outstanding agricultural leases and hunting licenses and any future leases or licenses that are approved under the Management Plan for this property.



(ZP 20-24) Rezone Parcels N. Huron Rd. from Rural Residential (RR) to Conservancy (CON)

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Department of Community and Economic Development. MS

Parcel Numbers:
21-385, 21-387

0 125 250 500 Feet



- Subject Parcels
- Notification Area
400'

ZONING ORDINANCE NO. 13-20

**AN ORDINANCE TO REZONE PARCELS ALONG 0 NORTH HURON ROAD
FROM RURAL RESIDENTIAL (RR) TO CONSERVANCY (CON)
(ZP 20-24)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property along N. Huron Road from Rural Residential (RR) District to Conservancy (CON) District:

LOT 1 OF CSM 9159

All of Lot 1, Brown County Certified Survey Map Number 9159, (being part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 35, Township 24 North, Range 21 East), City of Green Bay, Brown County, Wisconsin.

Tax Parcel Number 21-385.

OUTLOT 1 OF CSM 9159

All of Outlot 1, Brown County Certified Survey Map Number 9159, (being part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 35, Township 24 North, Range 21 East), City of Green Bay, Brown County, Wisconsin.

Tax Parcel Number 21-387.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

ZONING ORDINANCE NO. 03-19

PAGE 2

Clerk

ms

Attachment – Map



Report to the Green Bay Plan Commission

MEETING DATE

October 6, 2020

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # N.3

To amend the boundaries Zoning Ordinance 9-03, Planned Unit Development (PUD) for the property located in the 200 Block of Highland Park Avenue, Tax Parcel 21-1229. (Public Hearing held 09/28/20)

BACKGROUND

Primary Address: 200 Block of Highland Park Avenue

Reason for Request: To allow dimensional modifications to accommodate the expanded plant operation on the subject site.

Aldersperson/District: Ald. Craig Stevens / District 5

Zoning and Land Uses:

Subject Property: Planned Unit Development (PUD) – Vacant

North: Varied Density Residential (R3) - Electric Sub-Station

South: Varied Density Residential (R3)/Office/Residential (OR) - Multi-family uses

East: Varied Density Residential (R3) - Single-family uses

West: Planned Unit Development (PUD) - Multi-family uses

Comprehensive Plan: The 2022 Smart Growth Plan designates this area for medium to high density housing. The proposed PUD amendment is in compliance with the recommendations of the Comprehensive Plan.

Report: In the early 2000s the petitioner, United Financial Group, Inc., developed several senior housing apartment unit communities for ages 55+ in the area known as Parkway Highlands. On those parcels, the City of Green Bay rezoned the Parkway Highland development as well as the subject lot to a Planned Unit Development (PUD). This zoning was used in part to the size and unique development that United Financial Group proposed at the time.

The applicant indicated the following in the need for boundary change to the PUD:

The vacant property east of Highland Park Avenue covered under the PURD initially approved in 2001, is now currently owned by an estate. The PURD properties with existing apartments on them have been purchased by another party. The vacant land east of Highland Park Avenue is being marketed for sale. The PURD was specific to Parkway Highlands and its copyrighted building designs. The underlying Varied Density Residential zoning would provide a new owner the opportunity to design its own site plan and building designs.

The PUD had very specific requirements to each site that was developed. Due to the potential sale of the property and the proprietary designs by Parkway Highlands, the site could not be built-out as previously approved in the PUD due to the comments from the applicant above. A new PUD would not necessarily need to be established as current underlying Varied Density Residential (R3) requirements are sufficient to address density and dimensional requirements to permit an appropriate multi-family development.

Staff is recommending approval of the request of the PUD boundary change. Ald. Craig Stevens and property owners within 400+ ft. have been notified of the request. Staff has received one inquiry regarding the requests of the drafting of this report.

RECOMMENDATION

Staff is recommending approval of the request.

FISCAL IMPACT

ATTACHMENTS

1. ZP 20-25 letter
2. image-26-09-20-11-16
3. image-26-09-20-11-16-1
4. IMG_2604

PETITION AGAINST INCREASED TRAFFIC AT THE
INTERSECTION OF
DEUCHERT STREET AND NORTH DANZ AVENUE

This petition is to collect neighborhood support against an ingress/egress access point thru Deuchert Street on North Danz Avenue to the proposed Planned Unit Development (PUD) in the 200 Block of Highland Park Avenue. The intersection of Deuchert Street and North Danz Avenue experiences a high volume of traffic with surges during peak hours due to Preble High School and Danz Elementary School schedules.

The increased amount of traffic the Planned Unit Development would generate would negatively affect petitioners living on Deuchert Street and the 200 Block of North Danz Avenue by making it increasingly difficult to exit their driveway especially during peak surge hours.

Name	Address	Phone Number	Email Address
------	---------	--------------	---------------

(Please use two lines if needed)

Yolanda Arellano S.		(920) 468-9207	
---------------------	--	----------------	--

	yola.arellano@icloud.com	226 N. Danz	
--	--------------------------	-------------	--

Cindy Schwalbe	232 N. Danz	920-469-1832	
----------------	-------------	--------------	--

	cindy.schwalbe@gmail.com		
--	--------------------------	--	--

Steven Schwalbe	232 N. DANZ	920-615-8448	sschwalbe@hotmail.com
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Tommy Lelene	241 N. Danz Ave	920-265-0766	tlene@gmail.com
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Mary Van Bockel	244 N. Danz Ave	391-0585	mary@vanbockel.com
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Larry J. Van Bockel	244 N. DANZ AVE	(920)-366-5978	"
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Please contact Cindy Schwalbe (920) 217-1992 with any questions or concerns.

PETITION AGAINST INCREASED TRAFFIC AT THE INTERSECTION OF DEUCHERT STREET AND NORTH DANZ AVENUE

This petition is to collect neighborhood support against an ingress/egress access point thru Deuchert Street on North Danz Avenue to the proposed Planned Unit Development (PUD) in the 200 Block of Highland Park Avenue. The intersection of Deuchert Street and North Danz Avenue experiences a high volume of traffic with surges during peak hours due to Probie High School and Danz Elementary School schedules.

The increased amount of traffic the Planned Unit Development would generate would negatively affect petitioners living on Deuchert Street and the 200 Block of North Danz Avenue by making it increasingly difficult to exit their driveway especially during peak surge hours.

Name

Address

Phone Number

Email Address

(Please use two lines if needed)

DENNIS PTAN 238 N. DANZ AVE GREEN BAY, WI (920-468-0379)

Please contact Cindy Schwalbe (920) 217-1992 with any questions or concerns.

hours due to Preble High School and Danz Elementary School schedules.

The increased amount of traffic the Planned Unit Development would generate negatively affect petitioners living on Deuchert Street and the 200 Block of North Avenue by making it increasingly difficult to exit their driveway especially during surge hours.

Name	Address	Phone Number	Email
------	---------	--------------	-------

(Please use two lines if needed)

Dan H. Ludwig	252 Danz	680-9843	
Danell R. Rumbush	252 DANZ	680 9	



Report to the Green Bay Plan Commission

MEETING DATE

October 6, 2020

PREPARED BY

Paul Neumeyer, Staff

AGENDA ITEM # N.4

To authorize a Conditional Use Permit (CUP) for the height of a detached accessory structure located at 1006 N. Buchanan Street, subject to: compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval. (Public Hearing held 09/28/20)

BACKGROUND

Primary Address: 1006 N. Buchanan Street

Aldperson/District: Ald. Mark Steuer / District 10

Reason for Request: To permit an existing constructed a detached garage that exceeds maximum height limitation.

Surrounding Zoning and Land Use:

Subject Property: RI – Low Density Residential zoning - Single-family dwelling.

North: RI-Low Density Residential - Single-family residences

South: RI-Low Density Residential - Single-family residences

East: RI-Low Density Residential - Single-family residences

West: RI-Low Density Residential - Single-family residences

Comprehensive Plan: The 2022 Smart Growth Plan designates this area for Low Density Housing.

Analysis: The applicant obtained a permit to construct a concrete slab on the subject property in June 2020. It was discovered by an inspection that both the concrete pad and a detached garage had been constructed on the subject property. In addition to not obtaining a permit for the construction of the garage, the garage exceeds the maximum height limitation of 16 ft. The constructed detached garage does meet other dimensional standards required in Chapter 13-600.

The height of a detached accessory use is measured from grade to the mid-point of the roof-line and not the overall height to the peak. The structure has a gable roof line running east/west. Images of the garage and the site plan layout are attached within this agenda packet. The existing principal dwelling is a single story home. The subject site is approximately 8,102 sq. ft. or 0.19 acres.

Regardless of the existing construction, staff would have supported the request to increase the height of the structure as it is in-keeping with the principal dwelling and the surrounding low density residential neighborhood. Ald. Mark Steuer, adjacent property owners and the Mather Heights Neighborhood Association were notified of the request. Staff received one inquiry as of the drafting of this report.

RECOMMENDATION

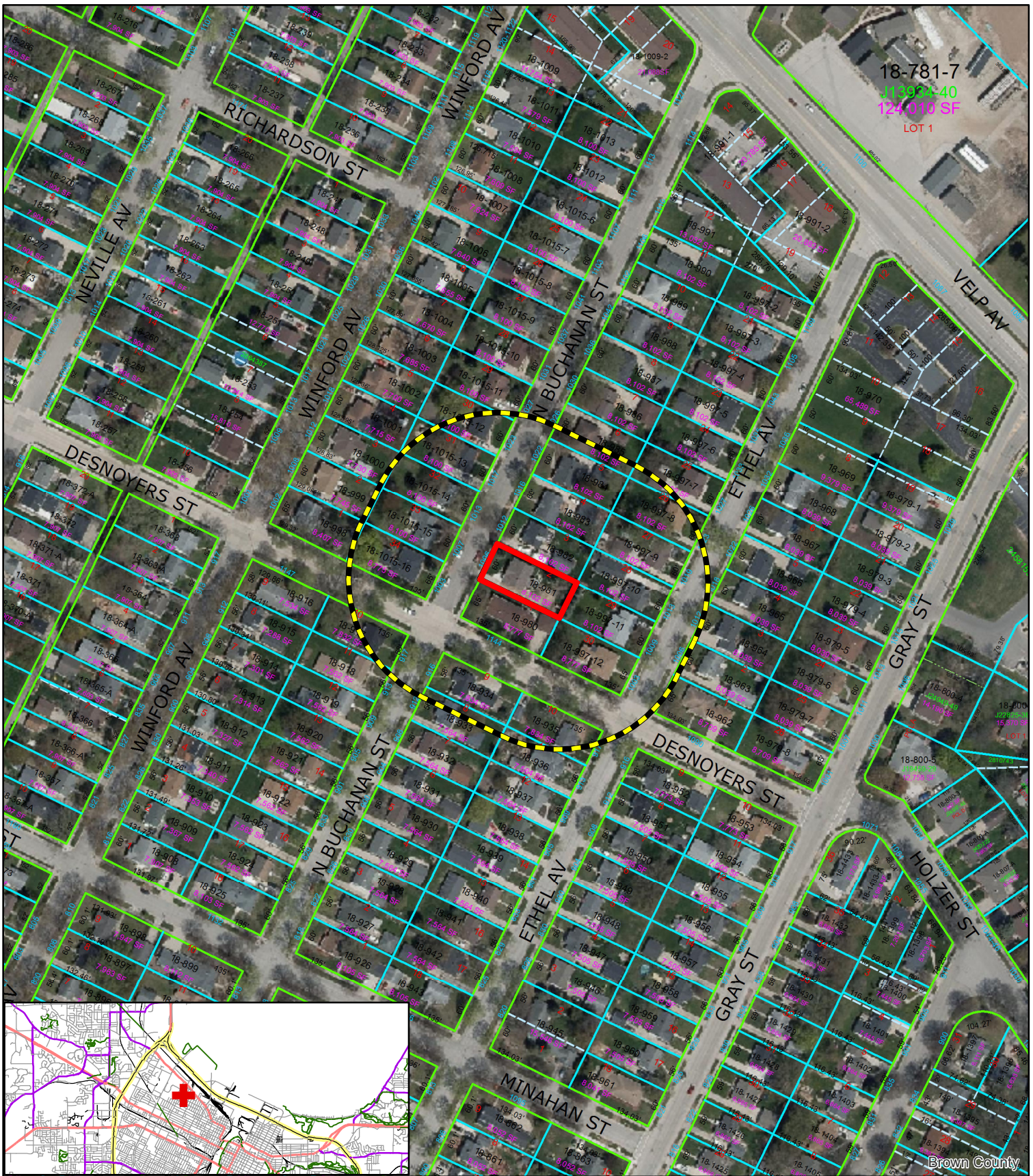
Staff is recommending approval of the request, subject to compliance with all of the regulations of the Green

Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval.

FISCAL IMPACT

ATTACHMENTS

1. ZP 20-26 letter
2. Site layout
3. Garage brochure
4. Framing



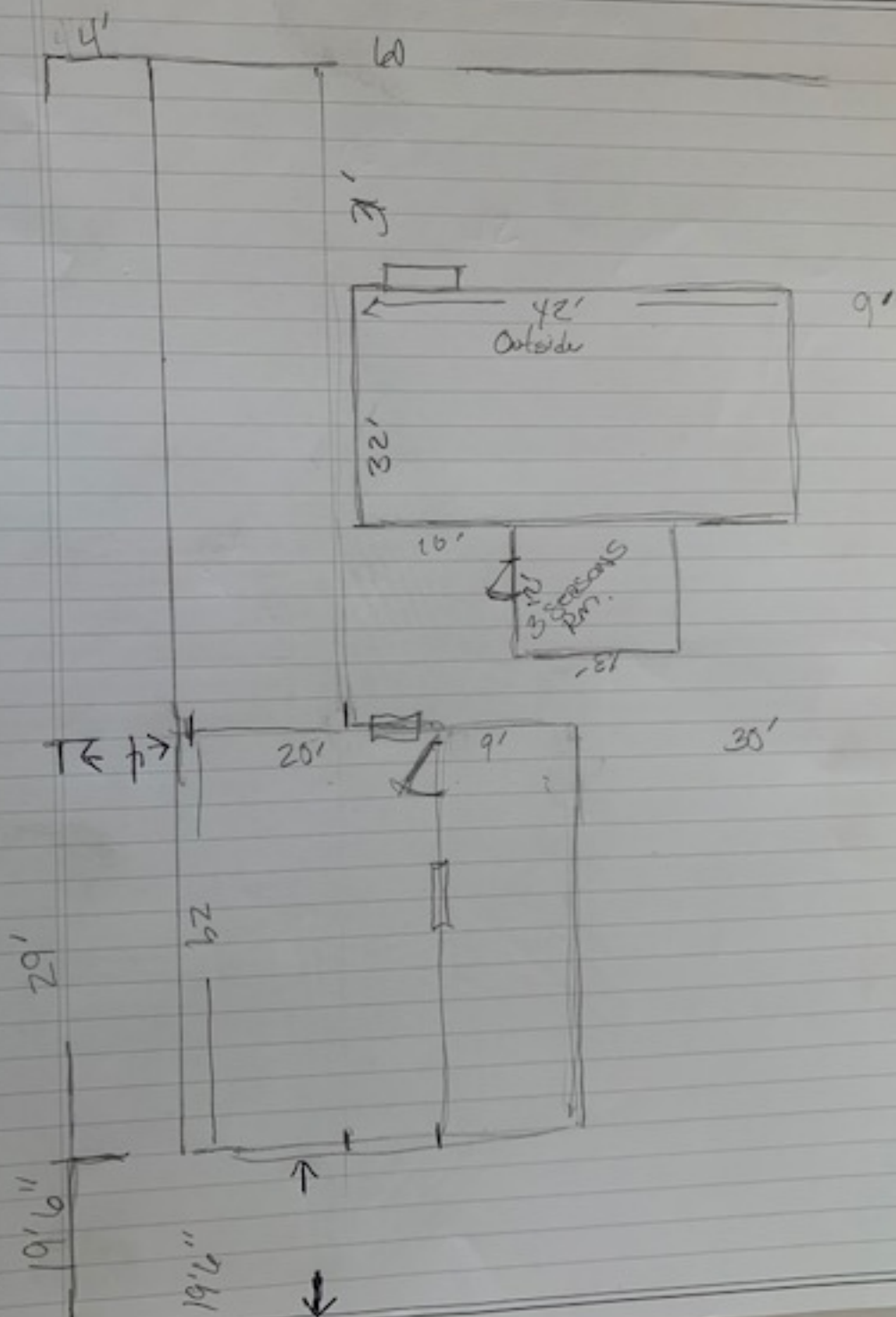
Zoning Petition (ZP 20-26)
Proposed Conditional Use Permit (CUP)
1006 N Buchanan Street

- Subject Area
- 200' Property Owner Notice

0 5,000 10,000
 Feet



This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.
 Map prepared by PN



WEXFORD

PROJECT PERMITS
APPLICATION

Department of Community
and Economic Development
186 N. Jefferson Street, Room 608
Green Bay, WI 54301-1019



Dimensions
29'-0" Wide
27'-0" Deep

Garage: 572 Sq. Ft.
1 Car Garage | Traditional Style

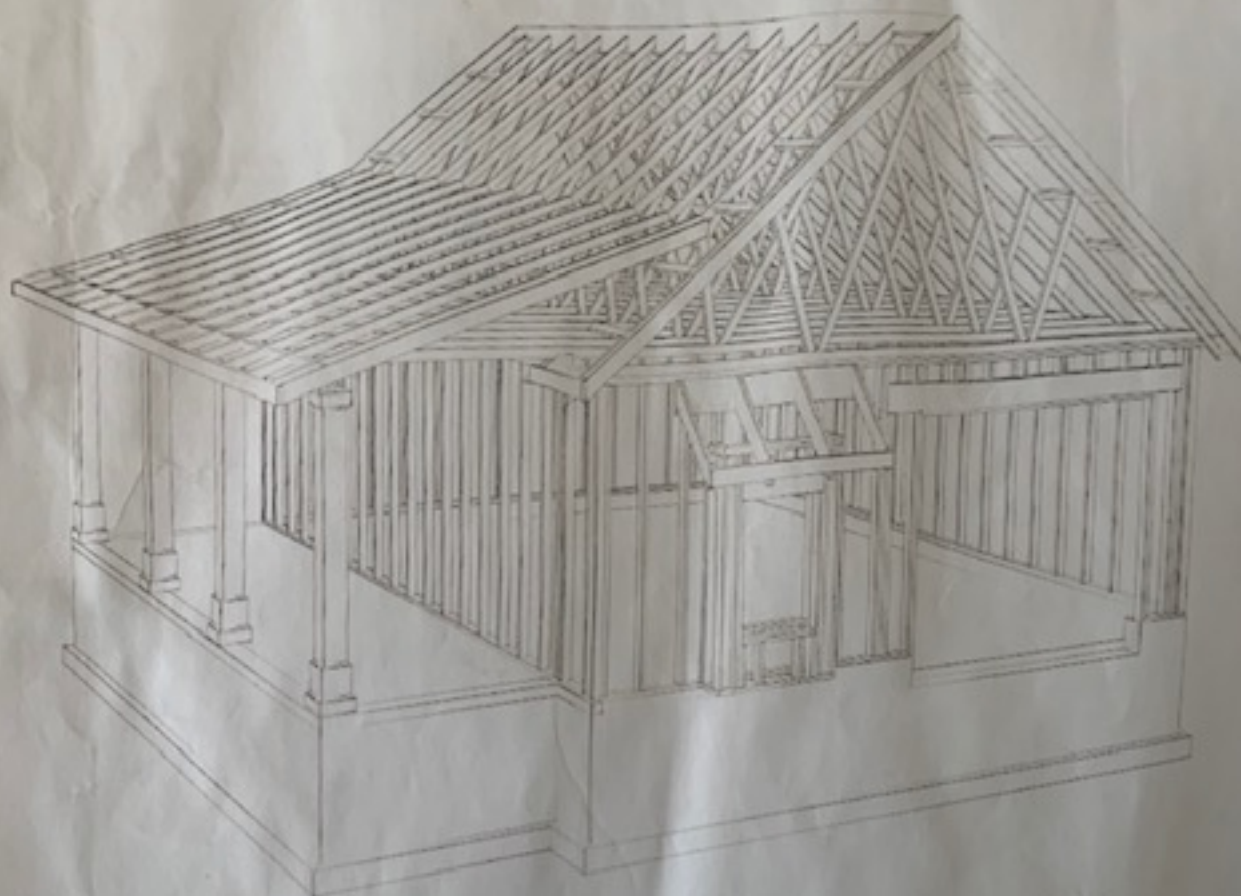
Plan 29229 | Price Code D

Nuckolls



MENARDS

To order this plan, visit www.menards.com or visit local Menards store



FRAMING DIAGRAM

NOT TO SCALE



Report to the Green Bay Plan Commission

MEETING DATE

October 6, 2020

PREPARED BY

Stephanie Hummel, Staff

AGENDA ITEM # N.5

To declare city property located at 946 Velp Avenue as City Surplus, subject to the following conditions:

1. The existing power pole shall remain in its current location as noted in the attached WPS Exhibit.
2. The owner of parcel 18-583 shall be offered the subject parcels for purchase prior to opening the sale to other interested parties.

BACKGROUND

Primary Address: 946 Velp Avenue (Parcels 18-583-A & 18-582)

Reason for Request: To declare City property as surplus property to join with Parcel 18-583

Aldersperson/District: Ald. Randy Scannell / District 7

Surrounding Parcels Zoning and Land Use:

Subject Property: C1, Commercial - Vacant & Residential Driveway

North: R1, Low-Density Residential - Two-Family Home

South: Right-of-Way - Velp Avenue

East: C1, Commercial - Retail

West: Right-of-Way - Lyndon Street

Comprehensive Plan: The 2022 Smart Growth Green Bay Comprehensive Plan recommends High Intensity Retail, Office, or Housing uses for the surrounding area.

Assessor's Valuation: Parcel 18-583-A: \$150.00

Parcel 18-582: \$1,800.00

Analysis: This application was submitted by the property owner of the parcel directly north of the subject parcel (Parcel 18-583). The proposal includes declaring the subject properties as surplus to then attach to Parcel 18-583, as an existing driveway for this parcel is on the subject parcels.

These parcels were acquired as part of the Velp Avenue reconstruction project. The City has no need for the subject parcels. As this Surplus Declaration was initiated by the adjacent property owner, Staff has added a condition that they be offered this parcel for purchase at market value prior to opening the sale to other parties.

Ald. Randy Scannell, adjacent property owners and reviewing agencies have been notified of this request. Utility conditions have been added to reflect review agency needs. No other comments or objections were received.

RECOMMENDATION

Staff is recommending approval of the request subject to the following condition:

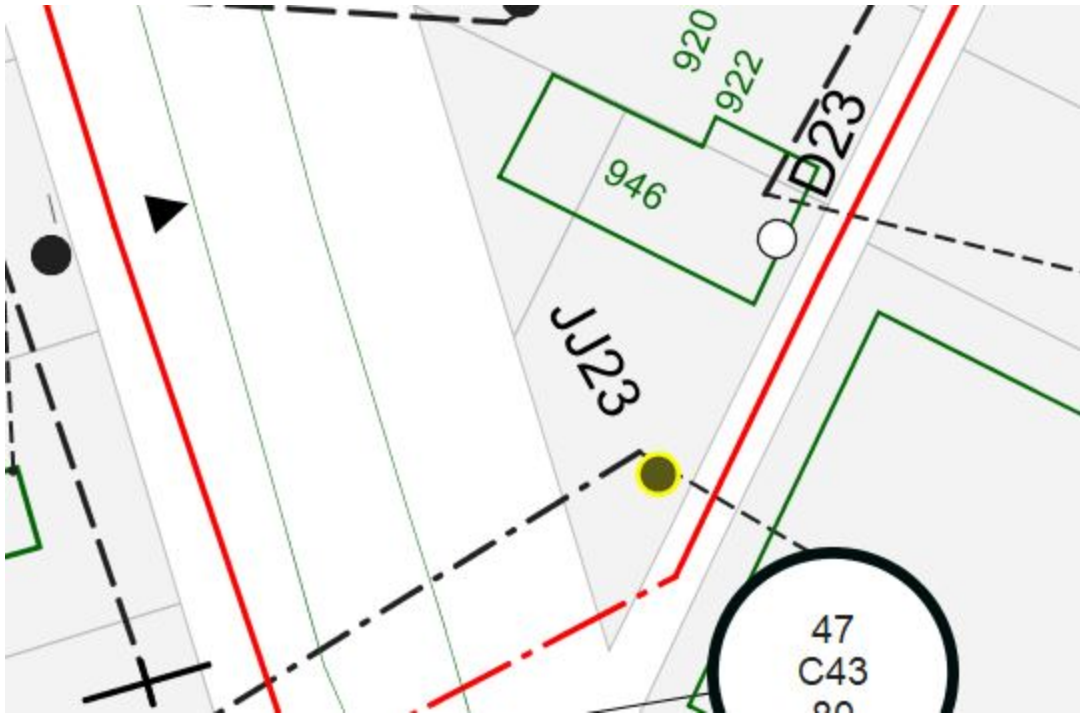
1. The existing power pole shall remain in its current location as noted in the attached WPS Exhibit.

FISCAL IMPACT

ATTACHMENTS

1. SP 20-01 Map
2. SP 20-01 Street View
3. SP 20-01, WPS Exhibit
4. DESCRIPTION OF SURPLUS PROPERTY AT 946 VELP AVENUE





DESCRIPTION OF SURPLUS PROPERTY AT 946 VELP AVENUE (SP-20-01)

Lot 1, and Lot A, E. A. Neufeld's Plat No.1, as recorded in Volume 3 of Plats, Page 89, as Document Number 25971, City of Green Bay, Brown County, Wisconsin.

Excepting Parcel 58 of Transportation Project Plat 1450-04-21-4.05, recorded as Document Number 2447887, in Brown County, Wisconsin.

The above described tax parcel numbers 18-582 and 18-583-A to become part of, and attached to, tax parcel number 18-583.



Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # O.I

To refer to staff to install a security camera at Colburn Pool.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # O.2

To refer to staff to work with the Police Department, Green Bay School District & Neighborhood Associations to collaborate on potential solutions for opening/closing all park restrooms on a daily basis.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # O.3

To refer to staff to develop cost estimates for the necessary floodway studies to reopen the East River trails within the City limits on both sides of the East River and reach out to surrounding communities to collaborate on grant/funding opportunities.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # O.4

To refer to staff for further study of Green Bay Metro Boat Launch to see if there are potential renovations/upgrades to enhance efficiencies of the facility.

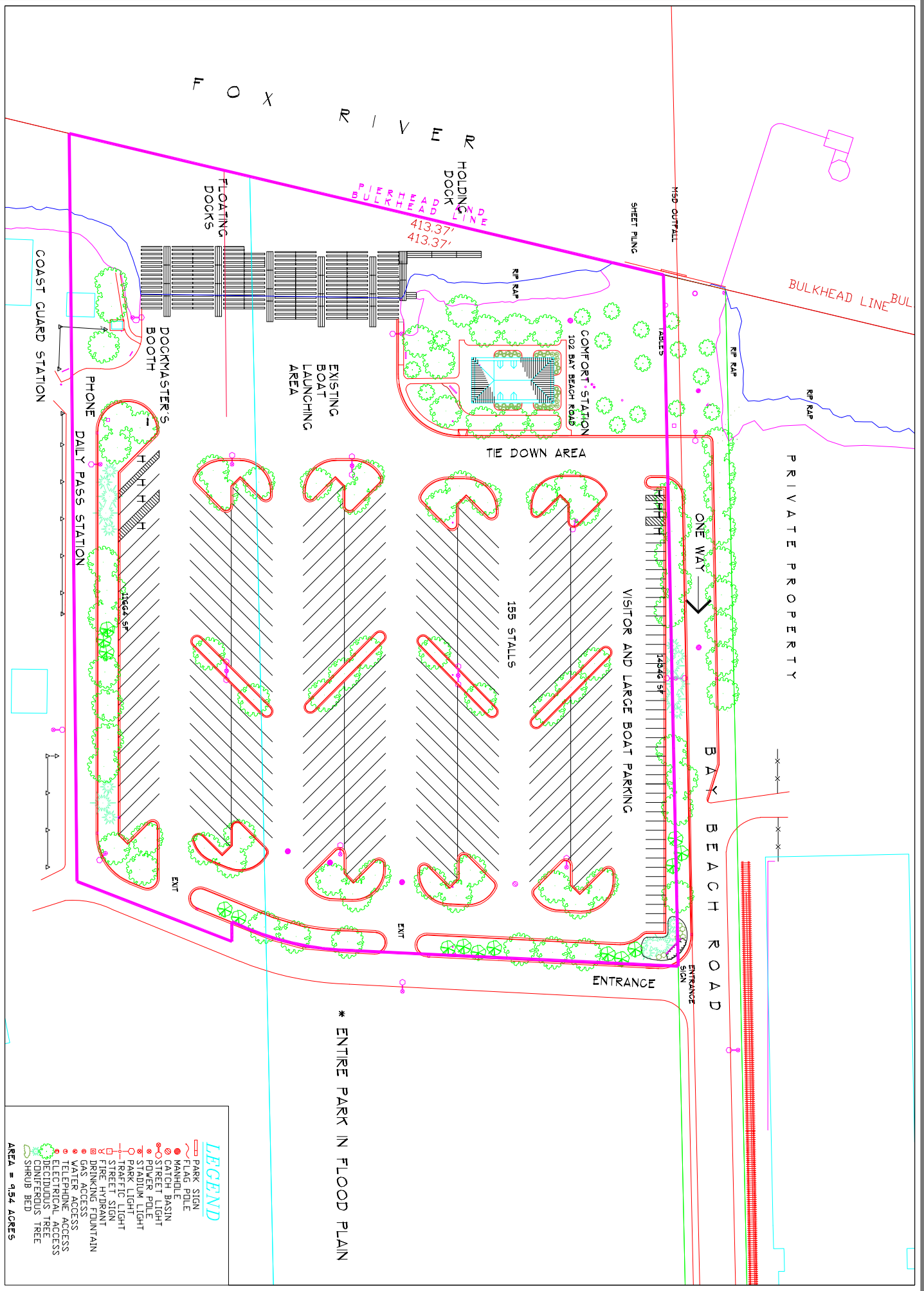
BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. GBMetroBoatLaunch



* ENTIRE PARK IN FLOOD PLAIN

LEGEND

- PARK SIGN
- FLAG POLE
- MANHOLE
- CHURN BASIN
- SHED LIGHT
- POWER POLE
- STADIUM LIGHT
- PARK LIGHT
- STREET SIGN
- FIRE HYDRANT
- DRINKING FOUNTAIN
- GAS ACCESS
- WATER ACCESS
- TRUNK ACCESS
- ELECTRIC ACCESS
- DECIDUOUS TREE
- CONIFEROUS TREE
- SHRUB BED

AREA = 95.4 ACRES



Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # O.5

To approve the request by the Baird Creek Preservation Foundation to begin fundraising to install art at various trailhead locations within the Baird Creek Greenway.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Art City Sheet



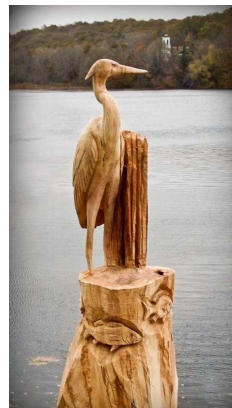
Trailhead Art

Artwork in the Baird Creek Greenway **\$72,000**

The Baird Creek Preservation Foundation is in the process of redesigning and installing new trail signage for the Baird Creek Greenway. The signage will include kiosks, trailheads, and arrow markers along each trail for safety, user-ability, and to tie the Greenway together.

In addition to trail signage, BCPF proposes the commissioning of 8 artists to create wood or metal art for the start of each of the eight trails. The artwork would be an additional draw to the Baird Creek Greenway and could be used for photos, resting spots, play areas or just for viewing exceptional pieces of artwork! The art would create awareness of the new trail names and highlight the work of the Foundation in the Greenway. The artwork would need to be designed with potential vandalism and longevity in mind.

Some examples of both wood and metal artwork:





Sculptures will reflect Baird Creek Greenway trail names...these are only examples in types of considered materials.





Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # O.6

To approve authorizing staff to apply for grants to support the Lower Green Bay & Fox River AOC Biota Committee on several potential wildlife restoration projects located within the City of Green Bay and to approve the City becoming project partners on the projects presented.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. City of Green Bay Presentation

- 43 “Areas of Concern” (AOC) throughout Great Lakes with 31 in the U.S.
- AOC is a location with severe environmental degradation and contamination as compared to other areas of the Great Lakes
- There are 5 AOCs in Wisconsin



Why is the Lower Green Bay & Fox River an Area of Concern?

Significant impairment of social, economic, and ecological beneficial uses relative to other urban areas in the Great Lakes due to:

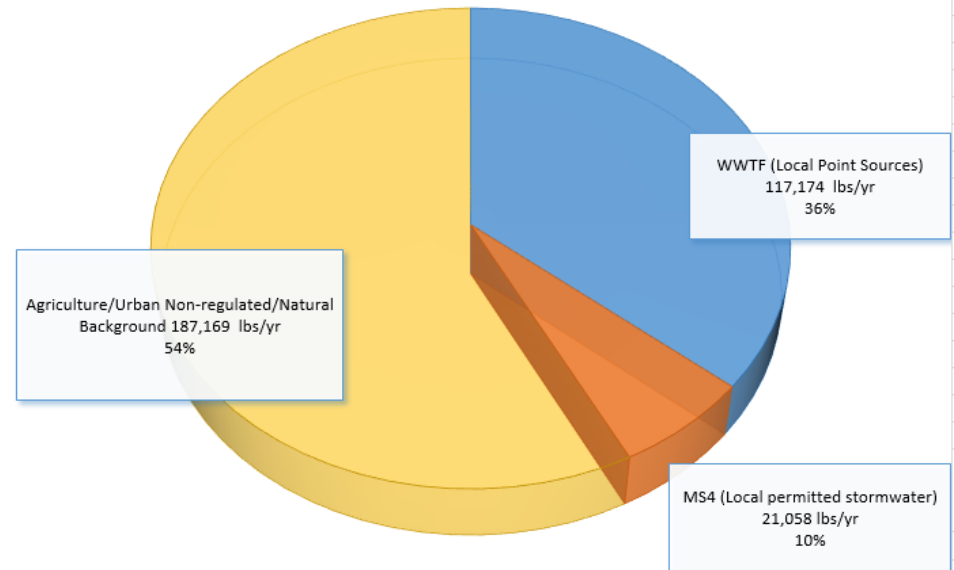
- Poor water quality
- Contaminated sediments
- Loss of Fish and wildlife habitat



Improving Water Quality: A Work in Progress



TMDL REDUCTION TARGETS



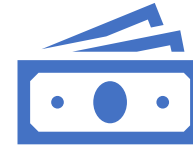
Fox River Cleanup Project: Completed in 2020



Photo credit: J.F. Brennan Inc.



8,200,000 cubic yards
of contaminated
sediment removed
from the river from
2009-2020.



Paid for by
Responsible Parties



Over 140 workers on
site daily for over 10
years, bringing in new
talent and enhancing
local economy

Improving Fish and Wildlife: Planning and Design Stage



1. Point du Sable Nature Preserve
2. Joliet Park
3. UW-Green Bay Arboretum
4. Bay Beach Wildlife Sanctuary
5. Renard Island
6. Heritage Hill State Park
7. De Pere Dam
8. Ashwaubenon Creek
9. Dutchman Creek
10. Southwest Shoreline and Tank Farm Marsh
11. Ken Euers Nature Area
12. Duck Creek Delta
13. Weitor Wharf
14. DNR West Shores
15. Fort Howard and Peters Marsh
16. Cat Island Restoration Chain
17. Dead Horse Bay
18. Longtail Point

Tank Farm Marsh



1938



1960



1978



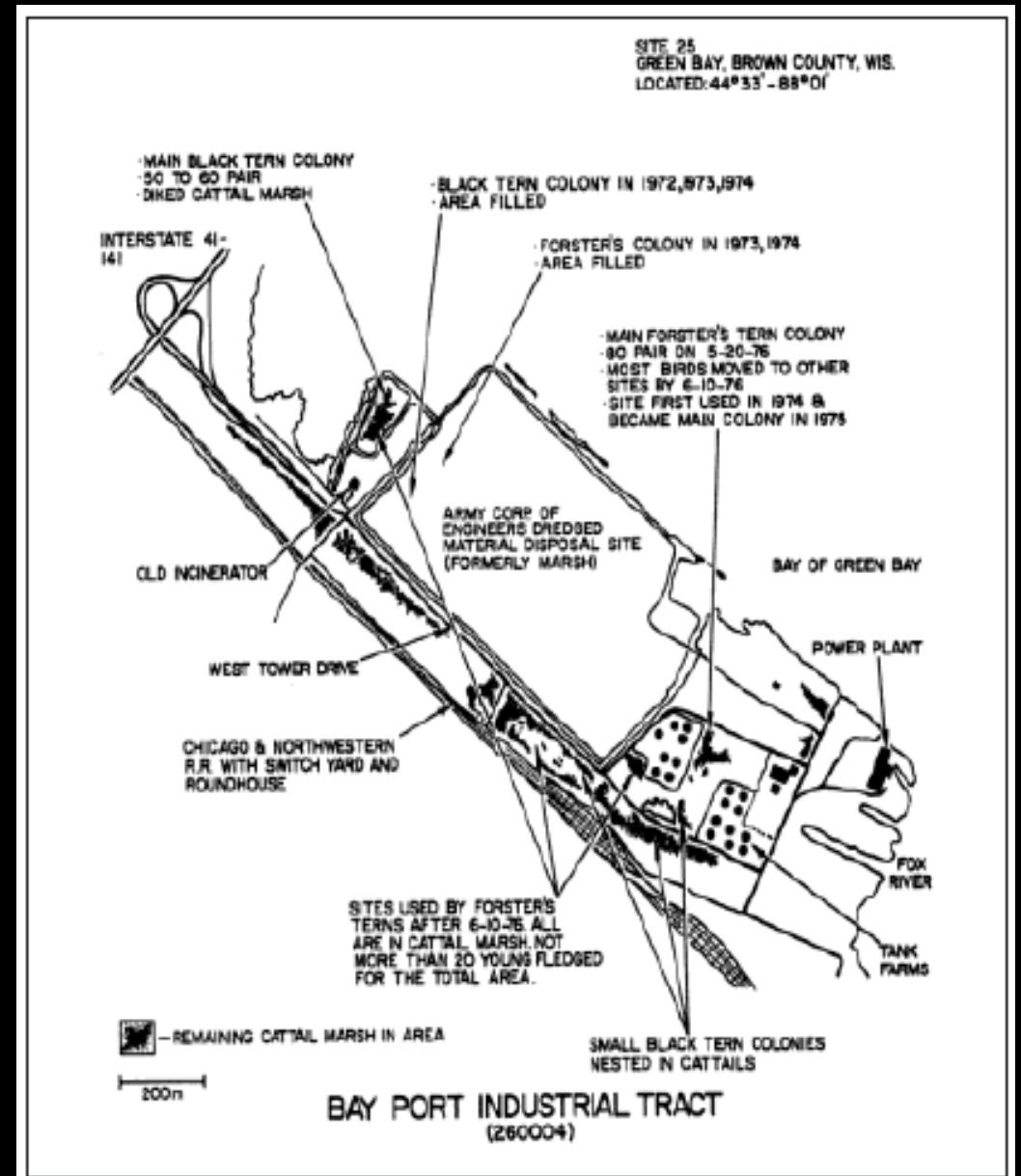
1990



2010



2017





Tank Farm Marsh

Tank Farm Marsh

- Better water level management
- Improving wetland habitat (removing invasive species and adding native species)
- Encouraging rookery habitat establishment
- Floating nest platforms
- Woody debris placement for basking turtles, frogs, fish



Dutchman Creek

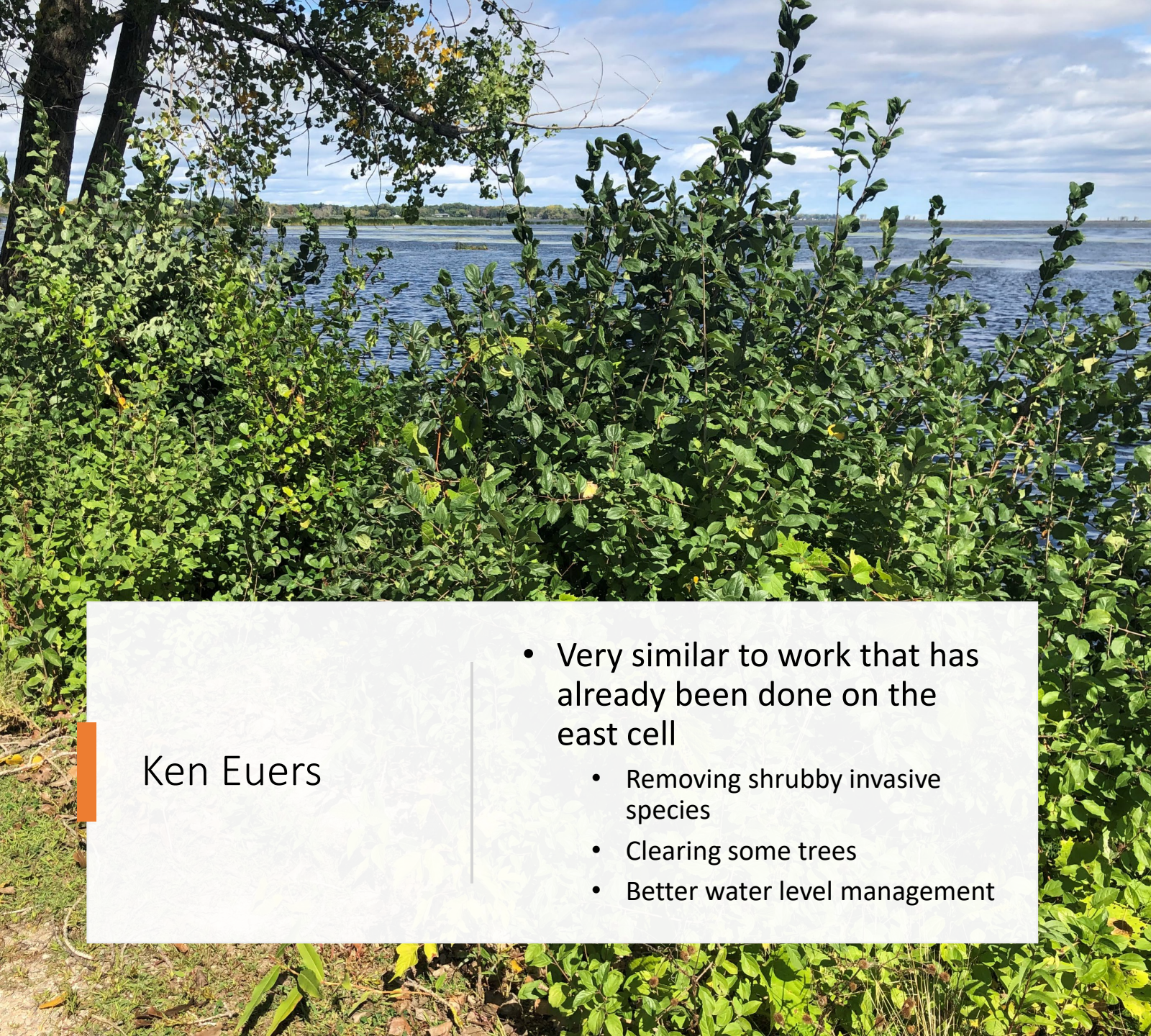
- Promoting habitat for sunfish, yellow perch, catfish and native mussels
 - Rock/gravel substrates in Dutchman Creek
 - Woody habitat and aquatic vegetation plantings along Fox River shoreline
 - Woody habitat installed along shoreline of Dutchman Creek to direct water and reduce stagnation
- Improving shoreline and land-based habitat
 - Stabilizing banks (as needed)
 - Potential prairie/meadow/rain garden plantings (where appropriate)



Bay Beach Wildlife Sanctuary

- Removing invasive species and installing native plants in forested areas and inland wetlands
- Planting prairie species in grassy/old field areas
- Naturalizing shoreline of the lagoon area
- Meadow/Prairie/Rain Garden plantings where appropriate
- “This is a really big attraction for the area. Interest spans age groups and demographics, probably reaching more than many projects.”





Ken Euers

- Very similar to work that has already been done on the east cell
 - Removing shrubby invasive species
 - Clearing some trees
 - Better water level management





Joliet Park

- Installing rock piles for additional walleye and smallmouth bass spawning/rearing habitat
- Improving existing walleye spawning reef
- Improvements to riparian vegetation along shoreline

Great Lakes Restoration Initiative Funding

- WDNR works with EPA to obtain noncompetitive funding to plan, design, and implement various environmental projects
- Submitting proposals in December for a subset of the 18 potential projects throughout the Area of Concern
 - Tank Farm, Dutchman Creek are highest priority for 2021
- Also soliciting contributions from other funding sources (Natural Resource Damage Assessment, Great Lakes Fishery Trust, etc.)
- WDNR often passes through these funds to local unit of government landowners to administer the project

Economic Benefits in Marinette

- Menekaune Harbor
 - Removed excess/contaminated sediment
 - Incorporated lots of fish and wildlife habitat
 - Now a major destination
 - \$1,000,000 in tourism revenue after National Walleye Championship Tour
- Cleaner river and harbor for growing industry/commerce



A truly impaired water body...



Coming soon to Marinette

Cabela's
NWT
NATIONAL WALLEYE TOUR

Championship

AUGUST 16-18, 2017
www.nationalwalleyetour.com

One of the biggest events in Marinette County

Hotels will be full...
Restaurants will be full...
Tourist attractions in high demand!



Economic Growth in Sheboygan

South Pier and the Sheboygan River: Then and Now



20 Years Ago
Coal depot

Today
Boardwalk, business class resort,
condos and shops.

In Sheboygan, WI, Great Lakes Restoration Initiative-funded improvements including toxic sediment removal and habitat restoration have been an influencing factor in numerous economic benefits including:

- **Development:** New housing developments have proliferated along Sheboygan's waterfront, representing an investment of \$37 million.
- **Tourism:** Sheboygan County has seen a 32 percent increase in visitor spending since 2010 and the city's Harbor Centre Marina has seen a 41 percent increase in transient boater revenue since 2014.
- **Recreation:** Numerous forms of water-based recreation have seen renewed interest, as the number of charter captains identifying Sheboygan as their home port increased from 36 to 41 between 2010 and 2016.



Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # O.7

To approve the City to enter into a trail easement with the Brogan Family Trust for the relocation of the Fox River Trail on parcel 15-168-B on the 700 block of South Adams Street.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Fox River Trail at Cass Street-revised092320

EASEMENT FOR RECREATIONAL TRAIL PURPOSES

It having been deemed necessary for the Improvement, maintenance or protection of public or private property to occupy or use lands owned by John Brogan Family Trust and Shannon M. Brogan and John J. Brogan Grantors in the City of Green Bay, Brown County, Wisconsin.

KNOWN ALL BY THESE PRESENTS that the owner(s) herein for and in consideration of the sum of Ten and no/100 dollars (\$10.00) in hand paid, the receipt of which is hereby acknowledged, do hereby bargain, sell, convey, transfer and deliver unto the City of Green Bay, a Wisconsin Municipal Corporation, Grantee:

Return this document to:
Green Bay – Clerk
100 N Jefferson Street
Green Bay, WI 54303
Part of Parcel Number 15-168-B

A Permanent Easement and right-of-way including the perpetual right to enter upon the real estate described in Exhibit A at any time that it may seem fit and construct, maintain and repair a Recreational Trail including paving, sloping and grading the lands, also lighting with underground conduit to supply electrical power and necessary appurtenances (i.e. pull boxes, poles, etc.), also the placing of rip rap or other shoreline protection along the bank of the Fox River as may be deemed necessary by the Grantee, also any plantings and landscaping for the purposes of a public recreational trail over, across, through and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of said conduits, and the further right to remove existing trees, bushes, undergrowth, and other obstructions interfering with the location, construction and maintenance of said Recreational Trail necessary appurtenances, over the following described in Exhibit A.

It is expressly understood and agreed that during the construction of said Recreational Trail and necessary appurtenances materials and excavation may be placed beyond the limits of the lands described in Exhibit A, which materials and soil shall be removed immediately upon completion of construction and ground restored to original condition. After the construction of said recreational trail and necessary appurtenances, grantor and his successors shall have and retain all rights to the use and occupation of said real estate, provided that no structure shall be erected over the lands described in Exhibit A.

For the purpose of the construction, maintenance and repair of said Recreational Trail and necessary appurtenances, the said Grantee shall have the right to enter, pass over and use said premises and the lands adjacent thereto for the transportation, laying down, and storage of materials, tools and equipment, the depositing and removal of excavated materials, and for other purposes incidental to the work, but shall do so with the least inconvenience practicable to the grantor(s), and provided that in the event that damage is caused to said real estate or to the lands

adjacent thereto, including building erected thereon, by reason of the Grantee entering thereon for the purpose of the maintenance and/or repair of said recreational trail and necessary appurtenances, said Grantee shall reasonably compensate said grantor or successors therefor.

It is further agreed that should the Grantor desire to improve their property over the easement area described herein, the Grantor shall be responsible for all costs to relocate the Recreational Trail to an alternative location on their property and this Easement shall be Amended to reflect the alternative location.

This agreement is binding upon the heirs, successors and assigns of the parties hereto.

SIGNATURE PAGES TO FOLLOW:

Signed and sealed this _____ day of _____, 20____.

FIDUCIARY PARTNERS TRUST COMPANY,
TRUSTEE OF THE JOHN BROGAN TRUST

X
Mary T. Lokensgard, Vice President

STATE OF _____)
) SS.
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____, the above named Mary T. Lokensgard, Vice President, Fiduciary Partners Trust Company, Trustee of the John Brogan Trust to me known to be the person who executed the forgoing instrument and acknowledge the same.

X

Print or type name of Notary Public above

Notary Public, _____, _____
County State

My Commission Expires: _____

Signed and sealed this _____ day of _____, 20____.

JOHN J. BROGAN

X

John J. Brogan

STATE OF _____)
_____) SS.
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____, the above named
John J. Brogan to me known to be the person who executed the forgoing instrument and
acknowledge the same.

X

Print or type name of Notary Public above

Notary Public, _____, _____
County State

My Commission Expires: _____

Signed and sealed this _____ day of _____, 20____.

SHANNON M. BROGAN

X
Shannon M. Brogan

STATE OF _____))
) SS.
COUNTY OF _____)

Personally came before me this _____ day of _____, 20____, the above named Shannon M. Brogan to me known to be the person who executed the forgoing instrument and acknowledge the same.

X

Print or type name of Notary Public above

Notary Public, _____, _____
County State

My Commission Expires:_____

This instrument drafted by: Thomas H. Giese – Right-of-Way Specialist
Project: Fox River Trail at Cass Street

EXHIBIT A

DESCRIPTION OF FOX RIVER GREENWAY – EAST BANK - TRAIL EASEMENT

That part of Lots One (1) and Two (2), Block Seven (7), Plat of Astor, being part of Brown County Document Number 2344706, all located in City of Green Bay, Brown County, Wisconsin described as follows:

Commencing at the northwest corner of Lot Sixteen (16), Block Eighteen (18), said Plat of Astor;

thence N63°-42'-15"W, 134.95 feet, along the north line of said Lot 1, Block 7, Plat of Astor and the extension thereof, to the northeast corner of said Brown County Document Number 2344706, and the point of beginning;

thence continuing N63°-42'-15"W, 120.00 feet, along the north line of said Lot 1, Block 7, Plat of Astor;

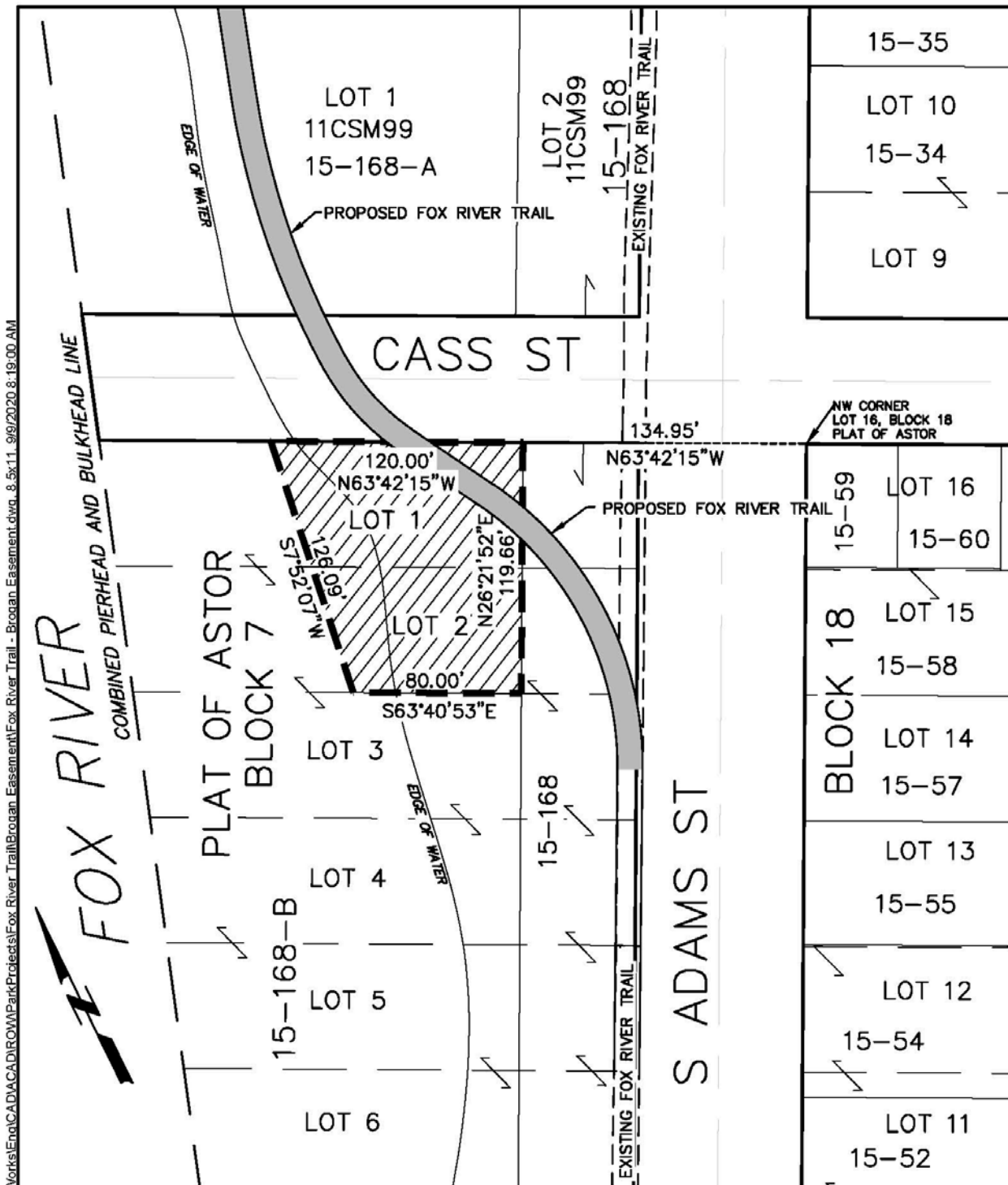
thence S07°-52'-07"W, 126.09 feet, to the south line of said Lot 2, Block 7, Plat of Astor;

thence S63°-40'-53"E, 80.00 feet, along the south line of said Lot 2, Block 7, Plat of Astor, to the east line of said Brown County Document Number 2344706;

thence N26°-21'-52"E, 119.66 feet, along said east line of said Brown County Document Number 2344706, to the point of beginning.

Part of tax parcel number 15-168-B.

EXHIBIT A CONTINUED



I:\Data\PublicWorks\EndCAD\BROGAN\Projects\Fox River Trail\Brogan Easement\Fox River Trail - Brogan Easement.dwg, 8.5x11, 9/9/2020 8:19:00 AM

DISCLAIMER

This Computer Aided Drafting and Design (CADD) drawing is a compilation of records and data located in various Public and Private offices. Bearings and distances on this map are based on Brown County basemap. A field survey has not been completed. Brown County and/or City of Green Bay are not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.

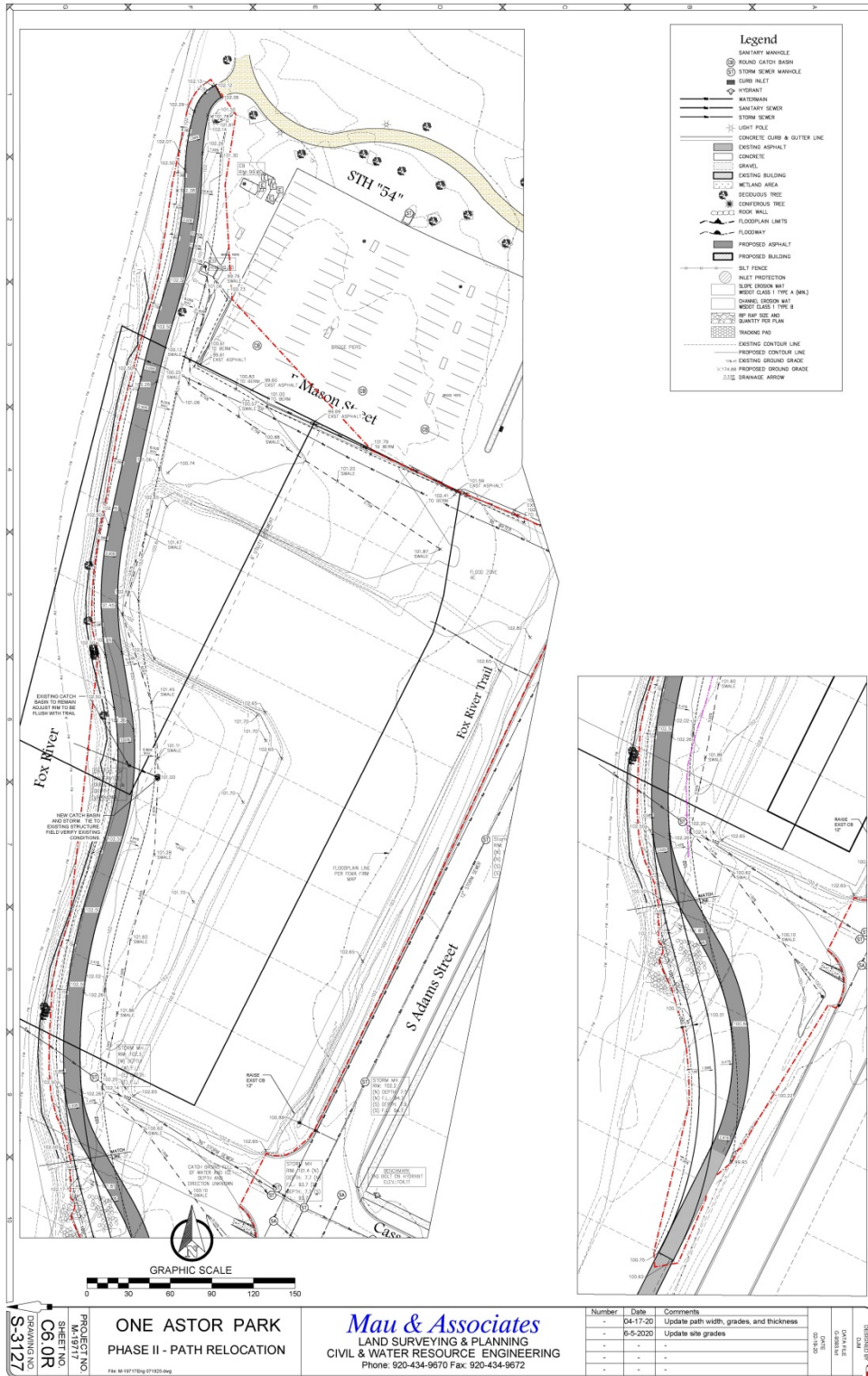
0 30' 60' 120'

CITY OF GREEN BAY, WISCONSIN
DEPT. OF PUBLIC WORKS- ENGINEERING DIVISION

FOX RIVER TRAIL - EAST BANK
BROGAN EASEMENT



EXHIBIT A CONTINUED





Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # O.8

To approve a \$17,940 contract amendment with Berners Shoeber for the City Hall mechanical replacement preliminary engineering.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # O.9

To approve amending General Ordinance No; 36-20, Sections 25.04(I) and (II), of the Green Bay Municipal Code Relating to Park Hours, modifying the daily park hours from 6:00 AM-10:30 PM to 6:00 AM-10:00 PM.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DRAFT GO 36-20 - Amend 25

GENERAL ORDINANCE NO. 36-20

**AN ORDINANCE
AMENDING SECTIONS 25.04(1) AND (11),
GREEN BAY MUNICIPAL CODE,
RELATING TO PARK HOURS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 25.04(1), Green Bay Municipal Code, is hereby amended to read:

(1) **TRAFFIC.** No automobile or other vehicle shall be driven within any park, except upon drives provided for that purpose, or at greater speeds than those posted; nor shall any person park an automobile or other vehicle in the parks, except in places designated therefor, unless ordered to do so by an officer on duty in the park. Except during ~~department-~~ **City-sponsored or -approved** events, no person shall park any vehicle anywhere in any City park between ~~10:30~~ **10:00** P.M. and ~~6:30~~ **6:00** A.M.

SECTION 2. Section 25.04(11), Green Bay Municipal Code, is hereby amended to read:

(11) **PARKS CLOSED AT NIGHT.** No person shall loiter, idle, or remain in a City park between the hours of ~~10:30~~ **10:00** P.M. and 6:00 A.M., unless he or she is attending a ~~Park Department~~ **City-sponsored or -approved** activity.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

10/6/2020



Report to the
Personnel Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # P.I

To approve the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.

- a. Operator I (Night Sweeper) - Public Works

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Request to Fill Memo 09.29.2020
2. Operator I-Sweeper - Joe Luedeman 09.14

MEMORANDUM



Human Resources Department

To: Personnel Committee
Joe Faulds, Human Resources Director

From: Sarah Fidler
Human Resources Generalist

Re: Request to Fill Vacant Positions

Date: September 29, 2020

The Human Resources Department is requesting authorization to fill the following replacement positions approved as part of the 2020 budget and all subsequent vacancies resulting from internal transfers. The justification reports are attached.

- Operator I (Night Sweeper) – Replacement position due to the resignation of Joe Luedeman effective August 27, 2020. Salary range: \$20.36 – \$23.96 per hour.

**Position Fill Request
Justification Report
September 14, 2020**

Position Title: Operator 1 (Night Sweeper) – DPW Operations Division/Street Section

- 1. If this position is a replacement position, please indicate the reasons for the vacancy. If this is not a replacement position, please indicate the reasons for requesting the position.**

 X **Replacement Position** **Not a Replacement Position**

This position is vacant as the result of the resignation of Operator 1- Sweeper Operator Joe Luedeman, effective at the end of his regular work shift on Tuesday, September 22, 2020.

- 2. Is this position included in the current budget? If not, please list how this position will be funded (grant, internship, etc.). Please list the salary range of the position.**
Yes, this position is currently funded in the DPW operating budget. The current wage (Grade F) for this position is \$20.36 to \$23.96 per hour (\$42,348 to \$49,836 annually)
- 3. Please list the functions and any special information regarding this position.**
Sweeper Operators perform a full range of duties including but not limited to operating street sweepers, flusher truck, tractors, sidewalk snow removal units, and other DPW trucks. In addition to sweeping streets during summer months, they assist in leaf collection, snow/ice control, and general labor assignments necessary to complete DPW core functions.
- 4. Does the position generate revenue or reduce expenses? If so, provide an estimated amount.**
This position does not generate revenue for the City. But the use of in-house labor and equipment reduces the need to contract out for those services. Also, Federal EPA and State DNR requirements dictate that the City must remove debris from roads that can contaminate streams, rivers, and lakes when diluted in storm water runoff.
- 5. Please explain why current staff is unable to absorb duties of this position.**
Loss of a Sweeper Operator position will reduce DPW's ability to maintain EPA and DNR requirements for street sweeping. Those requirements must be met to reduce contamination in storm water runoff that flows into streams, rivers and lakes.
- 6. If duties of position are presently being done, how are they done?**
During periods of short staffing, duties are assigned to other Street Section employees as needed. When there is a lack of personnel, assignments are prioritized and completed in priority order. If there is not adequate time to complete all jobs, then lower priority jobs are postponed or not completed.
- 7. What service would be reduced or eliminated if this position is not filled?**
DPW will continue to perform all of its core services. However, a reduction in staffing will result in a lower level of service to residents. Sweepers must be staffed to meet government requirements. So grass cutting, leaf collection and snow removal duties would suffer.

8. What are the alternative methods and costs of accomplishing the work?

Working overtime to maintain the required service, or outsourcing of services. Continued overtime leads to employee burnout and higher operating costs. Outsourcing this function is more costly than addressing it in-house.

9. Are there union issues?

No

10. Other supporting comments.

None



Report to the
Personnel Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # P.2

To receive and place on file the quotes from the Wisconsin Public Employers' Group Health Insurance Program.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Memo to Personnel Committee - State Health Plan Recommendation - Revised 9.29
2. ETF Plan Summary vs Current Revised 9.28
3. City of Green Bay Health Spreadsheet 1.1.2021 Revised 9.28.2020

MEMORANDUM



Human Resources Department

To: Personnel Committee

From: Joseph W. Faulds, Human Resources Director

Re: Wisconsin Public Employers' Group Health Insurance Program Recommendation

Date: September 29, 2020

Wisconsin Public Employers' Group Health Insurance Program Recommendation

At the prior Common Council meeting, the Council approved the benefit package that results in a projected decrease of 1.35% for the overall 2021 Health Fund by using UMR as our third party administrator, keeping the plan design the same, and by adopting the Network Health Family Savings Plan. The attached document (City of Green Bay 2021 Proposed Health Insurance Summary) describes the financial impact of the City's current health plan underneath the "Current In-Force Plans." Please keep in mind that the premiums will remain flat for both the employee and the employer for 2021.

In the same document, you will see tables that outline the financial impact of the Wisconsin State Health Plan underneath the "Proposed State Plans Financial Impact." There also is an attached spread sheet that gives a detailed breakdown of the plan design in comparison to the City's current health benefit plan.

Strictly looking at the financial impact of the plans, the City does not recommend adopting any of the proposed State Health Plan options. In addition, there are other benefits to continuing with the City's current plan such as:

- The robust provider coverage;
- Consistency with deductibles and out of pocket expenses for employees;
- Continuation of the zero to low cost benefits through Prevea and Bellin for Primary Care, Urgent Care, E-Visits, Physical and Occupational Therapy;
- Remain self-funded with ability to monitor our data and amend our plans and programs as the City chooses; and
- Family Savings Plan adopted through Network Health Plan.

Since the City will be locked out from applying for the State Health Plan for 3 more years, the City will continue to monitor the City's current plan and determine whether another application for the State Health Plan should be completed in three years.

Overall, the City recommends to continue with the benefits as approved and to forego switching to the State's Health Plan.

CITY OF GREEN BAY

2021 PROPOSED HEALTH INSURANCE SUMMARY

CURRENT IN-FORCE PLANS

IN-NETWORK DEDUCTIBLES			UMR (Current)	UMR (Renewal)
PPO Copay Plan	HDHP	ANNUAL TOTAL	\$14,868,735.12	\$14,667,324
Single: \$2,250	Single: \$2,500	<i>Annual Δ\$ from Current</i>		\$-201,411.24
Family: \$4,500	Family: \$5,000	<i>Annual Δ% from Current</i>		-1.35%

PROPOSED STATE PLANS FINANCIAL IMPACT*

IN-NETWORK DEDUCTIBLES			WEA Trust – East	Network Health (Excludes Aurora/Theda)	Prevea360 (Excludes Bellin/Aurora/Theda)
HMO Copay Plan	HMO-HDHP	ANNUAL TOTAL	\$21,403,972.56	\$20,836,352.64	\$18,475,958.88
Single: \$500	Single: \$1,500	<i>Annual Δ\$ from Current</i>	\$6,535,237.44	\$5,967,617.52	\$3,607,223.76
Family: \$1,000	Family: \$3,000	<i>Annual Δ% from Current</i>	43.95%	40.14%	24.26%

*NOTE

- 3 Year Commitment
- Surcharge: Year 1= \$80.00/PEPM, Year 2 Surcharge lowers to 5% of the average premium rate/Year 3: Surcharge eliminated
- Cannot administer the retiree program in place today (*cannot waive coverage and come back onto plan at a later time*)
- Cannot administer the Deductible Reimbursement Program in place today which is \$500 Single/\$1,000 Family
- Plans provided are HMO Plans - Prior authorization is required for anyone that goes out of network; emergency situations need to be submitted ASAP.





City of Green Bay
Health Insurance Benefit Comparison - WEA Trust East
Effective Date: 1/1/2021

Health Carrier	UMR			UMR			ETF			ETF		
	PPO Co-Pay Option			HDHP			WEA Trust - East			WEA Trust - East		
Insurance Type	Embedded			Non-Embedded			Embedded			Non-Embedded		
							PO4/14					
Provider Network:	Choice Plus			Choice Plus								
Deductible	Single	Family		Single	Family		Single	Family		Single	Family	
In Network	\$2,250	\$4,500		\$2,500	\$5,000		\$500	\$1,000		\$1,500	\$3,000	
Out of Network	\$4,500	\$9,000		\$5,000	\$10,000		N/A			N/A		
Co-Insurance												
In Network	80% after Deductible			80% after Deductible			100%			100%		
Out of Network	60% after Deductible			60% after Deductible			N/A			N/A		
Maximum Out-of-Pocket	Single	Family		Single	Family		Single	Family		Single	Family	
In Network	\$4,500	\$9,000		\$5,000	\$10,000		\$6,850	\$13,700		\$2,500	\$5,000	
Out of Network	\$9,000	\$18,000		\$10,000	\$20,000		N/A			N/A		
Office Visits	PCP	Specialist		PCP	Specialist		PCP	Specialist		PCP	Specialist	
In Network	\$0 Copay at Prevea or Bellin	\$35 Copay + Ded & Coins		\$75 Copay at Prevea; \$50 Copay at Bellin	\$75 Copay at Prevea; \$10 Copay at Bellin		100% after deductible met			Deductible, then \$15 Copay	Deductible, then \$25 Copay	
TeleHealth	\$0 Copay for Teladoc			\$45 Copay for Teladoc			100% after deductible met			100% after deductible met		
Out of Network	Deductible & Coinsurance			Deductible & Coinsurance			Not Covered			Not Covered		
Diagnostic/Xray/Lab												
In Network	Deductible & Coinsurance			Deductible & Coinsurance			Deductible			Deductible		
Out of Network	Deductible & Coinsurance			Deductible & Coinsurance			Not Covered			Not Covered		
Routine/Preventive Care												
In Network	Select Services Covered In Full			Select Services Covered In Full			Select Services Covered In Full			Select Services Covered In Full		
Out of Network	Deductible & Coinsurance			Deductible & Coinsurance			Not Covered			Not Covered		
Urgent Care												
In Network	\$0 Copay at Prevea or Bellin			\$75 Copay at Prevea; \$50 Copay at Bellin			100% after deductible met			Deductible, then \$25 Copay		
Out of Network	Deductible & Coinsurance			Deductible & Coinsurance			Not Covered			Not Covered		
Emergency Room												
	\$200 Copay			Deductible & Coinsurance			\$60 Copay, Deductible and coinsurance applies to services beyond the copay			Deductible, then \$75		
Hospital Services												
In Network	Deductible & Coinsurance			Deductible & Coinsurance			Deductible			Deductible, then 10% Coinsurance		
Out of Network	Deductible & Coinsurance			Deductible & Coinsurance			Not Covered			Not Covered		
Prescription Drugs												
In Network	\$5 / \$25 / \$45 / 10% to \$75			Deductible & Coinsurance			\$5/20%/40%/\$50 Out of Pocket Limits Levels 1 & 2: \$600/\$1,200 Level 3: \$6,850/\$13,700 Level 4: \$1,200/\$2,400			Deductible, then \$5/20%/40%/\$50 Out of Pocket Limits Levels 1, 2, 3 & 4: Combined medical and pharmacy \$2,500/\$5,000		
Rates	Current			Renewal								
Employee	284	\$662.88	\$653.90	15	\$582.00	\$574.12	284	\$941.60	15	\$833.60		
Family	649	\$1,605.66	\$1,583.91	0	\$1,409.76	\$1,390.66	649	\$2,317.02	0	\$2,047.02		
Annual Δ% from Current	-1.35%			-1.35%			43.96%			43.23%		
Monthly Totals	\$1,230,331.26			\$8,730.00			\$1,771,160.38			\$12,504.00		
Annual Totals	\$14,763,975.12			\$104,760.00			\$21,253,924.56			\$150,048.00		
Annual Δ\$ from Current	(\$199,993)			(\$1,418)			\$6,489,949			\$45,288		

3 Year Commitment
Year 2: Surcharge lowers to 5% of the average premium rate/Year 3: Surcharge eliminated
ETF cannot administer the retiree program in place today (cannot waive coverage and come back at a later time)

Current Annual Total	\$14,868,735.12	Renewal Annual Total	\$14,667,324	\$21,403,972.56	
Total Annual Δ\$ from Current	-\$201,411.24	Total Annual Δ% from Current	-1.35%	\$6,535,237.44	Total Annual Δ% from Current 43.95%

While every effort is made to illustrate the carriers' various benefits, discrepancies or errors are possible. In the event of an error, the actual product brochure furnished by the insurance carrier and approved by the Commissioner of Insurance will prevail. The master contract and policyholder certificates are more detailed and should be used for the determination of benefits. All plans will comply with state and/or federal requirements with regard to nervous and mental benefits.



City of Green Bay

Health Insurance Benefit Comparison - Network Health Plan

Effective Date: 1/1/2021

Health Carrier	UMR		UMR		ETF		ETF	
	PPO Co-Pay Option		HDHP		Network Health		Network Health	
Insurance Type	Embedded		Non-Embedded		Embedded		Non-Embedded	
					PO4/14			
Provider Network:	Choice Plus		Choice Plus					
Deductible	Single	Family	Single	Family	Single	Family	Single	Family
In Network	\$2,250	\$4,500	\$2,500	\$5,000	\$500	\$1,000	\$1,500	\$3,000
Out of Network	\$4,500	\$9,000	\$5,000	\$10,000	N/A		N/A	
Co-Insurance								
In Network	80% after Deductible		80% after Deductible		100%		100%	
Out of Network	60% after Deductible		60% after Deductible		N/A		N/A	
Maximum Out-of-Pocket	Single	Family	Single	Family	Single	Family	Single	Family
In Network	\$4,500	\$9,000	\$5,000	\$10,000	\$6,850	\$13,700	\$2,500	\$5,000
Out of Network	\$9,000	\$18,000	\$10,000	\$20,000	N/A		N/A	
Office Visits	PCP	Specialist	PCP	Specialist	PCP	Specialist	PCP	Specialist
In Network	\$0 Copay at Prevea or Bellin	\$35 Copay + Ded & Coins	\$75 Copay at Prevea; \$50 Copay at Bellin	\$75 Copay at Prevea; \$10 Copay at Bellin	100% after deductible met		Deductible, then \$15 Copay	Deductible, then \$25 Copay
TeleHealth	\$0 Copay for Teladoc		\$45 Copay for Teladoc		100% after deductible met		100% after deductible met	
Out of Network	Deductible & Coinsurance		Deductible & Coinsurance		Not Covered		Not Covered	
Diagnostic/Xray/Lab								
In Network	Deductible & Coinsurance		Deductible & Coinsurance		Deductible		Deductible	
Out of Network	Deductible & Coinsurance		Deductible & Coinsurance		Not Covered		Not Covered	
Routine/Preventive Care								
In Network	Select Services Covered In Full		Select Services Covered In Full		Select Services Covered In Full		Select Services Covered In Full	
Out of Network	Deductible & Coinsurance		Deductible & Coinsurance		Not Covered		Not Covered	
Urgent Care								
In Network	\$0 Copay at Prevea or Bellin		\$75 Copay at Prevea; \$50 Copay at Bellin		100% after deductible met		Deductible, then \$25 Copay	
Out of Network	Deductible & Coinsurance		Deductible & Coinsurance		Not Covered		Not Covered	
Emergency Room								
	\$200 Copay		Deductible & Coinsurance		\$60 Copay, Deductible and coinsurance applies to services beyond the copay		Deductible, then \$75	
Hospital Services								
In Network	Deductible & Coinsurance		Deductible & Coinsurance		Deductible		Deductible, then 10% Coinsurance	
Out of Network	Deductible & Coinsurance		Deductible & Coinsurance		Not Covered		Not Covered	
Prescription Drugs								
In Network	\$5 / \$25 / \$45 / 10% to \$75		Deductible & Coinsurance		\$5/20%/40%/\$50 Out of Pocket Limits Levels 1 & 2: \$600/\$1,200 Level 3: \$6,850/\$13,700 Level 4: \$1,200/\$2,400		Deductible, then \$5/20%/40%/\$50 Out of Pocket Limits Levels 1, 2, 3 & 4: Combined medical and pharmacy \$2,500/\$5,000	
Rates	Current		Renewal		Current		Renewal	
Employee	284	\$662.88	\$653.90	15	\$582.00	\$574.12	284	\$916.96
Family	649	\$1,605.66	\$1,583.91	0	\$1,409.76	\$1,390.66	649	\$2,255.42
Annual Δ% from Current			-1.35%			-1.35%	40.14%	39.50%
Monthly Totals	\$1,230,331.26		\$1,213,665.19	\$8,730.00		\$8,611.80	\$1,724,184.22	
Annual Totals	\$14,763,975.12		\$14,563,982.28	\$104,760.00		\$103,341.60	\$20,690,210.64	
Annual Δ\$ from Current			(\$199,993)			(\$1,418)	\$5,926,236	
Current Annual Total	\$14,868,735.12		Renewal Annual Total		\$14,667,324		\$20,836,352.64	
Total Annual Δ\$ from Current	-\$201,411.24		Total Annual Δ% from Current		-1.35%		\$5,967,617.52	

3 Year Commitment

Year 2: Surcharge lowers to 5% of the average premium rate/Year 3: Surcharge eliminated

ETF cannot administer the retiree program in place today (cannot waive coverage and come back at a later time)

While every effort is made to illustrate the carriers' various benefits, discrepancies or errors are possible. In the event of an error, the actual product brochure furnished by the insurance carrier and approved by the Commissioner of Insurance will prevail. The master contract and policyholder certificates are more detailed and should be used for the determination of benefits. All plans will comply with state and/or federal requirements with regard to nervous and mental benefits.



City of Green Bay

Health Insurance Benefit Comparison - Prevea 360

Effective Date: 1/1/2021

Health Carrier	UMR			UMR			ETF			ETF		
	PPO Co-Pay Option			HDHP			Dean Health Prevea 360			Dean Health Prevea 360		
Insurance Type	Embedded			Non-Embedded			Embedded			Non-Embedded		
							PO4/14					
Provider Network:	Choice Plus			Choice Plus								
Deductible	Single	Family		Single	Family		Single	Family		Single	Family	
In Network	\$2,250	\$4,500		\$2,500	\$5,000		\$500	\$1,000		\$1,500	\$3,000	
Deductible Reimbursement Account	\$500	\$1,000		\$500	\$1,000							
Out of Network	\$4,500	\$9,000		\$5,000	\$10,000		N/A			N/A		
Co-Insurance												
In Network	80%			80%			100%			100%		
Out of Network	60%			60%			N/A			N/A		
Maximum Out-of-Pocket	Single	Family		Single	Family		Single	Family		Single	Family	
In Network	\$4,500	\$9,000		\$5,000	\$10,000		\$6,850	\$13,700		\$2,500	\$5,000	
Out of Network	\$9,000	\$18,000		\$10,000	\$20,000		N/A			N/A		
Office Visits	PCP	Specialist		PCP	Specialist		PCP	Specialist		PCP	Specialist	
In Network	\$0 Copay at Prevea or Bellin	\$35 Copay + Ded & Coins		\$75 Copay at Prevea; \$50 Copay at Bellin	\$75 Copay at Prevea; \$10 Copay at Bellin		100% after deductible met			Deductible, then \$15 Copay	Deductible, then \$25 Copay	
Telehealth	\$0 Copay for Teladoc			\$45 Copay for Teladoc			100% after deductible met			100% after deductible met		
Out of Network	Deductible & Coinsurance			Deductible & Coinsurance			Not Covered			Not Covered		
Diagnostic/Xray/Lab												
In Network	Deductible & Coinsurance			Deductible & Coinsurance			Deductible			Deductible		
Out of Network	Deductible & Coinsurance			Deductible & Coinsurance			Not Covered			Not Covered		
Routine/Preventive Care												
In Network	Select Services Covered In Full			Select Services Covered In Full			Select Services Covered In Full			Select Services Covered In Full		
Out of Network	Deductible & Coinsurance			Deductible & Coinsurance			Not Covered			Not Covered		
Urgent Care												
In Network	\$0 Copay at Prevea or Bellin			\$75 Copay at Prevea; \$50 Copay at Bellin			100% after deductible met			Deductible, then \$25 Copay		
Out of Network	Deductible & Coinsurance			Deductible & Coinsurance			Not Covered			Not Covered		
Emergency Room												
	\$200 Copay			Deductible & Coinsurance			\$60 Copay, Deductible and coinsurance applies to services beyond the copay			Deductible, then \$75		
Hospital Services												
In Network	Deductible & Coinsurance			Deductible & Coinsurance			Deductible			Deductible, then 10% Coinsurance		
Out of Network	Deductible & Coinsurance			Deductible & Coinsurance			Not Covered			Not Covered		
Prescription Drugs												
In Network	\$5 / \$25 / \$45 / 10% to \$75			Deductible & Coinsurance			\$5/20%/40%/\$50 Out of Pocket Limits Levels 1 & 2: \$600/\$1,200 Level 3: \$6,850/\$13,700 Level 4: \$1,200/\$2,400			Deductible, then \$5/20%/40%/\$50 Out of Pocket Limits Levels 1, 2, 3 & 4: Combined medical and pharmacy \$2,500/\$5,000		
Rates	Current		Renewal	Current		Renewal	Current		Renewal	Current		Renewal
Employee	284	\$662.88	\$653.90	15	\$582.00	\$574.12	284	\$814.50	\$721.70	15	\$721.70	
Family	649	\$1,605.66	\$1,583.91	0	\$1,409.76	\$1,390.66	649	\$1,999.26	\$1,767.26	0	\$1,767.26	
Annual Δ% from Current			-1.35%			-1.35%		24.26%	24.00%			
Monthly Totals	\$1,230,331.26		\$1,213,665.19	\$8,730.00		\$8,611.80	\$1,528,837.74		\$10,825.50			
Annual Totals	\$14,763,975.12		\$14,563,982.28	\$104,760.00		\$103,341.60	\$18,346,052.88		\$129,906.00			
Annual Δ\$ from Current			(\$199,993)			(\$1,418)			\$3,582,078			\$25,146

3 Year Commitment
Year 2: Surcharge lowers to 5% of the average premium rate/Year 3: Surcharge eliminated
ETF cannot administer the retiree program in place today (cannot waive coverage and come back at a later time)

Current Annual Total	\$14,868,735.12	Renewal Annual Total	\$14,667,324	\$18,475,958.88	
Total Annual Δ\$ from Current	-\$201,411.24	Total Annual Δ% from Current	-1.35%	\$3,607,223.76	Total Annual Δ% from Current 24.26%

While every effort is made to illustrate the carriers' various benefits, discrepancies or errors are possible. In the event of an error, the actual product brochure furnished by the insurance carrier and approved by the Commissioner of Insurance will prevail. The master contract and policyholder certificates are more detailed and should be used for the determination of benefits. All plans will comply with state and/or federal requirements with regard to nervous and mental benefits.



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.1

- A. Remove the SPEED LIMIT 35 zone on Hillcrest Drive from Haven Place to the west corporate limits.
- B. Establish a SPEED LIMIT 25 zone on Hillcrest Drive from Haven Place to West Point Road.
- C. Establish a SPEED LIMIT 35 zone on Hillcrest Drive from West Point Road to the west corporate limits.

BACKGROUND

Hillcrest Dr (Haven Pl to W Mason St) was recently reconstructed. All roadway signage was upgraded as part of that project. During the re-signing of the roadway, it was discovered that the traffic speed limit regulations did not match what used to be signed just prior to reconstruction.

Prior to May 8, 1995, the posted speed limit on Hillcrest Dr (Haven Pl to W Mason St) was 35 mph. The Traffic Commission approved the requested speed limit reduction on Hillcrest Dr (Haven Pl to West Point Rd) to 25 mph during their meeting on May 8, 1995 based on the study results from DPW staff. The speed limit signs were changed shortly thereafter but the 90-day trial results were never brought back to the Traffic Commission meaning the speed limit was never officially adopted. This request today is brought forward to officially close the trial period and adopt the speed limit by ordinance.

RECOMMENDATION

- A. Remove the SPEED LIMIT 35 zone on Hillcrest Drive from Haven Place to the west corporate limits.
- B. Establish a SPEED LIMIT 25 zone on Hillcrest Drive from Haven Place to West Point Road.
- C. Establish a SPEED LIMIT 35 zone on Hillcrest Drive from West Point Road to the west corporate limits.

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.2

A. Remove Sec. 29.203. - Class "B" parking violations (4) Railroad Crossing that no vehicle shall be parked within 50' of the nearest railroad crossing.

B. Establish and adopt by ordinance Sec. 29.203. - Class "B" parking violations (4) Railroad Crossing that no vehicle shall be parked within 25' of the nearest railroad crossing.

BACKGROUND

It was noted that there was a difference between State law and City ordinance regarding how close to a rail crossing a motorist can park. Since the difference is minor, we are recommending that we change City ordinance to match State law.

RECOMMENDATION

A. Remove Sec. 29.203. - Class "B" parking violations (4) Railroad Crossing that no vehicle shall be parked within 50' of the nearest railroad crossing.

B. Establish and adopt by ordinance Sec. 29.203. - Class "B" parking violations (4) Railroad Crossing that no vehicle shall be parked within 25' of the nearest railroad crossing.

FISCAL IMPACT

ATTACHMENTS

- I. DRAFT GO 33-20 - Amend 29.203 Class B Parking Violations

GENERAL ORDINANCE NO. 33-20

**AN ORDINANCE
AMENDING SECTION 29.203(4),
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKING REGULATIONS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.203(4), Green Bay Municipal Code, is hereby amended to read:

29.203 CLASS "B" PARKING VIOLATIONS.

(4) RAILROAD CROSSING. No vehicle shall be parked within 50' **twenty-five (25) feet** of the nearest railroad crossing.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

LJM

10/06/2020



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.3

- A. Receive and place on file the documented speed study along North Webster Avenue from University Avenue to Vanderbraak Street.
- B. Remove the 25 mph posted speed limit along Webster Avenue from University Avenue to Klaus Street.
- C. Establish and adopt by ordinance a 35 mph posted speed limit along Webster Ave from University Avenue to Klaus Street.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- 1. N Webster Counts and photos
- 2. M speed study N Webster Ave (University Ave - VanderBraak St) 2020.djah

MEMORANDUM



Department of Public Works | Traffic Division

To: Traffic, Bicycle, & Pedestrian Commission
Public Works Director Steven Grenier, P.E.

From: Traffic Engineer David J.A. Hansen, P.E., PTOE

Re: **Speed Study, North Webster Avenue (University Avenue to Vanderbraak Street)**

Date: Fri Sep 18, 2020

This memorandum serves as my response to the Traffic, Bicycle, & Pedestrian Commission motion at the Mon Feb 17, 2020 meeting to refer to staff the request to review and potentially change the SPEED LIMIT 25 zone on North Webster Avenue from University Avenue to Vanderbraak Street.

This memo will be presented at the Mon Sep 21, 2020 Traffic, Bicycle, & Pedestrian Commission meeting.

Existing Site Conditions

The segment of North Webster Ave from University Ave to Vanderbraak St is located on the east side of the City of Green Bay in Aldermanic District 5 (Ald. Craig Stevens). See Figure 1 for General Location and Figure 2 for a neighborhood view of the corridor.

Figure 1 – General Location

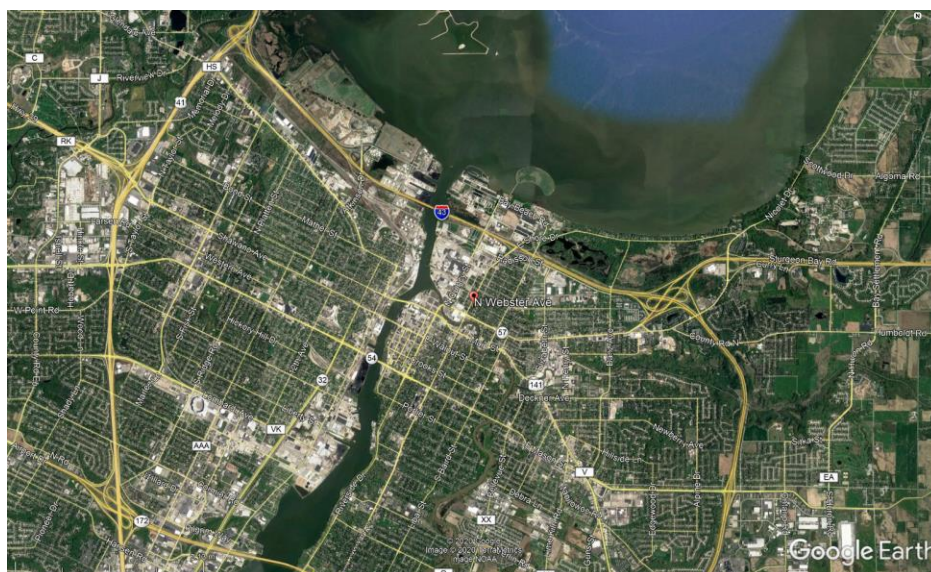
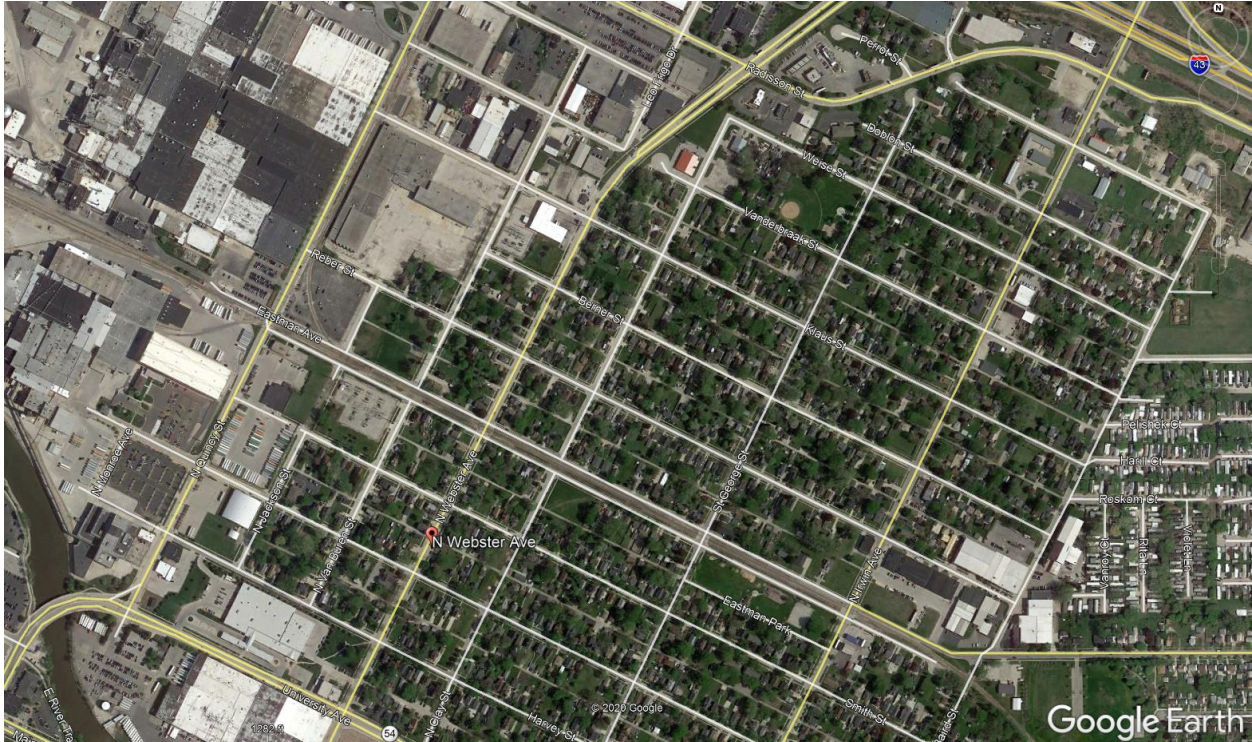


Figure 2 – Neighborhood View



North Webster Ave is an urban arterial street. The posted speed limit is 25 mph south of Klaus St and 35 mph north of Klaus St. Properties abutting the roadway are single and multi-family residential homes plus industrial toward the north end of the study area. Sidewalk exists along the west side of North Webster Ave. A multi-use path exists along its east side. The roadway was reconstructed in 2019 with concrete pavement. Clear roadway width is 78 and includes a 21 foot boulevard median. It consists of 2 vehicle lanes plus 1 bike lane in each direction. Parking is restricted on North Webster Ave.

The intersections with University Ave and Radisson St are signalized. All side streets STOP for Webster Ave. Both industrial and residential development surrounds the corridor. Total corridor length is about 3,900 ft (0.74 mile). New street lighting exists along North Webster Ave. Photos in Figures 3a-3f show the study area and count locations.

Figure 3a – Southbound North Webster Ave near Smith St (near count location)



Figure 3b –Northbound North Webster Ave at Smith St (near count location)



Figure 3c – Southbound North Webster Ave near Berner St (near count location)



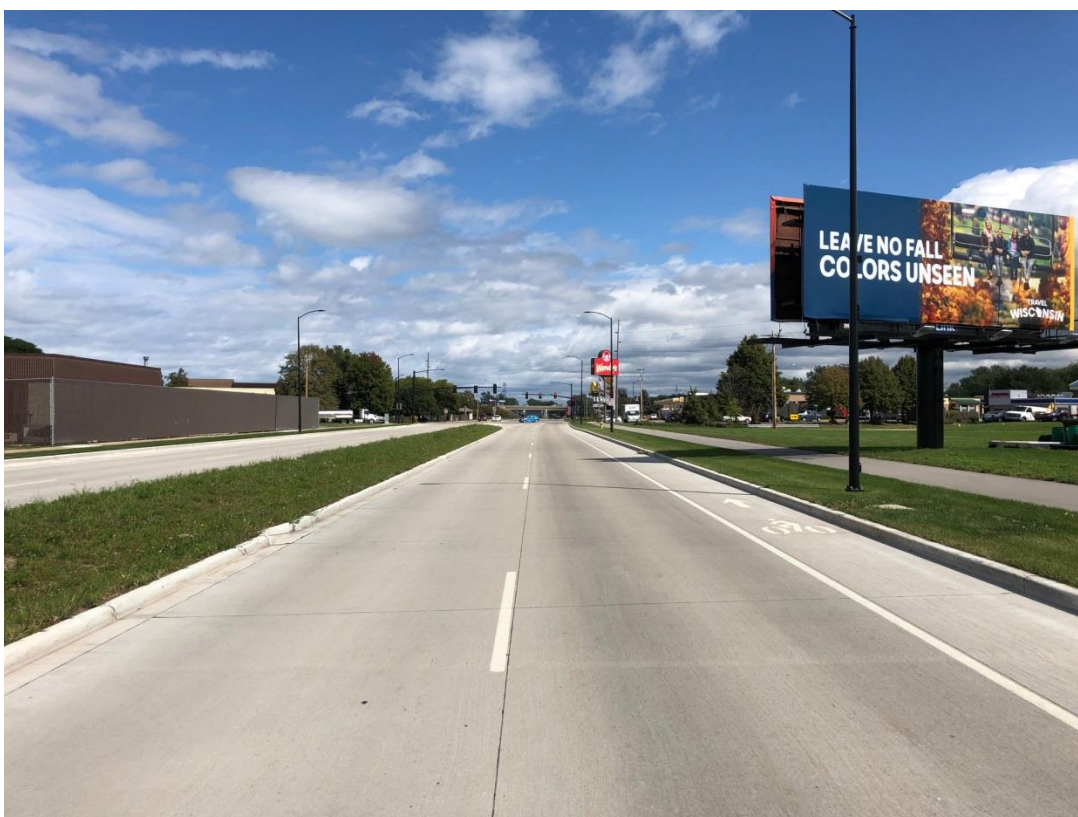
Figure 3d – Northbound North Webster Ave near Berner St (near count location)



Figure 3e – Southbound North Webster Ave near Vanderbraak St (near count location)



Figure 3f – Northbound North Webster Ave near Vanderbraak St (near count location)



Existing signs include regulatory STOP at side street intersections, directional/one-way, and restricted parking signs. Lane line and bike lane pavement markings exist.

Crash History

One non-reportable crash occurred within the corridor since its 2019 reconstruction. Roadway features or speed were not contributory toward the crash but rather failure to yield the right-of-way by a westbound Harvey St motorist striking a southbound Webster Ave motorist.

Vehicle Speeds and Traffic Volumes

Weekday & weekend vehicle speeds and volumes collected between June 12 through July 2, 2020. Count locations are shown in Figure 5 and vehicle speeds are summarized in Table 1.

Figure 5 – Count Locations

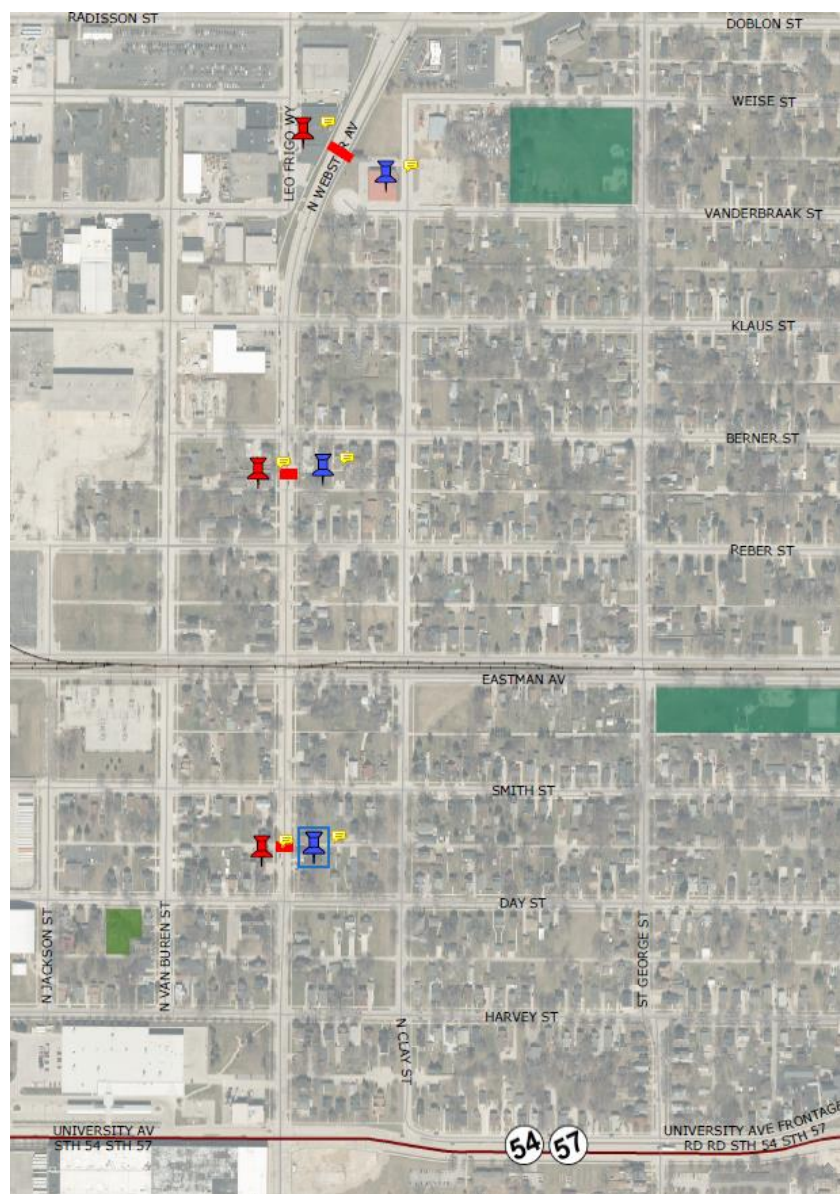


Table 1 –Vehicle Speed and Volume Summary, North Webster Ave (University Ave to Vanderbraak St)

Roadway: Webster

Regulatory Speed Limit: 35

At: Vanderbraak - Weise

Day	Average (mph)	50% Speed (mph)	85% Speed (mph)	95% Speed (mph)	Lower Pace (mph)	Upper Pace (mph)	% Vehicles in Pace	Daily Vol (veh)
Weekday	37	37	42	46	33	43	70%	9,346
Weekend	37	37	42	46	33	43	72%	6,860
All	37	37	42	46	33	43	71%	8,103

Roadway: Webster

Regulatory Speed Limit: 25

At: Berner - Reber

Day	Average (mph)	50% Speed (mph)	85% Speed (mph)	95% Speed (mph)	Lower Pace (mph)	Upper Pace (mph)	% Vehicles in Pace	Daily Vol (veh)
Weekday	32	32	36	39	28	38	79%	8,649
Weekend	31	31	36	39	28	38	78%	6,357
All	32	32	36	39	28	38	79%	7,503

Roadway: Webster

Regulatory Speed Limit: 25

At: Smith - Day

Day	Average (mph)	50% Speed (mph)	85% Speed (mph)	95% Speed (mph)	Lower Pace (mph)	Upper Pace (mph)	% Vehicles in Pace	Daily Vol (veh)
Weekday	33	33	38	41	29	39	72%	8,387
Weekend	33	33	38	41	28	38	73%	6,538
All	33	33	38	41	28	38	72%	7,462

Roadway: Webster

Regulatory Speed Limit: 25 mph (S of Klaus St)

At: University - Radisson

35 mph (N of Klaus St)

Day	Average (mph)	50% Speed (mph)	85% Speed (mph)	95% Speed (mph)	Lower Pace (mph)	Upper Pace (mph)	% Vehicles in Pace	Daily Vol (veh)
Weekday	34	34	39	42	30	40	74%	8,794
Weekend	34	34	39	42	29	39	74%	6,585
All	34	34	39	42	29	39	74%	7,689

Review of the Existing Posted Speed Limits

State Statute 346.57 assigns speed limits to street classifications and also describes the authority to change said limits. North Webster Ave is classified as an arterial street, and can be

described as being inside the corporate limits of a city. Local governments per State Statute 349.11 have the authority to raise the speed limit to 55 mph or less, or lower the speed limit by 10 mph or less. Although there is no request at this time to modify the speed limit, it is a good reference to determine what the appropriate speed limit should be based on engineering criteria. The U.S. Department of Transportation, Federal Highway Administration, developed a web-based tool, USLIMITS2, designed to help practitioners set reasonable, safe, and consistent speed limits for specific segments of roads. Data such as 50th and 85th percentile speed, roadway characteristics, route type, number of access points, pedestrian and bike activity, and crash history among others are used to assist engineers in recommending an appropriate maximum speed limit for specific conditions on a road section. Speed zoning report for North Webster Ave is summarized in Figure 6.

Figure 6 – USLIMITS2 Speed Zoning Report for N Webster Ave

USLIMITS2 Speed Zoning Report

Project Name: N Webster Ave Speed Zone Study

Analyst: David Hansen Basic Project Information Project Number: 1 Route Name: North Webster Avenue From: University Avenue To: Vanderbraak Street State: Wisconsin County: Brown County City: Green Bay city Route Type: Road Section in Developed Area Route Status: Existing Roadway Information Section Length: .75 mile(s) Statutory Speed Limit: 25 mph Existing Speed Limit: 25 mph Adverse Alignment: No One-Way Street: No Divided/Undivided: Divided Number of Through Lanes: 4 Area Type: Residential-Collector/Arterial Number of Driveways: 25 Number of Signals: 0	Date: 09-18-2020 Crash Data Information Crash Data Years: 1.00 Crash AADT: 7700 veh/day Total Number of Crashes: 1 Total Number of Injury Crashes: 0 Section Crash Rate: 47 per 100 MVM Section Injury Crash Rate: 0 per 100 MVM Crash Rate Average for Similar Roads: 234 Injury Rate Average for Similar Roads: 70 Traffic Information 85th Percentile Speed: 39 mph 50th Percentile Speed: 34 mph AADT: 7700 veh/day On Street Parking and Usage: Not High Pedestrian / Bicyclist Activity: Not High
--	--

Project Description: Request by Ald. Stevens to review and potentially change the SPEED LIMIT 25 zone on North Webster Avenue from University Avenue to Vanderbraak Street.

Recommended Speed Limit:

SPEED
LIMIT
40

Note: The final recommended speed limit is higher than the 25 mph statutory speed limit for this type of road. An engineering study such as the one carried out with USLIMITS2 is usually required to set a speed limit above the statutory limit.

Disclaimer: The U.S. Government assumes no liability for the use of the information contained in this report. This report does not constitute a standard, specification, or regulation.

Analyst Comments: Crash report history is only 1 year's worth of data only because the roadway was reconstructed in 2019 significantly different from its former design.

Equations Used in Crash Data Calculations

Exposure (M)
 $M = (\text{Section AADT} * 365 * \text{Section Length} * \text{Duration of Crash Data}) / (1000000000)$
 $M = (7700 * 365 * .75 * 1.00) / (1000000000)$
 $M = 0.0211$

Crash Rate (Rc)
 $Rc = (\text{Section Crash Average} * 1000000000) / (\text{Section AADT} * 365 * \text{Section Length})$
 $Rc = (1.00 * 1000000000) / (7700 * 365 * .75)$
 $Rc = 47.44 \text{ crashes per 100 MVM}$

Injury Rate (Ri)
 $Ri = (\text{Section Injury Crash Average} * 1000000000) / (\text{Section AADT} * 365 * \text{Section Length})$
 $Ri = (0.00 * 1000000000) / (7700 * 365 * .75)$
 $Ri = 0.00 \text{ injuries per 100 MVM}$

Critical Crash Rate (Cc)
 $Cc = \text{Crash Average of Similar Sections} + 1.645 * (\text{Crash Average of Similar Sections} / \text{Exposure}) ^ { (1/2) } + (1 / (2 * \text{Exposure}))$
 $Cc = 234.01 + 1.645 * (234.01 / 0.0211) ^ { (1/2) } + (1 / (2 * 0.0211))$
 $Cc = 431.06 \text{ crashes per 100 MVM}$

Critical Injury Rate (Ic)
 $Ic = \text{Injury Crash Average of Similar Sections} + 1.645 * (\text{Injury Crash Average of Similar Sections} / \text{Exposure}) ^ { (1/2) } + (1 / (2 * \text{Exposure}))$
 $Ic = 70.25 + 1.645 * (70.25 / 0.0211) ^ { (1/2) } + (1 / (2 * 0.0211))$
 $Ic = 188.93 \text{ injuries per 100 MVM}$

Discussion

Weekday and weekend speeds remained equal. Vehicles in the pace remained the same at 74%. A normal pace distribution would include approximately 70% of observed vehicles within the pace with approximately 15% of observed vehicles below the pace and 15% of observed vehicles above the pace. Typically, the 85th percentile speed is at or near the upper limit of the pace. Daily volume decreased over the weekend by about 1,200 vehicles.

The existing posted speed limit of N Webster Ave north of Klaus St, one block south of the northern study limit, is 35 mph. Signalized intersections are obvious locations where speed limits change, such as one intersection north of Klaus St, which is Radisson St.

For a change in the speed limit to be effective, it should accomplish the following: reduce the speed differential of vehicles using the highway; be a reasonable speed so the majority of drivers will comply voluntarily; and should reflect consistent application of traffic engineering principles and guidelines. Speed limits are selected to balance travel efficiency versus safety. It can be argued that a rational speed limit is one that is safe, that most people consider appropriate, that will protect the public, and can be enforced.

Conclusions

The newly designed N Webster Ave has encountered almost no crashes (only 1 minor non-reportable) since its reconstruction in 2019. Most motorists (the 85th percentile) are traveling at 39 mph (14 mph over the posted speed limit). The 95th percentile speed is close to the 85th percentile, meaning there are a low number of motorists exceeding 42 mph. The average speed is 34 mph, or 9 mph over the posted speed limit. A great majority of motorists are not complying with the existing posted speed limits of 25 and 35 mph. The percent of vehicles within the pace speed range is very high at 74%, which typically means speed differential is very low, which could explain the low crash rate. Sidewalk and multi-use path exist along the entire corridor, providing designated safe space for non-motorized road users of all skill levels. The USLIMITS2 evaluation produced a recommended speed limit of 40 mph.

Recommendations

1. To receive and place on file the documented speed study along North Webster Avenue from University Avenue to Vanderbraak Street.
2. To remove the 25 mph posted speed limit along Webster Avenue from University Avenue to Klaus Street.
3. To remove the 35 mph posted speed limit along Webster Avenue from Klaus Street to Radisson St.
4. To establish a 40 mph posted speed limit along Webster Ave from University Avenue to Radisson Street.



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.4

Remove the 4-HOUR 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone on the south side of Cass Street from Roosevelt Street to Irwin Avenue.

BACKGROUND

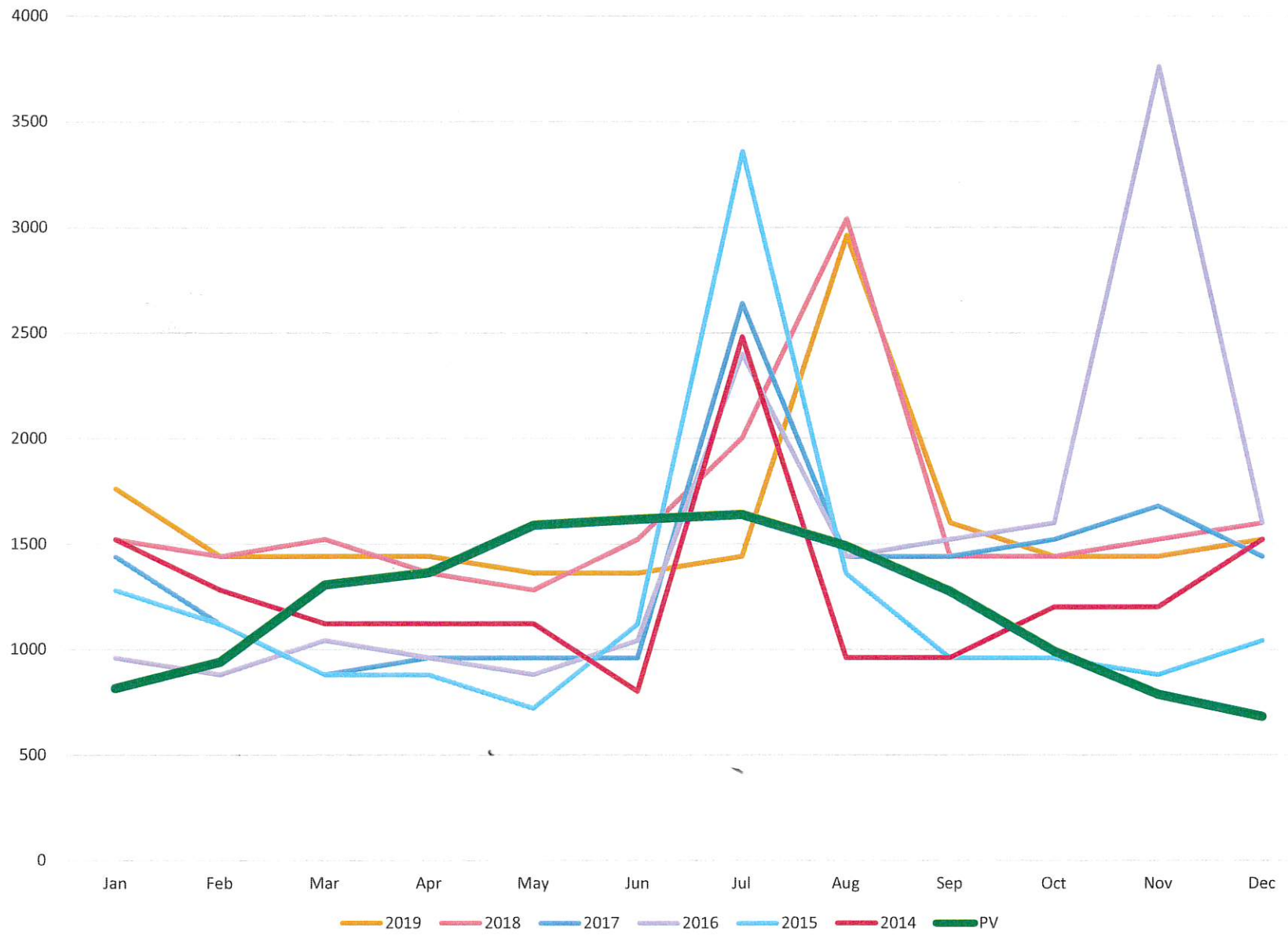
RECOMMENDATION

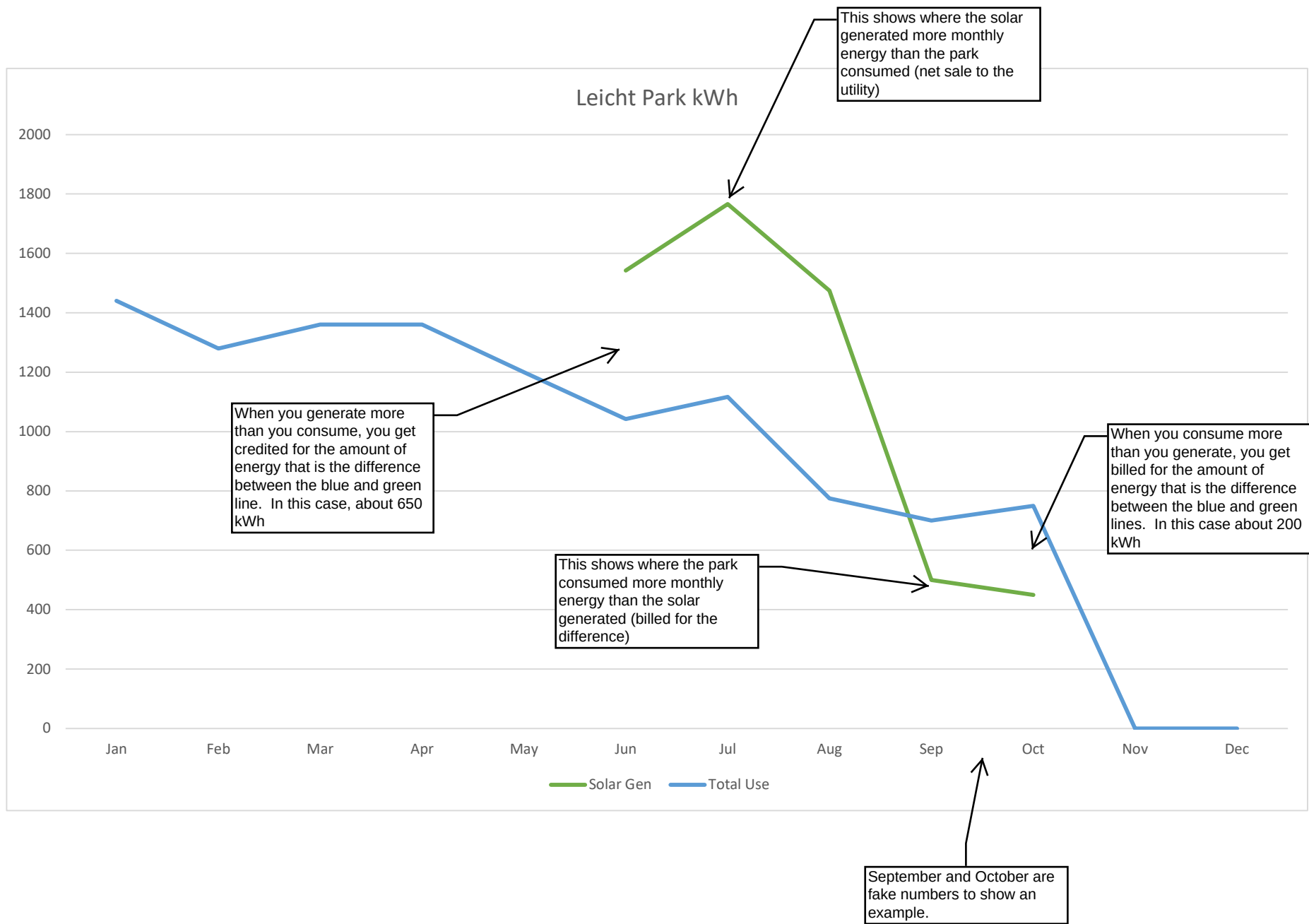
FISCAL IMPACT

ATTACHMENTS

None

Leicht Park Usage







Report to the
Tax Incremental Districts Joint Review Board
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

Kevin J. Vonck, CED Director, David
Buck, Staff

AGENDA ITEM # T.1

To adopt a Resolution amending the Project Plan for TID Nine (9), State Highway 54/57 Business Park. The proposed costs include projects within the proposed boundary and within a one-half (1/2) mile radius of the proposed boundary of the TID.

BACKGROUND

The City of Green Bay ("City") created Tax Increment District Number Nine (9), State Highway 54/57 Business Park ("TID 9"), on October 7, 2003. Since the time of original adoption of the Project Plan, the City has experienced an increasing demand for, as well as a declining supply of, affordable housing units within the City; the City also has reason to believe that some parcels within TID 9 may have environmental contamination.

The JRB should amend the Project Plan, Section A., to add number "Seven (7). Approximately two million dollars (\$2,000,000.00) to create, provide, or rehabilitate low-cost housing options needed for employees of the proposed industrial development."; and number "Eight (8). Approximately five hundred thousand dollars (\$500,000.00) to remediate environmental contamination associated with historic agricultural practices and abandoned underground storage tanks."

This item was brought before the JRB on August 18, 2020, the RDA on August 25, 2020 and forwarded to the Common Council for action. The Common Council approved the resolution on September 4, 2020. Adoption of the JRB resolution is the final step in this items approval process.

RECOMMENDATION

Adopt JRB Resolution 20-01 amending the Project Plan for TID Nine (9), State Highway 54/57 Business Park.

FISCAL IMPACT

To be discussed at meeting.

ATTACHMENTS

1. 6-2-TID-TID-9-Resolution-200922-Project-Plan-Amendment-JRB
2. 6-2-TID-TID-9-Project-Plan-200818-Amended



Joint Review Board
of the City of Green Bay

**RESOLUTION 20-01
REGARDING AN PROJECT PLAN AMENDMENT FOR
TAX INCREMENT DISTRICT NUMBER NINE (9),
STATE HIGHWAY 54/57 BUSINESS PARK ("TID 9")**

September 22 2020

WHEREAS, in accordance with Wis. Stats. §66.1105, the City of Green Bay ("City") created Tax Increment District Number Nine (9), State Highway 54/57 Business Park ("TID 9"), on October 7, 2003; and

WHEREAS, the Common Council of the City designated the Redevelopment Authority of the City of Green Bay ("RDA") to perform all acts necessary to adopt a Resolution amending the Project Plan for TID 9 on Monday, June 29, 2020; and

WHEREAS, the RDA proposed adding project costs within the existing boundary of TID 9 and within a one-half (1/2) mile radius of the boundary of TID 9; and

WHEREAS, on Tuesday, August 18, 2020, the Joint Review Board ("JRB") of the City of Green Bay convened to elect a Chair, select a public member to the Board, and discuss the proposed Resolution and amended Project Plan; and

WHEREAS, the RDA performed the following acts, in accordance with Wis. Stats. §66.1105, to wit:

1. On Wednesday, August 12, 2020, mailed, by both electronic means and first-class mail, the chief executive officer of Brown County, the Green Bay Area School District, and Northeast Wisconsin Technical College a copy of the notice of said public hearing; and
2. On Thursday, August 13, 2020, and Thursday, August 20, 2020, published a notice of said public hearing in the Green Bay Press-Gazette; and
3. On Friday, August 14, 2020, made a hard copy of the Amended Project Plan available for public review in Room 608 of City Hall and posted it on the City website; and
4. On Tuesday, August 25, 2020, at 1:30 p.m., virtually through Zoom, held a public hearing on the proposed amendments to TID 9, in which interested parties were afforded reasonable opportunity to express their views on the Amended Project Plan; and

WHEREAS, on Tuesday, August 25, 2020, the RDA approved a Resolution to amend the Project Plan for TID 9; and

WHEREAS, on Friday, September 4, 2020, the Common Council of the City of Green Bay approved a Resolution to amend the Project Plan for TID 9; and

WHEREAS, the Amended Project Plan meets all the requirements of Wis. Stats. §66.1105, to wit:

1. An economic feasibility study; and
2. A detailed list of estimated project costs; and
3. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred; and
4. A map showing existing uses and conditions of real property within TID 9; and
5. A map showing proposed improvements and uses in TID 9; and

6. A statement confirming that the estimated percentage of land devoted to retail uses within the territory of TID 9 will not exceed thirty-five percent (35%); and
7. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any; and
8. A list of estimated non-project costs; and
9. A statement relating to the proposed method for the relocation of any persons to be displaced; and
10. A statement indicating how creation of TID 9 promotes the orderly development of the City; and
11. An opinion of the City Attorney that the Amended Project Plan is complete and complies with Wis. Stats. §66.1105; and

WHEREAS, the RDA makes the following findings as required by Wis. Stats. §66.1105, to wit:

1. The Amended Project Plan demonstrates that TID 9 will accumulate aggregate incremental property taxes greater than the amount of total project costs before its mandatory termination date of 2026; and
2. Wis. Stats. §66.1105 permits the City to add project costs within the existing boundary of TID 9 and within a one-half (1/2) mile radius of the boundary of TID 9; and
3. Since the time of original adoption of the Project Plan, the City has experienced an increasing demand for, as well as a declining supply of, affordable housing units within the City; and
4. Since the time of original adoption of the Project Plan, the City has reason to believe that some parcels within TID 9 may have environmental contamination; and
5. That “but for” the adoption of an amendment to the Project Plan, the development projected to occur in TID 9, as detailed in the *City Comprehensive Plan*, would not occur in the manner desired by the City and RDA; and
6. The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in TID 9; and
7. The economic benefits of TID 9, as measured by increased property value, employment, and income,
 - 7.1. Are greater than the cost of the improvements identified in the Amended Project Plan; and
 - 7.2. Are greater than the anticipated tax increments to be paid by owners of real property within the overlying taxing jurisdictions; and
8. The TID 9 Amended Project Plan is feasible and in conformity with the *City Comprehensive Plan*.

NOW, THEREFORE, BE IT RESOLVED that the JRB amends the Project Plan, Section A., adding number “Seven (7). Approximately two million dollars (\$2,000,000.00) to create, provide, or rehabilitate low-cost housing options needed for employees of the proposed industrial development.”; and

BE FURTHER RESOLVED that the JRB amends the Project Plan, Section A., adding number “Eight (8). Approximately five hundred thousand dollars (\$500,000.00) to remediate environmental contamination associated with historic agricultural practices and abandoned underground storage tanks.”; and

BE IT FINALLY RESOLVED that the City is hereby authorized to allocate funds toward such project costs, in accordance with the Amended Project Plan, as specified herein.

Adopted _____

Approved _____

**JOINT REVIEW BOARD OF THE
CITY OF GREEN BAY**

By: _____
Diana Ellenbecker, Chair



City of Green Bay
Department of Community and Economic Development

Tax Increment District Nine (9)

State Highway 54/57 Business Park

Amended **PROJECT PLAN**

City of Green Bay, Wisconsin 18 August 2020

Joint Review Board of the City of Green Bay

Diana Ellenbecker, *City of Green Bay*
Bradley Klingsporn, *Brown County*
Pete Ross, *Green Bay Area Public Schools*
Bob Mathews, *Northeast Wisconsin Technical College*
Brent Weycker, *Citizen Member*

Common Council of the City of Green Bay

Eric Genrich, *Mayor*
Jesse Brunette, *President, District 12*
Barbara Dorff, *Vice-President, District 1*
Veronica Corpus-Dax, *District 2*
Lynn Gerlach, *District 3*
Bill Galvin, *District 4*
Craig Stevens, *District 5*
Kathy Lefebvre, *District 6*
Randy Scannell, *District 7*
Chris Wery, *District 8*
Brian Johnson, *District 9*
Mark Steuer, *District 10*
John S. VanderLeest, *District 11*

Redevelopment Authority of the City of Green Bay

Gary Delveaux, *Chair*
Matt Schueller, *Vice Chair*
Aldersperson Barbara Dorff
James Blumreich
Melanie Parma
Kathy Hinkfuss
Deby Dehn

This Project Plan was prepared by
Kevin J. Vonck, *Development Director*
Erin Roznik, *Design Specialist*
David Buck, *Principal Planner*
Diana Ellenbecker, *Finance Director*
Vanessa Chavez, *City Attorney*
Tom Giese, *Right-of-Way Specialist*

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Summary of Findings

1. In accordance with Wis. Stats. §66.1105, the City of Green Bay (“City”) created Tax Increment District Number Nine (9), State Highway 54/57 Business Park (“TID 9”), on October 7, 2003; and
2. The Common Council of the City designated the Redevelopment Authority of the City of Green Bay (“RDA”) to perform all acts necessary to adopt an Allocation Amendment Resolution and amend the Project Plan for TID 9 on Monday, June 29, 2020; and
3. The RDA proposed adding project costs within the existing boundary of TID 9 and within a one-half (1/2) mile radius of the boundary of TID 9; and
4. The RDA performed the following acts, in accordance with Wis. Stats. §66.1105, to wit:
 - 4.1. On Wednesday, August 12, 2020, mailed, by both electronic means and first-class mail, the chief executive officer of Brown County, the Green Bay Area School District, and Northeast Wisconsin Technical College a copy of the notice of said public hearing; and
 - 4.2. On Thursday, August 13, 2020, and Thursday, August 20, 2020, published a notice of said public hearing in the Green Bay Press-Gazette; and
 - 4.3. On Friday, August 14, 2020, made a hard copy of the Amended Project Plan available for public review in Room 608 of City Hall and posted it on the City website; and
 - 4.4. On Tuesday, August 25, 2020, at 1:30 p.m., virtually through Zoom, held a public hearing on the proposed amendments to TID 9, in which interested parties were afforded reasonable opportunity to express their views on the Amended Project Plan; and
5. The Amended Project Plan meets all the requirements of Wis. Stats. §66.1105, to wit:
 - 5.1. An economic feasibility study; and
 - 5.2. A detailed list of estimated project costs; and
 - 5.3. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred; and
 - 5.4. A map showing existing uses and conditions of real property within TID 9; and
 - 5.5. A map showing proposed improvements and uses in TID 9; and
 - 5.6. A statement confirming that the estimated percentage of land devoted to retail uses within the territory of TID 9 will not exceed thirty-five percent (35%); and
 - 5.7. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any; and
 - 5.8. A list of estimated non-project costs; and
 - 5.9. A statement relating to the proposed method for the relocation of any persons to be displaced; and
 - 5.10. A statement indicating how creation of TID 9 promotes the orderly development of the City; and
 - 5.11. An opinion of the City Attorney that the Amended Project Plan is complete and complies with Wis. Stats. §66.1105; and
6. The RDA makes the following findings as required by Wis. Stats. §66.1105, to wit:
 - 6.1. The Amended Project Plan demonstrates that TID 9 will accumulate aggregate incremental property taxes greater than the amount of total project costs before its mandatory termination date of 2026; and
 - 6.2. Wis. Stats. §66.1105 permits the City to add project costs within the existing boundary of TID 9 and within a one-half (1/2) mile radius of the boundary of TID 9; and
 - 6.3. Since the time of original adoption of the Project Plan, the City has experienced an increasing demand for, as well as a declining supply of, affordable housing units within the City; and
 - 6.4. Since the time of original adoption of the Project Plan, the City has reason to believe that some parcels within TID 9 may have environmental contamination; and
 - 6.5. That “but for” the adoption of an amendment to the Project Plan, the development projected to occur in TID 9, as detailed in the City *Comprehensive Plan*, would not occur in the manner desired by the City and RDA; and
 - 6.6. The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in TID 9; and
 - 6.7. The economic benefits of TID 9, as measured by increased property value, employment, and income,

- 6.7.1. Are greater than the cost of the improvements identified in the Amended Project Plan; and
- 6.7.2. Are greater than the anticipated tax increments to be paid by owners of real property within the overlying taxing jurisdictions; and
- 6.8. The TID 9 Amended Project Plan is feasible and in conformity with the City *Comprehensive Plan*.

Proposed Amendments

Amend Section A., adding number “Seven (7). Approximately two million dollars (\$2,000,000.00) to create, provide, or rehabilitate low-cost housing options needed for employees of the proposed industrial development.”

Amend Section A., adding number “Eight (8). Approximately five hundred thousand dollars (\$500,000.00) to remediate environmental contamination associated with historic agricultural practices and abandoned underground storage tanks.”

Appendix A: City Attorney Legal Opinion

to be inserted



Report to the
Tax Incremental Districts Joint Review Board
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

Kevin J. Vonck, CED Director, David
Buck, Staff

AGENDA ITEM # T.2

To adopt an Allocation Amendment Resolution and amend the Project Plan for TID Twelve (12), I-43 Commercial Development.

BACKGROUND

TID 12 has accumulated aggregate incremental property taxes greater than the amount of total project costs. Prior to the mandatory termination date of October 7, 2026, TID 9 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs. Therefore, the JRB should allocate up to five hundred thousand dollars (\$500,000.00) of excess TID 12 incremental property taxes to TID 9 in order to provide sufficient funds to cover project costs.

This item was brought before the JRB on August 18, 2020, the RDA on August 25, 2020 and forwarded to the Common Council for action. The Common Council approved the resolution on September 4, 2020. Adoption of the JRB resolution is the final step in this items approval process.

RECOMMENDATION

Adopt an Allocation Amendment Resolution 20-02 and amend the Project Plan for TID Twelve (12), I-43 Commercial Development.

FISCAL IMPACT

To be discussed at meeting.

ATTACHMENTS

1. 6-2-TID-TID-12-Resolution-200922-Allocation-Amendment-JRB
2. 6-2-TID-TID-12-Project-Plan-200818-Amended



Joint Review Board
of the City of Green Bay

**RESOLUTION 20-02
REGARDING AN ALLOCATION AMENDMENT FOR
TAX INCREMENT DISTRICT NUMBER TWELVE (12),
I-43 COMMERCIAL DEVELOPMENT ("TID 12")**

September 22, 2020

WHEREAS, in accordance with Wis. Stats. §66.1105, the City of Green Bay ("City") created Tax Increment District Number Twelve (12), I-43 Commercial Development ("TID 12"), on September 6, 2005; and

WHEREAS, the Common Council of the City designated the Redevelopment Authority of the City of Green Bay ("RDA") to perform all acts necessary to adopt an Allocation Amendment Resolution and amend the Project Plan for TID 12 on Monday, June 29, 2020; and

WHEREAS, the RDA proposed allocating excess incremental property taxes from TID 12 to Tax Increment District Number Nine (9), State Highway 54/57 Business Park ("TID 9") in order to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination; and

WHEREAS, on Tuesday, August 18, 2020, the Joint Review Board ("JRB") of the City of Green Bay convened to elect a Chair, select a public member to the Board, and discuss the proposed Allocation Amendment Resolution and amended Project Plan; and

WHEREAS, the RDA performed the following acts, in accordance with Wis. Stats. §66.1105, to wit:

1. On Wednesday, August 12, 2020, mailed, by both electronic means and first-class mail, the chief executive officer of Brown County, the Green Bay Area School District, and Northeast Wisconsin Technical College a copy of the notice of said public hearing; and
2. On Thursday, August 13, 2020, and Thursday, August 20, 2020, published a notice of said public hearing in the Green Bay Press-Gazette; and
3. On Friday, August 14, 2020, made a hard copy of the Amended Project Plan available for public review in Room 608 of City Hall and posted it on the City website; and
4. On Tuesday, August 25, 2020, at 1:30 p.m., virtually through Zoom, held a public hearing on the proposed amendments to TID 12, in which interested parties were afforded reasonable opportunity to express their views on the Amended Project Plan; and

WHEREAS, on Tuesday, August 25, 2020, the RDA approved an Allocation Amendment Resolution and amendment the Project Plan for TID 12; and

WHEREAS, on Friday, September 4, 2020, the Common Council of the City of Green Bay approved a Allocation Amendment Resolution and amendment the Project Plan for TID 12; and

WHEREAS, the Amended Project Plan meets all the requirements of Wis. Stats. §66.1105, to wit:

1. An economic feasibility study; and
2. A detailed list of estimated project costs; and
3. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred; and
4. A map showing existing uses and conditions of real property within TID 12; and
5. A map showing proposed improvements and uses in TID 12; and

6. A statement confirming that the estimated percentage of land devoted to retail uses within the territory of TID 12 will not exceed thirty-five percent (35%); and
7. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any; and
8. A list of estimated non-project costs; and
9. A statement relating to the proposed method for the relocation of any persons to be displaced; and
10. A statement indicating how creation of TID 12 promotes the orderly development of the City; and
11. An opinion of the City Attorney that the Amended Project Plan is complete and complies with Wis. Stats. §66.1105; and

WHEREAS, the RDA makes the following findings as required by Wis. Stats. §66.1105, to wit:

1. The Amended Project Plan demonstrates that TID 12 has accumulated aggregate incremental property taxes greater than the amount of total project costs; and
2. In accordance with Wis. Stats. §66.1105(6)(f)3, that TID 12 has satisfied all of its current year debt service and project cost obligations; and
3. Prior to the mandatory termination date of October 7, 2026, TID 9 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs; and
4. Wis. Stats. §66.1105 permits the City to donate surplus funds from TID 12 to TID 9, given project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination; and
5. That “but for” the adoption of an Allocation Amendment, the development projected to occur in both TID 12 and TID 9, as detailed in the *City Comprehensive Plan*, would not occur in the manner desired by the City and RDA; and
6. The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in both TID 12 and TID 9; and
7. The economic benefits of both TID 12 and TID 9, as measured by increased property value, employment, and income,
 - 7.1. Are greater than the cost of the improvements identified in the respective Project Plans; and
 - 7.2. Are greater than the anticipated tax increments to be paid by owners of real property within the overlying taxing jurisdictions; and
8. The TID 12 and TID 9 Project Plans are feasible and in conformity with the *City Comprehensive Plan*.

NOW, THEREFORE, BE IT RESOLVED that the JRB amends the Non-Project Costs section of the TID 12 Project Plan to include an allocation, in an amount not to exceed five hundred thousand dollars (\$500,000.00), from TID 12 to TID 9, for the purposes of industrial development and project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination in TID 9, which is consistent with the purpose for which TID 9 was created; and

BE IT FINALLY RESOLVED that the City is hereby authorized to transfer such funds as specified herein.

Adopted _____

Approved _____

**JOINT REVIEW BOARD OF THE
CITY OF GREEN BAY**

By: _____
Diana Ellenbecker, Chair



City of Green Bay
Department of Community and Economic Development

Tax Increment District Twelve (12)

I-43 Commercial Development

Amended **PROJECT PLAN**

City of Green Bay, Wisconsin
18 August 2020

Joint Review Board of the City of Green Bay

Diana Ellenbecker, *City of Green Bay*
Bradley Klingsporn, *Brown County*
Pete Ross, *Green Bay Area Public Schools*
Bob Mathews, *Northeast Wisconsin Technical College*
Brent Weycker, *Citizen Member*

Common Council of the City of Green Bay

Eric Genrich, *Mayor*
Jesse Brunette, *President, District 12*
Barbara Dorff, *Vice-President, District 1*
Veronica Corpus-Dax, *District 2*
Lynn Gerlach, *District 3*
Bill Galvin, *District 4*
Craig Stevens, *District 5*
Kathy Lefebvre, *District 6*
Randy Scannell, *District 7*
Chris Wery, *District 8*
Brian Johnson, *District 9*
Mark Steuer, *District 10*
John S. VanderLeest, *District 11*

Redevelopment Authority of the City of Green Bay

Gary Delveaux, *Chair*
Matt Schueller, *Vice Chair*
Aldersperson Barbara Dorff
James Blumreich
Melanie Parma
Kathy Hinkfuss
Deby Dehn

This Project Plan was prepared by
Kevin J. Vonck, *Development Director*
Erin Roznik, *Design Specialist*
David Buck, *Principal Planner*
Diana Ellenbecker, *Finance Director*
Vanessa Chavez, *City Attorney*
Tom Giese, *Right-of-Way Specialist*

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Summary of Findings

1. In accordance with Wis. Stats. §66.1105, the City of Green Bay (“City”) created Tax Increment District Number Twelve (12), I-43 Commercial Development (“TID 12”), on September 6, 2005; and
2. The Common Council of the City designated the Redevelopment Authority of the City of Green Bay (“RDA”) to perform all acts necessary to adopt an Allocation Amendment Resolution and amend the Project Plan for TID 12 on Monday, June 29, 2020; and
3. The RDA proposed allocating excess incremental property taxes from TID 12 to Tax Increment District Number Nine (9), State Highway 54/57 Business Park (“TID 9” in order to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination); and
4. The RDA performed the following acts, in accordance with Wis. Stats. §66.1105, to wit:
 - 4.1. On Wednesday, August 12, 2020, mailed, by both electronic means and first-class mail, the chief executive officer of Brown County, the Green Bay Area School District, and Northeast Wisconsin Technical College a copy of the notice of said public hearing; and
 - 4.2. On Thursday, August 13, 2020, and Thursday, August 20, 2020, published a notice of said public hearing in the Green Bay Press-Gazette; and
 - 4.3. On Friday, August 14, 2020, made a hard copy of the Amended Project Plan available for public review in Room 608 of City Hall and posted it on the City website; and
 - 4.4. On Tuesday, August 25, 2020, at 1:30 p.m., virtually through Zoom, held a public hearing on the proposed amendments to TID 12, in which interested parties were afforded reasonable opportunity to express their views on the Amended Project Plan; and
5. The Amended Project Plan meets all the requirements of Wis. Stats. §66.1105, to wit:
 - 5.1. An economic feasibility study; and
 - 5.2. A detailed list of estimated project costs; and
 - 5.3. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred; and
 - 5.4. A map showing existing uses and conditions of real property within TID 12; and
 - 5.5. A map showing proposed improvements and uses in TID 12; and
 - 5.6. A statement confirming that the estimated percentage of land devoted to retail uses within the territory of TID 12 will not exceed thirty-five percent (35%); and
 - 5.7. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any; and
 - 5.8. A list of estimated non-project costs; and
 - 5.9. A statement relating to the proposed method for the relocation of any persons to be displaced; and
 - 5.10. A statement indicating how creation of TID 12 promotes the orderly development of the City; and
 - 5.11. An opinion of the City Attorney that the Amended Project Plan is complete and complies with Wis. Stats. §66.1105; and
6. The RDA makes the following findings as required by Wis. Stats. §66.1105, to wit:
 - 6.1. The Amended Project Plan demonstrates that TID 12 has accumulated aggregate incremental property taxes greater than the amount of total project costs; and
 - 6.2. In accordance with Wis. Stats. §66.1105(6)(f)3, that TID 12 has satisfied all of its current year debt service and project cost obligations; and
 - 6.3. Prior to the mandatory termination date of October 7, 2026, TID 9 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs; and
 - 6.4. Wis. Stats. §66.1105 permits the City to donate surplus funds from TID 12 to TID 9, given project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination; and
 - 6.5. That “but for” the adoption of an Allocation Amendment, the development projected to occur in both TID 12 and TID 9, as detailed in the City *Comprehensive Plan*, would not occur in the manner desired by the City and RDA; and
 - 6.6. The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in both TID 12 and TID 9; and

- 6.7. The economic benefits of both TID 12 and TID 9, as measured by increased property value, employment, and income,
 - 6.7.1. Are greater than the cost of the improvements identified in the respective Project Plans; and
 - 6.7.2. Are greater than the anticipated tax increments to be paid by owners of real property within the overlying taxing jurisdictions; and
- 6.8. The TID 12 and TID 9 Project Plans are feasible and in conformity with the City *Comprehensive Plan*.

Proposed Amendment

Amend the Non-Project Costs section of the TID 12 Project Plan to include an allocation, in an amount not to exceed five hundred thousand dollars (\$500,000.00), from TID 12 to TID 9, for the purposes of industrial development and project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination in TID 9, which is consistent with the purpose for which TID 9 was created.

Appendix A: City Attorney Legal Opinion

to be inserted



Report to the
Tax Incremental Districts Joint Review Board
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

Kevin J. Vonck, CED Director, David
Buck, Staff

AGENDA ITEM # T.3

To adopt an Allocation Amendment Resolution and amend the Project Plan for TID Seven (7), Ashland Avenue and Lombardi Avenue Corridors.

BACKGROUND

TID 7 has accumulated aggregate incremental property taxes greater than the amount of total project costs. Prior to the mandatory termination date of October 7, 2026, TID 9 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs. Therefore, the JRB should allocate up to one million dollars (\$1,000,000.00) of excess TID 7 incremental property taxes to TID 9 in order to provide sufficient funds to cover project costs.

This item was brought before the JRB on August 18, 2020, the RDA on August 25, 2020 and forwarded to the Common Council for action. The Common Council approved the resolution on September 4, 2020. Adoption of the JRB resolution is the final step in this items approval process.

RECOMMENDATION

Adopt an Allocation Amendment Resolution 20-03 and amend the Project Plan for TID Seven (7), Ashland Avenue and Lombardi Avenue Corridors.

FISCAL IMPACT

To be discussed at meeting.

ATTACHMENTS

1. 6-2-TID-TID-7-Resolution-200922-Allocation-Amendment-JRB
2. 6-2-TID-TID-7-Project-Plan-200818-Amended



Joint Review Board
of the City of Green Bay

**RESOLUTION 20-03
REGARDING AN ALLOCATION AMENDMENT FOR
TAX INCREMENT DISTRICT NUMBER SEVEN (7),
ASHLAND AVENUE AND LOMBARDI AVENUE CORRIDORS (“TID 7”)**

September 22, 2020

WHEREAS, in accordance with Wis. Stats. §66.1105, the City of Green Bay (“City”) created Tax Increment District Number Seven (7), Ashland Avenue and Lombardi Avenue Corridors (“TID 7”), on January 15, 2002; and

WHEREAS, the Common Council of the City designated the Redevelopment Authority of the City of Green Bay (“RDA”) to perform all acts necessary to adopt an Allocation Amendment Resolution and amend the Project Plan for TID 7 on Monday, June 29, 2020; and

WHEREAS, the RDA proposed allocating excess incremental property taxes from TID 7 to Tax Increment District Number Nine (9), State Highway 54/57 Business Park (“TID 9”) in order to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination; and

WHEREAS, on Tuesday, August 18, 2020, the Joint Review Board (“JRB”) of the City of Green Bay convened to elect a Chair, select a public member to the Board, and discuss the proposed Allocation Amendment Resolution and amended Project Plan; and

WHEREAS, the RDA performed the following acts, in accordance with Wis. Stats. §66.1105, to wit:

1. On Wednesday, August 12, 2020, mailed, by both electronic means and first-class mail, the chief executive officer of Brown County, the Green Bay Area School District, and Northeast Wisconsin Technical College a copy of the notice of said public hearing; and
2. On Thursday, August 13, 2020, and Thursday, August 20, 2020, published a notice of said public hearing in the Green Bay Press-Gazette; and
3. On Friday, August 14, 2020, made a hard copy of the Amended Project Plan available for public review in Room 608 of City Hall and posted it on the City website; and
4. On Tuesday, August 25, 2020, at 1:30 p.m., virtually through Zoom, held a public hearing on the proposed amendments to TID 7, in which interested parties were afforded reasonable opportunity to express their views on the Amended Project Plan; and

WHEREAS, on Tuesday, August 25, 2020, the RDA approved an Allocation Amendment Resolution and amendment the Project Plan for TID 7; and

WHEREAS, on Friday, September 4, 2020, the Common Council of the City of Green Bay approved an Allocation Amendment Resolution and amendment the Project Plan for TID 7; and

WHEREAS, the Amended Project Plan meets all the requirements of Wis. Stats. §66.1105, to wit:

1. An economic feasibility study; and
2. A detailed list of estimated project costs; and
3. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred; and
4. A map showing existing uses and conditions of real property within TID 7; and

5. A map showing proposed improvements and uses in TID 7; and
6. A statement confirming that the estimated percentage of land devoted to retail uses within the territory of TID 7 will not exceed thirty-five percent (35%); and
7. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any; and
8. A list of estimated non-project costs; and
9. A statement relating to the proposed method for the relocation of any persons to be displaced; and
10. A statement indicating how creation of TID 7 promotes the orderly development of the City; and
11. An opinion of the City Attorney that the Amended Project Plan is complete and complies with Wis. Stats. §66.1105; and

WHEREAS, the RDA makes the following findings as required by Wis. Stats. §66.1105, to wit:

1. The Amended Project Plan demonstrates that TID 7 has accumulated aggregate incremental property taxes greater than the amount of total project costs; and
2. In accordance with Wis. Stats. §66.1105(6)(f)3, that TID 7 has satisfied all of its current year debt service and project cost obligations; and
3. Prior to the mandatory termination date of October 7, 2026, TID 9 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs; and
4. Wis. Stats. §66.1105 permits the City to donate surplus funds from TID 7 to TID 9, given project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination; and
5. That “but for” the adoption of an Allocation Amendment, the development projected to occur in both TID 7 and TID 9, as detailed in the *City Comprehensive Plan*, would not occur in the manner desired by the City and RDA; and
6. The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in both TID 7 and TID 9; and
7. The economic benefits of both TID 7 and TID 9, as measured by increased property value, employment, and income,
 - 7.1. Are greater than the cost of the improvements identified in the respective Project Plans; and
 - 7.2. Are greater than the anticipated tax increments to be paid by owners of real property within the overlying taxing jurisdictions; and
8. The TID 7 and TID 9 Project Plans are feasible and in conformity with the *City Comprehensive Plan*.

NOW, THEREFORE, BE IT RESOLVED that the JRB amends the Non-Project Costs section of the TID 7 Project Plan to include an allocation, in an amount not to exceed one million dollars (\$1,000,000.00), from TID 7 to TID 9, for the purposes of industrial development and project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination in TID 9, which is consistent with the purpose for which TID 9 was created; and

BE IT FINALLY RESOLVED that the City is hereby authorized to transfer such funds as specified herein.

Adopted _____

Approved _____

**JOINT REVIEW BOARD OF THE
CITY OF GREEN BAY**

By: _____
Diana Ellenbecker, Chair



City of Green Bay
Department of Community and Economic Development

Tax Increment District Seven (7)

Ashland Avenue and Lombardi Avenue Corridors

Amended **PROJECT PLAN**

City of Green Bay, Wisconsin
18 August 2020

Joint Review Board of the City of Green Bay

Diana Ellenbecker, *City of Green Bay*
Bradley Klingsporn, *Brown County*
Pete Ross, *Green Bay Area Public Schools*
Bob Mathews, *Northeast Wisconsin Technical College*
Brent Weycker, *Citizen Member*

Common Council of the City of Green Bay

Eric Genrich, *Mayor*
Jesse Brunette, *President, District 12*
Barbara Dorff, *Vice-President, District 1*
Veronica Corpus-Dax, *District 2*
Lynn Gerlach, *District 3*
Bill Galvin, *District 4*
Craig Stevens, *District 5*
Kathy Lefebvre, *District 6*
Randy Scannell, *District 7*
Chris Wery, *District 8*
Brian Johnson, *District 9*
Mark Steuer, *District 10*
John S. VanderLeest, *District 11*

Redevelopment Authority of the City of Green Bay

Gary Delveaux, *Chair*
Matt Schueller, *Vice Chair*
Alderperson Barbara Dorff
James Blumreich
Melanie Parma
Kathy Hinkfuss
Deby Dehn

This Project Plan was prepared by
Kevin J. Vonck, *Development Director*
Erin Roznik, *Design Specialist*
David Buck, *Principal Planner*
Diana Ellenbecker, *Finance Director*
Vanessa Chavez, *City Attorney*
Tom Giese, *Right-of-Way Specialist*

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Summary of Findings

1. In accordance with Wis. Stats. §66.1105, the City of Green Bay (“City”) created Tax Increment District Number Seven (7), Ashland Avenue and Lombardi Avenue Corridors (“TID 7”), on January 15, 2002; and
2. The Common Council of the City designated the Redevelopment Authority of the City of Green Bay (“RDA”) to perform all acts necessary to adopt an Allocation Amendment Resolution and amend the Project Plan for TID 7 on Monday, June 29, 2020; and
3. The RDA proposed allocating excess incremental property taxes from TID 7 to Tax Increment District Number Nine (9), State Highway 54/57 Business Park (“TID 9”) in order to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination; and
4. The RDA performed the following acts, in accordance with Wis. Stats. §66.1105, to wit:
 - 4.1. On Wednesday, August 12, 2020, mailed, by both electronic means and first-class mail, the chief executive officer of Brown County, the Green Bay Area School District, and Northeast Wisconsin Technical College a copy of the notice of said public hearing; and
 - 4.2. On Thursday, August 13, 2020, and Thursday, August 20, 2020, published a notice of said public hearing in the Green Bay Press-Gazette; and
 - 4.3. On Friday, August 14, 2020, made a hard copy of the Amended Project Plan available for public review in Room 608 of City Hall and posted it on the City website; and
 - 4.4. On Tuesday, August 25, 2020, at 1:30 p.m., virtually through Zoom, held a public hearing on the proposed amendments to TID 7, in which interested parties were afforded reasonable opportunity to express their views on the Amended Project Plan; and
5. The Amended Project Plan meets all the requirements of Wis. Stats. §66.1105, to wit:
 - 5.1. An economic feasibility study; and
 - 5.2. A detailed list of estimated project costs; and
 - 5.3. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred; and
 - 5.4. A map showing existing uses and conditions of real property within TID 7; and
 - 5.5. A map showing proposed improvements and uses in TID 7; and
 - 5.6. A statement confirming that the estimated percentage of land devoted to retail uses within the territory of TID 7 will not exceed thirty-five percent (35%); and
 - 5.7. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any; and
 - 5.8. A list of estimated non-project costs; and
 - 5.9. A statement relating to the proposed method for the relocation of any persons to be displaced; and
 - 5.10. A statement indicating how creation of TID 7 promotes the orderly development of the City; and
 - 5.11. An opinion of the City Attorney that the Project Plan is complete and complies with Wis. Stats. §66.1105; and
6. The RDA makes the following findings as required by Wis. Stats. §66.1105, to wit:
 - 6.1. The Amended Project Plan demonstrates that TID 7 has accumulated aggregate incremental property taxes greater than the amount of total project costs; and
 - 6.2. In accordance with Wis. Stats. §66.1105(6)(f)3, that TID 7 has satisfied all of its current year debt service and project cost obligations; and
 - 6.3. Prior to the mandatory termination date of October 7, 2026, TID 9 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs; and
 - 6.4. Wis. Stats. §66.1105 permits the City to donate surplus funds from TID 7 to TID 9, given project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination; and
 - 6.5. That “but for” the adoption of an Allocation Amendment, the development projected to occur in both TID 7 and TID 9, as detailed in the City *Comprehensive Plan*, would not occur in the manner desired by the City and RDA; and
 - 6.6. The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in both TID 7 and TID 9; and

- 6.7. The economic benefits of both TID 7 and TID 9, as measured by increased property value, employment, and income,
 - 6.7.1. Are greater than the cost of the improvements identified in the respective Project Plans; and
 - 6.7.2. Are greater than the anticipated tax increments to be paid by owners of real property within the overlying taxing jurisdictions; and
- 6.8. The TID 7 and TID 9 Project Plans are feasible and in conformity with the *City Comprehensive Plan*.

Proposed Amendment

Amend the Non-Project Costs section of the TID 7 Project Plan to include an allocation, in an amount not to exceed one million dollars (\$1,000,000.00), from TID 7 to TID 9, for the purposes of industrial development and project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination in TID 9, which is consistent with the purpose for which TID 9 was created.

Appendix A: City Attorney Legal Opinion

to be inserted



Report to the
Tax Incremental Districts Joint Review Board
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

Kevin J. Vonck, CED Director, David
Buck, Staff

AGENDA ITEM # T.4

To adopt an Allocation Amendment Resolution and amend the Project Plan for TID Eight (8), Henry and Morrow Streets.

BACKGROUND

TID 8 has accumulated aggregate incremental property taxes greater than the amount of total project costs.

Prior to the mandatory termination date of October 7, 2026, TID 9 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs. Therefore, the JRB should allocate up to one million, five hundred thousand dollars (\$1,500,000.00) of excess TID 8 incremental property taxes to TID 9 in order to provide sufficient funds to cover project costs.

Prior to the mandatory termination date of September 2, 2035, TID 17 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs. Therefore, the JRB should allocate up to one hundred thousand dollars (\$100,000.00) of excess TID 8 incremental property taxes to TID 17 in order to provide sufficient funds to cover project costs.

This item was brought before the JRB on August 18, 2020, the RDA on August 25, 2020 and forwarded to the Common Council for action. The Common Council approved the resolution on September 4, 2020. Adoption of the JRB resolution is the final step in this items approval process.

RECOMMENDATION

Adopt an Allocation Amendment Resolution 20-04 and amend the Project Plan for TID Eight (8), Henry and Morrow Streets.

FISCAL IMPACT

To be discussed at meeting.

ATTACHMENTS

1. 6-2-TID-TID-8-Resolution-200922-Allocation-Amendment-JRB
2. 6-2-TID-TID-8-Project-Plan-200818-Amended



Joint Review Board
of the City of Green Bay

**RESOLUTION 20-04
REGARDING AN ALLOCATION AMENDMENT FOR
TAX INCREMENT DISTRICT NUMBER EIGHT (8),
HENRY AND MORROW STREETS (“TID 8”)**

September 22, 2020

WHEREAS, in accordance with Wis. Stats. §66.1105, the City of Green Bay (“City”) created Tax Increment District Number Eight (8), Henry and Morrow Streets (“TID 8”), on August 20, 2002; and

WHEREAS, the Common Council of the City designated the Redevelopment Authority of the City of Green Bay (“RDA”) to perform all acts necessary to adopt an Allocation Amendment Resolution and amend the Project Plan for TID 8 on Monday, June 29, 2020; and

WHEREAS, the RDA proposed allocating excess incremental property taxes from TID 8 to Tax Increment District Number Nine (9), State Highway 54/57 Business Park (“TID 9”) in order to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination and from TID 8 to Tax Increment District Number Seventeen (17), 900 Block North Broadway (“TID 17”); and

WHEREAS, on Tuesday, August 18, 2020, the Joint Review Board (“JRB”) of the City of Green Bay convened to elect a Chair, select a public member to the Board, and discuss the proposed Allocation Amendment Resolution and amended Project Plan; and

WHEREAS, the RDA performed the following acts, in accordance with Wis. Stats. §66.1105, to wit:

1. On Wednesday, August 12, 2020, mailed, by both electronic means and first-class mail, the chief executive officer of Brown County, the Green Bay Area School District, and Northeast Wisconsin Technical College a copy of the notice of said public hearing; and
2. On Thursday, August 13, 2020, and Thursday, August 20, 2020, published a notice of said public hearing in the Green Bay Press-Gazette; and
3. On Friday, August 14, 2020, made a hard copy of the Amended Project Plan available for public review in Room 608 of City Hall and posted it on the City website; and
4. On Tuesday, August 25, 2020, at 1:30 p.m., virtually through Zoom, held a public hearing on the proposed amendments to TID 8, in which interested parties were afforded reasonable opportunity to express their views on the Amended Project Plan; and

WHEREAS, on Tuesday, August 25, 2020, the RDA approved an Allocation Amendment Resolution and amendment the Project Plan for TID 8; and

WHEREAS, on Friday, September 4, 2020, the Common Council of the City of Green Bay approved an Allocation Amendment Resolution and amendment the Project Plan for TID 8; and

WHEREAS, the Amended Project Plan meets all the requirements of Wis. Stats. §66.1105, to wit:

1. An economic feasibility study; and
2. A detailed list of estimated project costs; and
3. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred; and
4. A map showing existing uses and conditions of real property within TID 8; and

5. A map showing proposed improvements and uses in TID 8; and
6. A statement confirming that the estimated percentage of land devoted to retail uses within the territory of TID 8 will not exceed thirty-five percent (35%); and
7. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any; and
8. A list of estimated non-project costs; and
9. A statement relating to the proposed method for the relocation of any persons to be displaced; and
10. A statement indicating how creation of TID 8 promotes the orderly development of the City; and
11. An opinion of the City Attorney that the Amended Project Plan is complete and complies with Wis. Stats. §66.1105; and

WHEREAS, the RDA makes the following findings as required by Wis. Stats. §66.1105, to wit:

1. The Amended Project Plan demonstrates that TID 8 has accumulated aggregate incremental property taxes greater than the amount of total project costs; and
2. In accordance with Wis. Stats. §66.1105(6)(f)3, that TID 8 has satisfied all of its current year debt service and project cost obligations; and
3. Prior to the mandatory termination date of October 7, 2026, TID 9 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs; and
4. Prior to the mandatory termination date of September 2, 2035, TID 17 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs; and
5. Wis. Stats. §66.1105 permits the City to donate surplus funds from TID 8 to TID 9 given project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination and/or TID 17; and
6. That “but for” the adoption of an Allocation Amendment, the development projected to occur in both TID 8, TID 9, and TID 17, as detailed in the City *Comprehensive Plan*, would not occur in the manner desired by the City and RDA; and
7. The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in both TID 8, TID 9, and TID 17; and
8. The economic benefits of both TID 8, TID 9, and TID 17, as measured by increased property value, employment, and income,
 - 8.1. Are greater than the cost of the improvements identified in the respective Project Plans; and
 - 8.2. Are greater than the anticipated tax increments to be paid by owners of real property within the overlying taxing jurisdictions; and
9. The TID 8, TID 9, and TID 17 Project Plans are feasible and in conformity with the City *Comprehensive Plan*.

NOW, THEREFORE, BE IT RESOLVED that the JRB amends the Non-Project Costs section of the TID 8 Project Plan to include an allocation, in an amount not to exceed one million, five hundred thousand dollars (\$1,500,000.00), from TID 8 to TID 9, for the purposes of industrial development and project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination in TID 9, which is consistent with the purpose for which TID 9 was created; and

BE IT FURTHER RESOLVED that the JRB amends the Non-Project Costs section of the TID 8 Project Plan to include an allocation, in an amount not to exceed one hundred thousand dollars (\$100,000.00), from TID 8 to TID 17, for the purposes of blight elimination in TID 17, which is consistent with the purpose for which TID 17 was created; and

BE IT FINALLY RESOLVED that the City is hereby authorized to transfer such funds as specified herein.

Adopted _____

Approved _____

**JOINT REVIEW BOARD OF THE
CITY OF GREEN BAY**

By: _____
Diana Ellenbecker, Chair



City of Green Bay
Department of Community and Economic Development

Tax Increment District Eight (8)

Henry and Morrow Streets

Amended **PROJECT PLAN**

City of Green Bay, Wisconsin 18 August 2020

Joint Review Board of the City of Green Bay

Diana Ellenbecker, *City of Green Bay*
Bradley Klingsporn, *Brown County*
Pete Ross, *Green Bay Area Public Schools*
Bob Mathews, *Northeast Wisconsin Technical College*
Brent Weycker, *Citizen Member*

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This Project Plan was prepared by
Kevin J. Vonck, *Development Director*
Erin Roznik, *Design Specialist*
David Buck, *Principal Planner*
Diana Ellenbecker, *Finance Director*
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Tom Giese, *Right-of-Way Specialist*

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Summary of Findings

1. In accordance with Wis. Stats. §66.1105, the City of Green Bay (“City”) created Tax Increment District Number Eight (8), Henry and Morrow Streets (“TID 8”), on August 20, 2002; and
2. The Common Council of the City designated the Redevelopment Authority of the City of Green Bay (“RDA”) to perform all acts necessary to adopt an Allocation Amendment Resolution and amend the Project Plan for TID 7 on Monday, June 29, 2020; and
3. The RDA proposed allocating excess incremental property taxes from TID 8 to Tax Increment District Number Nine (9), State Highway 54/57 Business Park (“TID 9”) in order to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination, and from TID 8 to Tax Increment District Number Seventeen (17), 900 Block North Broadway (“TID 17”); and
4. The RDA performed the following acts, in accordance with Wis. Stats. §66.1105, to wit:
 - 4.1. On Wednesday, August 12, 2020, mailed, by both electronic means and first-class mail, the chief executive officer of Brown County, the Green Bay Area School District, and Northeast Wisconsin Technical College a copy of the notice of said public hearing; and
 - 4.2. On Thursday, August 13, 2020, and Thursday, August 20, 2020, published a notice of said public hearing in the Green Bay Press-Gazette; and
 - 4.3. On Friday, August 14, 2020, made a hard copy of the Amended Project Plan available for public review in Room 608 of City Hall and posted it on the City website; and
 - 4.4. On Tuesday, August 25, 2020, at 1:30 p.m., virtually through Zoom, held a public hearing on the proposed amendments to TID 8, in which interested parties were afforded reasonable opportunity to express their views on the Amended Project Plan; and
5. The Amended Project Plan meets all the requirements of Wis. Stats. §66.1105, to wit:
 - 5.1. An economic feasibility study; and
 - 5.2. A detailed list of estimated project costs; and
 - 5.3. A description of the methods of financing all estimated project costs and the time when such costs or obligations related thereto are to be incurred; and
 - 5.4. A map showing existing uses and conditions of real property within TID 8; and
 - 5.5. A map showing proposed improvements and uses in TID 8; and
 - 5.6. A statement confirming that the estimated percentage of land devoted to retail uses within the territory of TID 8 will not exceed thirty-five percent (35%); and
 - 5.7. Statements indicating proposed changes in zoning ordinances, master plan, official map, building codes and city ordinances, if any; and
 - 5.8. A list of estimated non-project costs; and
 - 5.9. A statement relating to the proposed method for the relocation of any persons to be displaced; and
 - 5.10. A statement indicating how creation of TID 8 promotes the orderly development of the City; and
 - 5.11. An opinion of the City Attorney that the Amended Project Plan is complete and complies with Wis. Stats. §66.1105; and
6. The RDA makes the following findings as required by Wis. Stats. §66.1105, to wit:
 - 6.1. The Amended Project Plan demonstrates that TID 8 has accumulated aggregate incremental property taxes greater than the amount of total project costs; and
 - 6.2. In accordance with Wis. Stats. §66.1105(6)(f)3, that TID 8 has satisfied all of its current year debt service and project cost obligations; and
 - 6.3. Prior to the mandatory termination date of October 7, 2026, TID 9 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs; and
 - 6.4. Prior to the mandatory termination date of September 2, 2035, TID 17 will not have accumulated aggregate incremental property taxes equal to or greater than the amount of total project costs; and
1. Wis. Stats. §66.1105 permits the City to donate surplus funds from TID 8 to TID 9 given project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination and/or TID 17; and

- 6.5. That “but for” the adoption of an Allocation Amendment, the development projected to occur in both TID 8, TID 9, and TID 17, as detailed in the City *Comprehensive Plan*, would not occur in the manner desired by the City and RDA; and
- 6.6. The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in both TID 8, TID 9, and TID 17; and
- 6.7. The economic benefits of both TID 8, TID 9, and TID 17, as measured by increased property value, employment, and income,
 - 6.7.1. Are greater than the cost of the improvements identified in the respective Project Plans; and
 - 6.7.2. Are greater than the anticipated tax increments to be paid by owners of real property within the overlying taxing jurisdictions; and
- 6.8. The TID 8, TID 9, and TID 17 Project Plans are feasible and in conformity with the City *Comprehensive Plan*.

Proposed Amendment

Amend the Non-Project Costs section of the TID 8 Project Plan to include an allocation, in an amount not to exceed one million, five hundred thousand dollars (\$1,500,000.00), from TID 8 to TID 9, for the purposes of industrial development and project costs to create, provide, or rehabilitate low-cost housing or to remediate environmental contamination in TID 9, which is consistent with the purpose for which TID 9 was created.

Amend the Non-Project Costs section of the TID 8 Project Plan to include an allocation, in an amount not to exceed one hundred thousand dollars (\$100,000.00), from TID 8 to TID 17, for the purposes of blight elimination in TID 17, which is consistent with the purpose for which TID 17 was created.

Appendix A: City Attorney Legal Opinion

to be inserted



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # U.I

To receive and place on file a request by the Finance Director to review and discuss 2019 year-end financial results and management communication for the City.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Signed Governance Communication City of Green Bay

City of Green Bay, Wisconsin

GOVERNANCE COMMUNICATIONS

December 31, 2019

City of Green Bay, Wisconsin

DECEMBER 31, 2019

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To the Honorable Mayor and City Council
City of Green Bay
Brown County, Wisconsin

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of City of Green Bay as of and for the year ended December 31, 2019, and have issued our report thereon dated August 28, 2020. We have previously communicated to you information about our responsibilities under auditing standards generally accepted in the United States of America, *Government Auditing Standards*, and Title 2 U.S. *Code of Federal Regulations* Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) and the *State Single Audit Guidelines*, as well as certain information related to the planned scope and timing of our audit. Professional standards also require that we communicate to you the following information related to our audit.

Significant audit findings

Qualitative aspects of accounting practices

Accounting policies

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by City of Green Bay are described in Note 1 to the financial statements.

As described in Note 1.C., the City changed accounting policies related to property taxes and special collections by adopting Statement of Governmental Accounting Standards. (GASB Statement) No. 84, *Fiduciary Activities*, in 2019. Accordingly, property taxes and specials collected on behalf of other governments are now recorded in a custodial fund.

We noted no transactions entered into by the entity during the year for which there is a lack of authoritative guidance or consensus. Except as noted in Note 4.E, all significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

- Management's estimate of the other postemployment benefits is based on an actuarial report. We evaluated the key factors and assumptions used to develop the other postemployment benefits in determining that it is reasonable in relation to the financial statements taken as a whole.
- Management's estimate of accumulated vacation and sick leave is based upon analysis of the employees' vacation and sick leave balance. We evaluated the key factors and assumptions and the consistency in these factors and assumptions used to develop the accumulated vacation and sick leave in determining that it is reasonable in relation to the financial statements taken as a whole.

- Management's estimate of the depreciable life of the capital assets is based upon analysis of the expected useful life of the capital assets. We evaluated the key factors and assumptions and the consistency in these factors and assumptions used to develop the depreciable life in determining that it is reasonable in relation to the financial statements taken as a whole.
- Management's estimate of the fair value of the investments is based on ending market values as of December 31, 2019, as reported by the investment managers. We evaluated the key factors and assumptions used in valuing the investments in determining that they are reasonable in relation to the financial statements taken as a whole.
- Management's estimate of the incurred, but not reported (IBNR) insurance reserves are based on actuarial projections of the expected cost of the ultimate settlement and administration of claims. We evaluated the key factors and assumptions used to develop the reserves in determining that it is reasonable in relation to the financial statements taken as a whole.
- Management's estimate of the net pension liability (asset) and related deferred outflows/inflows of resources is based on information received from the Wisconsin Retirement System. We evaluated the key factors and assumptions used to develop the net pension liability (asset) and related deferred outflows/inflows of resources in determining that they are reasonable in relation to the financial statements taken as a whole.

Financial statement disclosures

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. There were no particularly sensitive financial statement disclosures.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties encountered in performing the audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Uncorrected misstatements

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements.

Corrected misstatements

The following material misstatement detected as a result of audit procedures was corrected by management:

- Recorded December 2019 storm water and sanitary sewer revenue and receivable
- Recorded delinquent user charges for storm water and sanitary sewer

Disagreements with management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. No such disagreements arose during our audit.

Management representations

We have requested certain representations from management that are included in the attached management representation letter dated August 28, 2020.

Management consultations with other independent accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a “second opinion” on certain situations. If a consultation involves application of an accounting principle to the entity’s financial statements or a determination of the type of auditors’ opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Significant issues discussed with management prior to engagement

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to engagement as the entity’s auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our engagement.

Other information in documents containing audited financial statements

With respect to the required supplementary information (RSI) accompanying the financial statements, we made certain inquiries of management about the methods of preparing the RSI, including whether the RSI has been measured and presented in accordance with prescribed guidelines, whether the methods of measurement and preparation have been changed from the prior period and the reasons for any such changes, and whether there were any significant assumptions or interpretations underlying the measurement or presentation of the RSI. We compared the RSI for consistency with management’s responses to the foregoing inquiries, the basic financial statements, and other knowledge obtained during the audit of the basic financial statements. Because these limited procedures do not provide sufficient evidence, we did not express an opinion or provide any assurance on the RSI.

With respect to the schedule of expenditures of federal and state awards (SEFA) accompanying the financial statements, on which we were engaged to report in relation to the financial statements as a whole, we made certain inquiries of management and evaluated the form, content, and methods of preparing the SEFA to determine that the SEFA complies with the requirements of the *Uniform Guidance* and the *State Single Audit Guide*, the method of preparing it has not changed from the prior period or the reasons for such changes, and the SEFA is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the SEFA to the underlying accounting records used to prepare the financial statements or to the financial statements themselves. We have issued our report thereon dated August 28, 2020.

With respect to the supplementary information accompanying the financial statements, on which we were engaged to report in relation to the financial statements as a whole, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period or the reasons for such changes, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves. We have issued our report thereon dated August 28, 2020.

The introductory and statistical sections accompanying the financial statements, which is the responsibility of management, was prepared for purposes of additional analysis and is not a required part of the financial statements. Such information was not subjected to the auditing procedures applied in the audit of the financial statements, and, accordingly, we did not express an opinion or provide any assurance on it.

Our auditors’ opinion, the audited financial statements, and the notes to financial statements should only be used in their entirety. Inclusion of the audited financial statements in a document you prepare, such as an annual report, should be done only with our prior approval and review of the document.

* * *

This communication is intended solely for the information and use of the City Council and management of City of Green Bay and is not intended to be, and should not be, used by anyone other than these specified parties.

A handwritten signature in black ink that reads "CliftonLarsonAllen LLP". The script is fluid and cursive, with the letters connected in a continuous line.

CliftonLarsonAllen LLP

Green Bay, Wisconsin

August 28, 2020

Summary Financial Information

GOVERNMENTAL FUND BALANCES

Presented below is a summary of the City's governmental fund balances on December 31, 2019 and 2018. This information is provided for assessing financial results for 2019 and for indicating financial resources available at the start of the 2020 budget year.

	<u>12/31/19</u>	<u>12/31/18</u>
General Fund		
Nonspendable	\$ 1,970,410	\$ 1,851,635
Assigned	77,568	75,167
Unassigned	12,317,061	12,550,281
Total General Fund	<u>14,365,039</u>	<u>14,477,083</u>
Special Revenue Funds		
Nonspendable		
Parking division	-	3,997
Bay Beach	1,350	-
Restricted		
DPW equipment	123,086	702,437
Transit capital	476,941	691,667
Community development	359,867	407,608
Home Grant	274,921	304,982
Neighborhood stabilization	99,703	99,703
Park land	51,790	35,435
Trees	90,518	97,086
Police donations	137,662	95,451
State asset forfeiture	15,883	8,364
Federal asset forfeiture	19,372	8,665
OWI vehicle seizure	903	903
Federal police treasury	10,285	10,108
Lambeau stadium excess sales tax	1,346,964	1,897,228
Fire grants	160,272	49,582
Committed		
Sanitary sewer	12,396,086	7,765,744
Storm sewer	8,032,840	7,130,470
RDA revolving loan	400,828	172,827
Bay Beach	855,417	656,351
Northland Hotel	569,909	566,734
Assigned		
Parking division	192,666	104,040
DPW equipment	1,098,810	2,088,865
Employee recognition	28,598	33,314
City revolving loan	91,804	90,740
Wheel tax	586,785	15,649
Total Special Revenue Funds	<u>27,423,260</u>	<u>23,037,950</u>

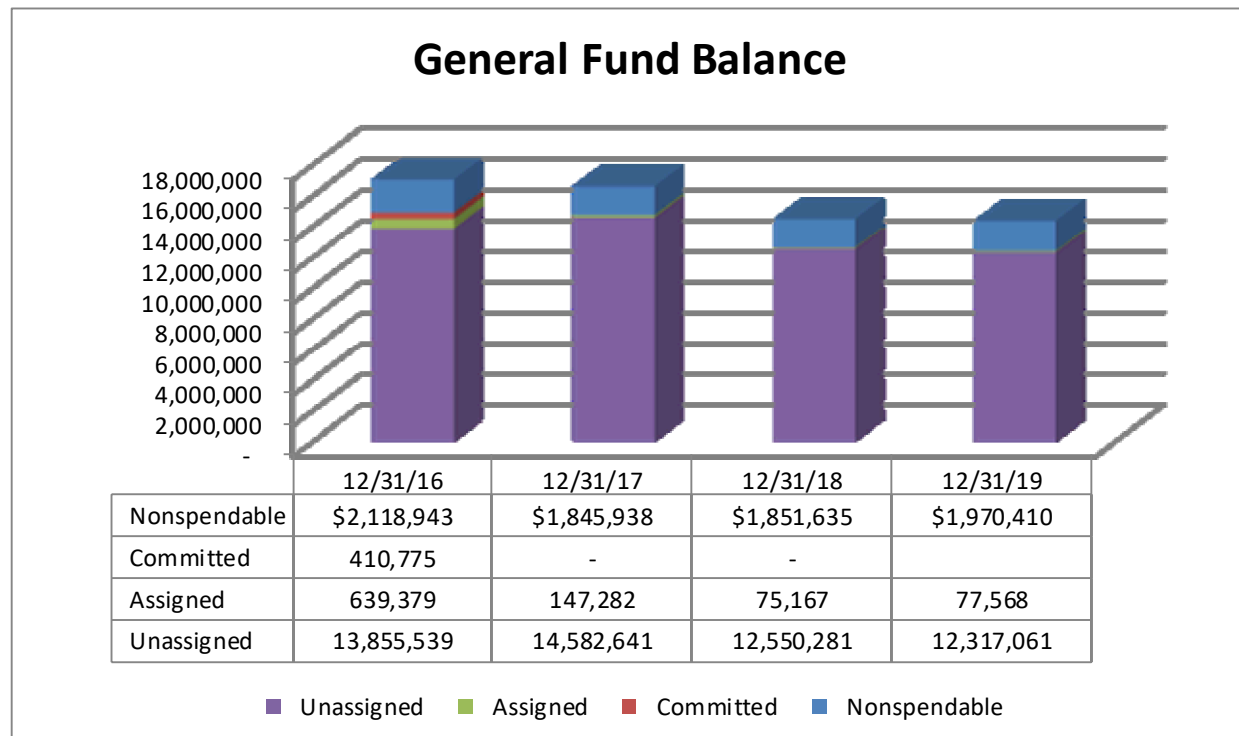
GOVERNMENTAL FUND BALANCES (CONTINUED)

	12/31/19	12/31/18
Capital Projects Funds		
Restricted		
Street construction	-	1,663,573
Sidewalks	-	95,328
Sanitary sewers construction	771,513	1,852,251
DPW building capital improvements	137,196	-
Right of way	1,179,529	1,639,457
Park acquisition	1,602,826	3,331,683
Storm sewers	3,208,280	-
Police capital improvements	34,362	34,362
Fire capital improvements	328,431	482,274
City Hall remodeling	329,699	362,875
Finance	60,680	-
Information services	57,626	67,011
Police equipment replacement	819,604	268,578
Fire equipment replacement	1,739,851	965,528
Inspection equipment replacement	12,984	19,210
Parks equipment replacement	159,123	53,910
Parking division capital	647,677	336,911
Bay Beach development	4,776,707	4,949,766
KI Convention Center	2,903,061	2,836,383
KI Convention Center maintenance	1,834,199	1,676,639
Tax Increment District #4	95,665	180,464
Tax increment District #5	1,991,886	397,895
Tax Increment District #6	317,060	324,104
Tax Increment District #7	1,299,863	712,456
Tax Increment District #8	1,981,540	1,812,569
Tax Increment District #10	706,664	539,012
Tax Increment District #11	312,868	343,208
Tax Increment District #12	2,504,748	3,451,006
Tax Increment District #14	-	782,512
Tax Increment District #15	23,127	27,711
Tax Increment District #19	90,905	-
Committed		
Sanitary sewer construction	3,129,894	1,896,496
Storm sewers	6,759,109	6,421,062
Sanitary sewer equipment replacement	2,180,226	2,076,533
Storm water equipment replacement	2,189,605	1,719,191
Parking division capital	870,443	893,761
Parking division vehicles	215,842	169,456
Assigned		
Street construction	6,156,653	5,223,664
DPW building capital improvements	127,827	127,827
Right of way	198,752	196,419
Water mains	47,138	21,013
Boat ramp	154,599	173,043
Park acquisition	1,285,017	1,677,913
Industrial parks	-	6,408
Storm sewer management	84,117	985,118
Police capital improvements	88,579	88,579
Fire capital improvements	159,631	200,492
City Hall remodeling	256,469	263,118
Finance	-	49,088
Information services	125,198	785,255
Police equipment replacement	116,809	168,951
Fire equipment replacement	75,322	147,886

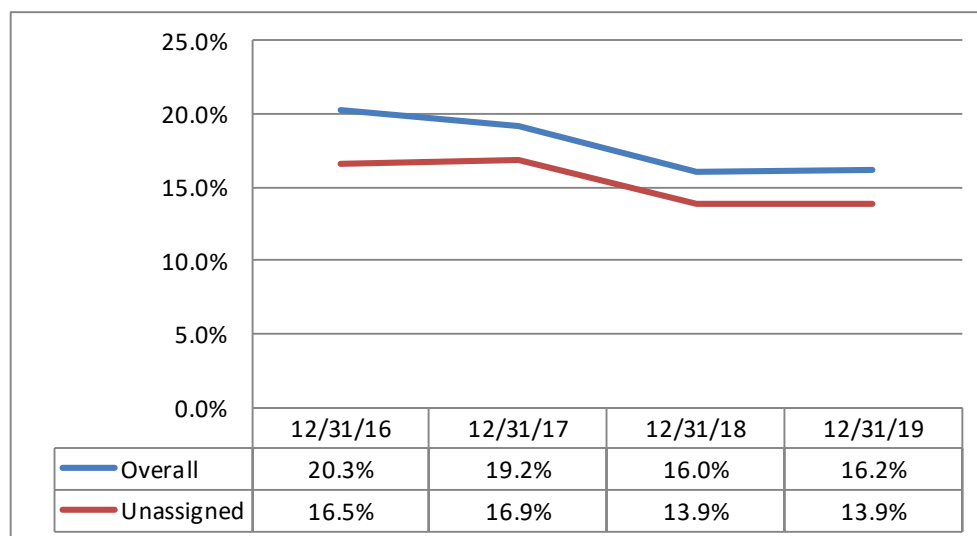
GOVERNMENTAL FUND BALANCES (CONTINUED)

	12/31/19	12/31/18
Capital Projects Funds (Continued)		
Inspection equipment replacement	28,399	28,399
Parks equipment replacement	-	74,939
Redevelopment property acquisition	72,701	90,247
Bay Beach development	-	274,262
Neighborhood property	518,844	344,326
Brownfield grant	137,497	137,496
Unassigned		
Sidewalks	(186,340)	(337,862)
Finance	(12,767)	-
Parks equipment replacement	(15,593)	-
Bay Beach development	(964,230)	-
Tax Increment District #9	(1,540,076)	(1,497,667)
Tax Increment District #13	(3,745,733)	(3,072,136)
Tax Increment District #14	(3,238,395)	(1,923,937)
Tax Increment District #16	(84,899)	(372,606)
Tax Increment District #17	(60,396)	(67,594)
Tax Increment District #18	(1,367,654)	(1,408,339)
Tax Increment District #19	-	(56,904)
Tax Increment District #20	(29,590)	(16,782)
Tax Increment District #21	(41,391)	(25,169)
Tax Increment District #22	(27,321)	-
Tax Increment District #23	(13,184)	-
Total Capital Projects Funds	43,578,776	44,668,622
Total Governmental Fund Balances	\$ 88,476,627	\$ 84,538,098

Over the past two years, the City's unassigned General Fund balance has decreased, as noted below. In total, fund balance has been decreasing due to use of fund balance to balance the budget.



In evaluating your General Fund balance, it is important to consider the level of fund balance compared to annual general fund expenditures. As illustrated below, your overall fund balance as a percentage of actual expenditures has decreased in recent years while your unassigned fund balance has decreased.



Management's Response:

All governmental fund balances are set forth in this statement and we are in agreement with the presentation. Further analysis of the individual fund balances follow:

The general fund, which supports the operation of the City's general government including police, fire, DPW, parks and general administration, carries a balance of \$14,365,000 which represents 16.2% of the City's most recent prior year's expenditures. This balance is important as it represents dollars available to ensure sufficient reserves are maintained to cover amounts not able to be readily converted to cash such as delinquent taxes and special assessments, transit interfund advance and inventory, unanticipated expenditures, revenue shortfalls or meeting working capital needs of the City. Rating agencies consider the government's fund balance, history of use of fund balance, and policy when assigning ratings.

The overall general fund balance is slightly below the City's general fund policy's range of 17% - 25% at 16.2%. The 2019 has more public safety employee retirement than budgeted which increased the sick escrow payments. Another comparison to the City's policy is that of unassigned fund balance. The City's policy states that we shall maintain a minimum of 9% - 16% of the previous year's general operating fund expenses. Currently the City is at \$12,317,000 of 13.9% of prior year's expenses as unassigned fund balance. The remaining amount of \$2,048,000 of the general fund balance is considered non-spendable, committed or assigned. The non-spendable value is made up of delinquent taxes and special assessments valued at just over \$1,970,000, an inter-fund advance made to the City's Transit Authority of \$982,000 and \$492,000 for inventories and prepaid items. Approximately \$78,000 is assigned for funding of projects that were not completed in 2019 that will be completed in 2020.

The City has set the level of both the fund balance in its entirety as well as unrestricted fund balance to accommodate the late collection of the City's shared revenue (approximately \$14 million) from the State, which is not received until late November each year.

As a point of reference the GFOA (Government Finance Officers Association) recommends this reserve to be not less than two month of regular general fund operating expenses of \$15 million.

The special revenue and capital projects with a deficit balance include Sidewalks and Tax Increment Districts number 9, 13, 14, 16, 17, 18, 19, 20, 21, 22, and 231. The fund deficit in the Tax Increment Districts will be funded either through future tax levies for the district or through the City's general debt levy.

HEALTH SELF-INSURANCE FUND

The City has established a health self-insurance program for City employees and retirees. Financial transactions of the program are recorded in a separate internal service fund on the City's accounting system to allow management to more easily monitor the operations of the fund. A summary of 2019 transactions, including a comparison to 2018, for the health self-insurance fund follows:

	<u>2019</u>	<u>2018</u>
Operating revenues		
Charges to City departments, employees and retirees for health insurance coverage	\$ 15,093,904	\$ 15,276,412
Intergovernmental charges	21,032	24,137
Total operating revenues	<u>15,114,936</u>	<u>15,300,549</u>
Operating expenses		
Health care claims	14,640,621	14,037,911
Stop loss insurance premiums	533,134	505,570
Transplant insurance premiums	130,430	132,603
Administrative fees	478,479	471,211
Total operating expenses	<u>15,782,664</u>	<u>15,147,295</u>
Operating income (loss)	(667,728)	153,254
Nonoperating revenues		
Interest	<u>76,757</u>	<u>41,461</u>
Change in net position	(590,971)	194,715
Net position - January 1	<u>2,147,181</u>	<u>1,952,466</u>
Net position - December 31	<u>\$ 1,556,210</u>	<u>\$ 2,147,181</u>

The health self-insurance fund generated operating loss of \$667,728 for 2019 compared to operating income of \$153,254 for 2018. The ending net position balance represents about 10.6% of current year health claims, as opposed to 15.3% in prior year.

Management's Response:

The City's self-insurance health fund goal was to keep flat for 2019 with slight modifications to the plan and 2% increase in its premium rate. The City continues with the 10 year plan (2013-2022) to reduce the levy supported health insurance subsidy for retirees. 2019 saw an increases of 4% reduction in Health care claims which resulted in a reduction of fund balance. The 2019 budget included a levy increase of 194,000 from 2018.

Overall, the health insurance fund ended the year decreasing (\$591,000) to a net position of \$1,556,000 with a goal to rebuild the fund balance that equates approximately to two months' worth of claims at approximately \$2.3 million.

This fund will continue to be monitored closely and adjustments made as needed. YTD 2020 claims are running below 2020 budget which will increase the fund balance.

WORKERS COMPENSATION SELF-INSURANCE FUND

The City has established a workers compensation self-insurance program for City employees. Financial transactions of the program are recorded in a separate internal service fund on the City's accounting system to allow management to more easily monitor the operations of the fund. A summary of 2019 transactions, including a comparison to 2018, for the workers compensation self-insurance fund follows:

	<u>2019</u>	<u>2018</u>
Operating revenues		
Charges to City departments for workers compensation insurance coverage	<u>\$ 335,295</u>	<u>\$ 278,741</u>
Operating expenses		
Health care claims	1,367,209	708,549
Stop loss insurance premiums	3,438	212,055
Consulting fees	64,103	61,514
Total operating expenses	<u>1,434,750</u>	<u>982,118</u>
Operating loss	<u>(1,099,455)</u>	<u>(703,377)</u>
Nonoperating revenues		
Property taxes	1,182,230	988,626
Interest	39,594	17,492
Other	9,975	10,000
Total nonoperating revenues	<u>1,231,799</u>	<u>1,016,118</u>
Change in net position	132,344	312,741
Net position - January 1	<u>1,785</u>	<u>(310,956)</u>
Net position - December 31	<u>\$ 134,129</u>	<u>\$ 1,785</u>

The net position increased \$132,344 in 2019 compared to an increase of \$312,741 for the prior year, largely due to increased health care claims. At December 31, 2019, the claims liability totaled \$1,241,646, a slight decrease from the 2018 balance of \$1,251,348. The amount of claims liability is an estimate, and could fluctuate, so it is important that the City increases the net position over time to a positive balance to potentially fund future claims.

Management's Response:

The 2019 fiscal year end amount available to finance current and future claims totals \$1,776,000. This balance is made up of two components, net position of \$134,000 and incurred But-Not-Reported reserve of \$1,642,000. This is an increase in fund balance of \$523,000 from 2018. The increase in claims report was driven by the increase in reserve. To reduce claims in this fund, the City's Risk Manager continues efforts to elevate safety in the City's work environment by putting in place various training programs throughout City departments that focuses on proper work procedures that promotes safety.

This fund will continue to be monitored and the amount the City places on the levy to fund these expenditures will be adjusted accordingly.

LIABILITY SELF-INSURANCE FUND

The City, together with certain other units of government within the State of Wisconsin, has created the Cities and Villages Mutual Insurance Company (CVMIC) to provide liability insurance services to its members. The City provided its share of the original financing for CVMIC by issuance of general obligation bonds totaling \$4,812,360 on November 1, 1987.

The City has established a separate internal service fund to account for the operations of the liability self-insurance fund. The fund pays all liability claims owed by the City along with any premiums charged to the City by CVMIC. Revenues of the fund consist of charges to City departments covered by the insurance. A summary of 2019 transactions, including a comparison to 2018, for the liability self-insurance fund follows:

	<u>2019</u>	<u>2018</u>
Operating revenues		
Charges to City departments for liability insurance coverage	<u>\$ 175,633</u>	<u>\$ 238,855</u>
Operating expenses		
Liability claims and changes in estimates	118,652	1,512,546
Insurance premiums	378,714	361,353
Administrative fees	85,857	-
Total operating expenses	<u>583,223</u>	<u>1,873,899</u>
Operating loss	<u>(407,590)</u>	<u>(1,635,044)</u>
Nonoperating revenues		
General property taxes	554,314	438,790
Interest revenue	6,429	7,194
Dividend from CVMIC	79,408	149,883
Interest expense	-	(4,116)
Total nonoperating revenues	<u>640,151</u>	<u>591,751</u>
Change in net position	232,561	(1,043,293)
Net position - January 1	<u>(932,891)</u>	<u>110,402</u>
Net position - December 31	<u><u>\$ (700,330)</u></u>	<u><u>\$ (932,891)</u></u>

The liability self-insurance fund increased \$232,561 for 2019, compared to a decrease of \$1,043,293 for the prior year.

Management's Response:

The 2019 fiscal year end amount available to finance current and future claims is \$325,000, and increase of \$123,000 from 2018. This balance is made up of two components, net position of (\$700,000) and incurred But-Not-Reported reserve of \$1,025,000. The negative fund balance is due to a one-time general liability settlement payout in 2018. The 2020 budget included an increase in levy of \$116,000.

The City will monitor this fund's activity to ensure its ability to pay claims or increase the levy to fund the expenditures accordingly.

New Accounting Standards

ACCOUNTING AND REPORTING FOR LEASES

In June 2017, the Governmental Accounting Standards Board (GASB) issued GASB Statement No. 87, *Leases*, which establishes a single model for lease accounting and revises reporting requirements.

Lease accounting is required when a government contracts to use another entity's equipment, building, or other nonfinancial assets for a specific period of time. Under the new guidance, a lease asset and a lease liability are recorded in the government-wide and proprietary financial statements for this contract. The lease liability is calculated by including the following: fixed payments, variable payments, interest rate, purchase options, residual value guarantees, and termination or extension options. The lease liability is discounted and is amortized over the lease term. The lease asset is calculated by starting with the lease liability amount and adjusting for incentives and other costs and is amortized over the shorter of the lease term or the useful life of the underlying asset. The lease asset is reported in the financial statements as an intangible right to use asset, rather than a capital asset under current guidance. Footnote disclosures including lease assets by asset class and related accumulated amortization and future minimum payments among other details are required under the new Statement.

When the government is leasing one of its assets to another entity, a lease receivable and deferred inflow of resources related to the lease receivable is recorded. The lease receivable is calculated similar to the lease asset described above. The lease receivable is discounted and is amortized over the lease term. The deferred inflow of resources is calculated by starting with the lease receivable and adjusting for incentives and other payments. The deferred inflow would be recognized as an inflow of resources in a systematic and rational manner over the lease term.

Some contracts include a nonlease component such as maintenance services. The government will need to allocate the contract cost between the lease component and the nonlease component, unless it is not practicable to do so. If it is not practicable, the entire contract should be treated as a lease.

This new standard is effective for fiscal years beginning after June 15, 2021. Early adoption is encouraged by GASB. We recommend the City review the new standard, gather all lease contracts, and identify the terms and conditions of each contract, noting the lease term, all payments, and options in order to properly determine the value of each lease. The City should also review contracts that have both lease and nonlease components to determine if a price allocation is practicable.

APPENDIX



Office of the City Finance Department

August 28, 2020

CliftonLarsonAllen LLP
2200 Riverside Drive
P.O. Box 23819
Green Bay, WI 54305-3819

This representation letter is provided in connection with your audit of the financial statements of City of Green Bay, which comprise the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information as of December 31, 2019, and the respective changes in financial position and, where applicable, cash flows for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions on whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement.

We confirm, to the best of our knowledge and belief, as of August 28, 2020, the following representations made to you during your audit of the financial statements as of and for the year ended December, 2019.

Financial Statements

1. We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated December 16, 2019, for the preparation and fair presentation of the financial statements in accordance with U.S. GAAP. The financial statements include all properly classified funds and other financial information of the primary government and all component units required by generally accepted accounting principles to be included in the financial reporting entity.
2. We acknowledge and have fulfilled our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
3. We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
4. Significant assumptions used by us in making accounting estimates, including those measured at fair value, are reasonable.
5. Significant estimates have been appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP. Significant estimates are estimates at the financial statement date that could change materially within the next year.
6. Related party relationships and transactions, including, but not limited to, revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP.

7. All events occurring subsequent to the date of the financial statements and for which U.S. GAAP requires adjustment or disclosure have been adjusted or disclosed..
8. We have not identified or been notified of any uncorrected financial statement misstatements. You have proposed adjusting journal entries that have been posted to the entity's accounts. We have reviewed and approved those adjusting journal entries and understand the nature of the changes and their impact on the financial statements. We are in agreement with those adjustments and accept responsibility for them.
9. The effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed in accordance with U.S. GAAP.
10. Guarantees, whether written or oral, under which the City is contingently liable, if any, have been properly recorded or disclosed in accordance with U.S. GAAP.
11. The fact that the amount of "uncollateralized" deposits or "uninsured, unregistered securities held by the counterparty, or by its trust department or agent but not in the City's name" during the period significantly exceeded the amounts in those categories as of the financial statement date was properly disclosed in the financial statements.
12. Receivables recorded in the financial statements represent valid claims against debtors for transactions arising on or before the financial statement date and have been reduced to their estimated net realizable value.
13. The methods and significant assumptions used result in a measure of fair value appropriate for financial statement measurement and disclosure purposes.
14. Participation in a public entity risk pool has been properly reported and disclosed in the financial statements.
15. We believe that the actuarial assumptions and methods used to measure pension and other postemployment benefits (OPEB) liabilities and costs for financial accounting purposes are appropriate in the circumstances.
16. We do not plan to make frequent amendments to our pension or other postretirement benefit plans.

Information Provided

1. We have provided you with:
 - a. Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters.
 - b. Additional information that you have requested from us for the purpose of the audit.
 - c. Unrestricted access to persons within the City from whom you determined it necessary to obtain audit evidence.
 - d. Complete minutes of the meetings of the governing board and related committees, or summaries of actions of recent meetings for which minutes have not yet been prepared.
 - e. All communications from regulatory agencies, grantors, lenders, and other funding sources concerning noncompliance with, or deficiencies in, financial reporting practices.
 - f. All communications from regulatory agencies, grantors, lenders, and other funding sources concerning noncompliance with the provisions of laws, regulations, contracts, and grant agreements.
 - g. Access to all audit or relevant monitoring reports, if any, received from funding sources.

2. All material transactions have been recorded in the accounting records and are reflected in the financial statements and the schedule of expenditures of federal awards.
3. We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
4. We have no knowledge of any fraud or suspected fraud that affects the City and involves:
 - a. Management;
 - b. Employees who have significant roles in internal control; or
 - c. Others when the fraud could have a material effect on the financial statements.
5. We have no knowledge of any allegations of fraud, or suspected fraud, affecting the City's financial statements communicated by employees, former employees, grantors, regulators, or others.
6. We have no knowledge of any instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, and grant agreements, or abuse whose effects should be considered when preparing financial statements.
7. We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.
8. There are no other material liabilities or gain or loss contingencies that are required to be accrued or disclosed in accordance with U.S. GAAP.
9. We have disclosed to you the identity of the City's related parties and all the related party relationships and transactions of which we are aware.
10. The City has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets, nor has any asset been pledged as collateral, except as made known to you and disclosed in the financial statements.
11. We have a process to track the status of audit findings and recommendations.
12. We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
13. We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to City of Green Bay, including tax or debt limits and debt contracts; and we have identified and disclosed to you all laws, regulations, and provisions of contracts and grant agreements that we believe have a direct and material effect on the determination of financial statement amounts or other financial data significant to the audit objectives, including legal and contractual provisions for reporting specific activities in separate funds.
14. There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.
15. The City has complied with all aspects of contractual or grant agreements that would have a material effect on the financial statements in the event of noncompliance.
16. We have followed all applicable laws and regulations in adopting, approving, and amending budgets.

17. The financial statements include all component units as well as joint ventures with an equity interest, and properly disclose all other joint ventures, jointly governed organizations, and other related organizations.
18. The financial statements properly classify all funds and activities.
19. All funds that meet the quantitative criteria in GASB Statement Nos. 34 and 37 for presentation as major are identified and presented as such and all other funds that are presented as major are particularly important to financial statement users.
20. Components of net position (net investment in capital assets; restricted; and unrestricted) and equity amounts are properly classified and, if applicable, approved.
21. Investments, derivative instruments, and land and other real estate held by endowments are properly valued.
22. Provisions for uncollectible receivables have been properly identified and recorded.
23. Expenses have been appropriately classified in or allocated to functions and programs in the statement of activities, and allocations have been made on a reasonable basis.
24. Revenues are appropriately classified in the statement of activities within program revenues, general revenues.
25. Interfund, internal, and intra-entity activity and balances have been appropriately classified and reported.
26. Deposits and investment securities and derivative instruments are properly classified as to risk and are properly valued and disclosed.
27. Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated.
28. We have appropriately disclosed the City's policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position is available and have determined that net position is properly recognized under the policy.
29. We acknowledge our responsibility for the required supplementary information (RSI). The RSI is measured and presented within prescribed guidelines and the methods of measurement and presentation have not changed from those used in the prior period. We have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the RSI.
30. We acknowledge our responsibility for presenting the nonmajor fund combining statements, individual fund statements, supporting schedules, and statistical data (the supplementary information) in accordance with U.S. GAAP, and we believe the supplementary information, including its form and content, is fairly presented in accordance with U.S. GAAP. The methods of measurement and presentation of the supplementary information have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information. If the supplementary information is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the supplementary information no later than the date we issue the supplementary information and the auditors' report thereon.
31. As part of your audit, you prepared the draft financial statements and related notes, state financial report, public service commission report, and schedule of expenditures of federal awards. We have designated an individual who possesses suitable skill, knowledge, and/or experience to understand and oversee your services; have made all management judgments and decisions; and have assumed all management responsibilities. We have evaluated the adequacy and results of the service. We have reviewed, approved, and accepted responsibility for those financial statements and related notes, state financial report, public service commission report, and schedule of expenditures of federal awards. We have also ensured that the City's data and records are complete and received sufficient information to oversee the service.

32. In regards to the data collection form preparation services performed by you, we have:

- a. Made all management judgments and decisions and assumed all management responsibilities.
- b. Designated an individual who possesses suitable skill, knowledge, and/or experience to understand and oversee the services.
- c. Evaluated the adequacy and results of the services performed.
- d. Accepted responsibility for the results of the services.
- e. Ensured that the City's data and records are complete and received sufficient information to oversee the service.

33. With respect to federal and state award programs:

- a. We are responsible for understanding and complying with, and have complied with the requirements of Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) and the *State Single Audit Guidelines* issued by the Wisconsin Department of Administration including requirements relating to preparation of the schedule of expenditures of federal awards.
- b. We acknowledge our responsibility for presenting the schedule of expenditures of federal awards (SEFA) and related notes in accordance with the requirements of the Uniform Guidance and the schedule of expenditures of state awards (SESA) in accordance with the requirements of the *State Single Audit Guidelines*, and we believe the SEFA and SESA, including its form and content, is fairly presented in accordance with the Uniform Guidance and the *State Single Audit Guidelines*. The methods of measurement and presentation of the SEFA and SESA have not changed from those used in the prior period, and we have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the SEFA and SESA.
- c. If the SEFA and SESA is not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the SEFA and SESA no later than the date we issued the SEFA and SESA and the auditors' report thereon.
- d. We have identified and disclosed to you all of our government programs and related activities subject to the Uniform Guidance and *State Single Audit Guidelines* compliance audit, and included in the SEFA and SESA expenditures made during the audit period for all awards provided by federal and state agencies in the form of federal or state awards, federal or state cost-reimbursement contracts, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other direct assistance.
- e. We are responsible for understanding and complying with, and have complied with, the requirements of federal and state statutes, regulations, and the terms and conditions of federal and state awards related to each of our federal and state programs and have identified and disclosed to you the requirements of federal and state statutes, regulations, and the terms and conditions of federal and state awards that are considered to have a direct and material effect on each major program.
- f. We are responsible for establishing and maintaining, and have established and maintained, effective internal control over compliance for federal and state programs that provides reasonable assurance that we are managing our federal and state awards in compliance with federal and state statutes, regulations, and the terms and conditions of federal and state awards that could have a material effect on our federal and state programs. We believe the internal control system is adequate and is functioning as intended.

- g. We have made available to you all federal and state awards (including amendments, if any) and any other correspondence with federal and state agencies or pass-through entities relevant to federal and state programs and related activities.
- h. We have received no requests from a federal or state agency to audit one or more specific programs as a major program.
- i. We have complied with the direct and material compliance requirements, including when applicable, those set forth in the *OMB Compliance Supplement* and the *State Single Audit Guidelines*, relating to federal and state awards confirm that there were no amounts questioned and no known noncompliance with the direct and material compliance requirements of federal and state awards.
- j. We have disclosed to you any communications from federal and state awarding agencies and pass-through entities concerning possible noncompliance with the direct and material compliance requirements, including communications received from the end of the period covered by the compliance audit to the date of the auditors' report.
- k. We have disclosed to you the findings received and related corrective actions taken for previous audits, attestation engagements, and internal or external monitoring that directly relate to the objectives of the compliance audit, including findings received and corrective actions taken from the end of the period covered by the compliance audit to the date of the auditors' report.
- l. Amounts claimed or used for matching were determined in accordance with relevant guidelines in OMB's Uniform Guidance (2 CFR part 200, subpart E).
- m. We have disclosed to you our interpretation of compliance requirements that may have varying interpretations.
- n. We have made available to you all documentation related to compliance with the direct and material compliance requirements, including information related to federal program financial reports and claims for advances and reimbursements.
- o. We have disclosed to you the nature of any subsequent events that provide additional evidence about conditions that existed at the end of the reporting period affecting noncompliance during the reporting period.
- p. There are no known instances of noncompliance with direct and material compliance requirements that occurred subsequent to the period covered by the auditors' report.
- q. We have disclosed to you whether any changes in internal control over compliance or other factors that might significantly affect internal control, including any corrective action we have taken regarding significant deficiencies and/or material weaknesses in internal control over compliance, have occurred subsequent to the period covered by the auditors' report.
- r. Federal and state program financial reports and claims for advances and reimbursements are supported by the books and records from which the basic financial statements have been prepared.
- s. The copies of federal and state program financial reports provided to you are true copies of the reports submitted, or electronically transmitted, to the respective federal or state agency or pass-through entity, as applicable.
- t. We have monitored subrecipients, as necessary, to determine that they have expended subawards in compliance with federal and state statutes, regulations, and the terms and conditions of the subaward and have met the other pass-through entity requirements of the Uniform Guidance and *State Single Audit Guidelines*.

- u. We have issued management decisions for audit findings that relate to federal and state awards made to subrecipients and such management decisions have been issued within six months of acceptance of the audit report by the Federal Audit Clearinghouse. Additionally, we have followed-up ensuring that the subrecipient has taken timely and appropriate action on all deficiencies detected through audits, on-site reviews, and other means that pertain to the federal award provided to the subrecipient.
 - v. We have considered the results of subrecipient audits and have made any necessary adjustments to our books and records.
 - w. We have charged costs to federal awards in accordance with applicable cost principles.
 - x. We are responsible for and have accurately prepared the summary schedule of prior audit findings to include all findings required to be included by the Uniform Guidance and *State Single Audit Guidelines*, and we have provided you with all information on the status of the follow-up on prior audit findings by federal and state awarding agencies and pass-through entities, including all management decisions.
 - y. We are responsible for and have ensured the reporting package does not contain protected personally identifiable information.
 - z. We are responsible for and have accurately prepared the auditee section of the Data Collection Form as required by the Uniform Guidance.
34. We agree with the findings of specialists in evaluating the other postemployment benefits, pension benefits, and incurred but not reported claims and have adequately considered the qualifications of the specialist in determining the amounts and disclosures used in the financial statements and underlying accounting records. We did not give or cause any instructions to be given to specialists with respect to the values or amounts derived in an attempt to bias their work, and we are not otherwise aware of any matters that have had an impact on the independence or objectivity of the specialist.
35. Tax abatement agreements have been properly disclosed in the notes to the financial statements.

Signature: Diana R. Ellsbecker Title: Finance Director/
Comptroller

Signature: Pamela R. Manley Title: Asst. Finance Director/
Treasurer



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # U.2

To receive and place on file a late communication from Ald. Steuer to the Finance Committee which states: There is a projected shortfall of 550K in the City of Green Bay's 2020 Budget; One possible reduction would be to look at savings that could be realized by combining the functions of the various City garages.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. LATE COMMUNICATION BY ALD. STEUER



PETITIONS AND COMMUNICATIONS FORM
COMMON COUNCIL
CITY OF GREEN BAY

Date of Council Meeting: 9-15-20

Request of Alderperson STELER

Refer to: FINANCE

Please state clearly the action requested. Requests should be turned in at the City Clerk's Office by 10:00 AM on the Thursday before a Council meeting. For late communications, present this form to the City Clerk after the request is read.

THERE IS A PROJECTED SHORTFALL OF 550K
IN THE CITY OF GREEN BAY'S 2020 BUDGET;
ONE POSSIBLE REDUCTION WOULD BE TO
LOOK AT SAVINGS THAT COULD BE REALIZED
BY COMBINING THE FUNCTIONS OF THE
VARIOUS CITY GARAGES. ~~XXXXX~~



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # U.4

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.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. CONFIDENTIAL - Claims Committee Rpt September 2020



Report to the Green Bay Plan Commission

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # V.I

Resolution authorizing conditional use permit at 1006 North Buchanan Street.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Resolution - Conditional Use 1006 N Buchanan St
2. ZP 20-26 B_W

**RESOLUTION AUTHORIZING CONDITIONAL USE
PERMIT AT 1006 NORTH BUCHANAN STREET
(ZP 20-26)**

October 6, 2020

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 20-26 and the recommendation of the Plan Commission on September 28, 2020, the City of Green Bay does authorize a conditional-use permit for the height of a detached garage to exceed the maximum height limitation on the following described property at 1006 North Buchanan Street:

SUBD OF BLOCKS 7, 8 & 9 THE PLAT OF COLONIAL VILLAGE LOT 2
BLK 8, 8,102 SQ FT
Tax Parcel No. 18-981

Said conditional-use permit shall be granted subject to compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.

Adopted _____

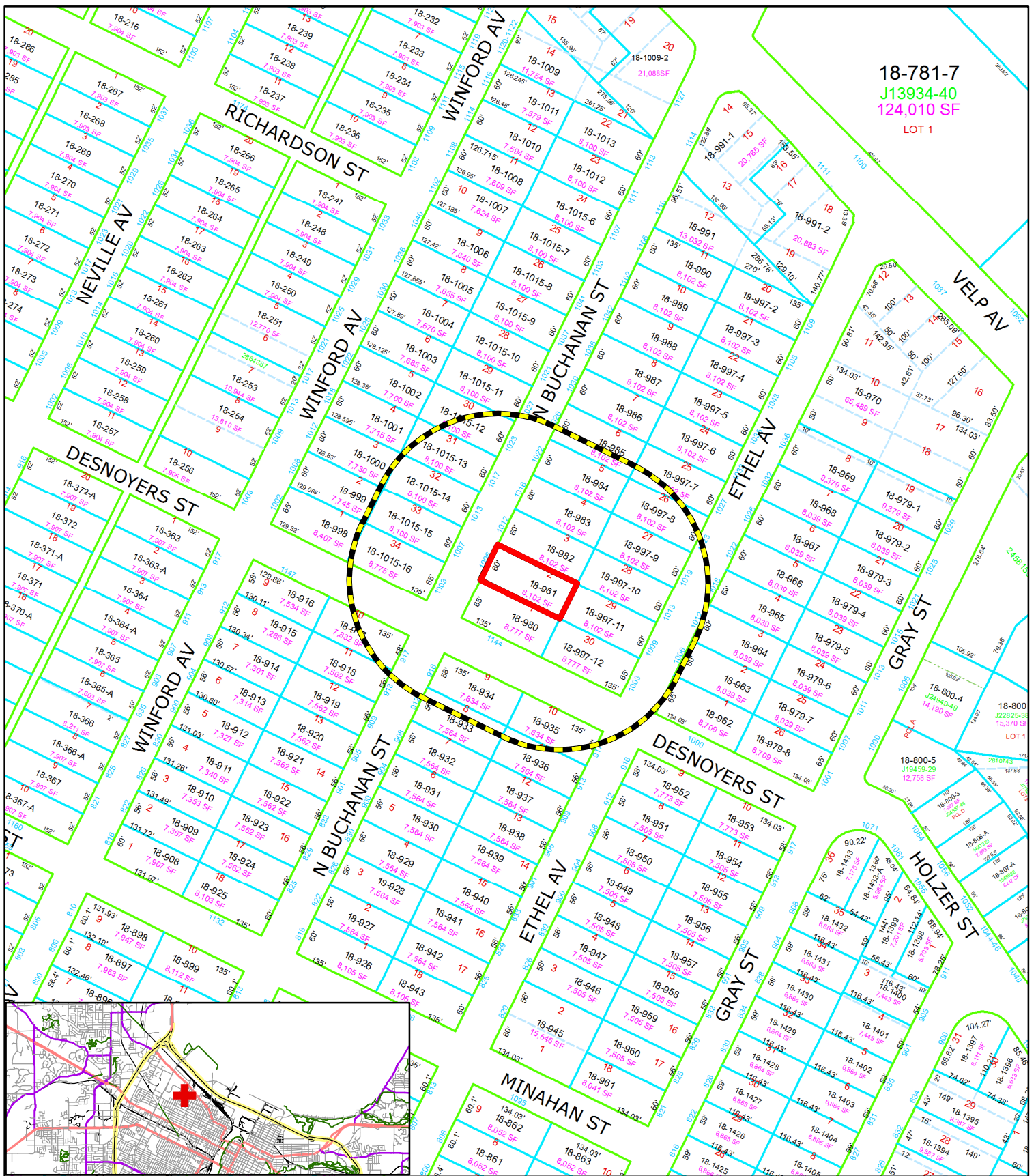
Approved _____

Mayor

Clerk

pn

Attachment – Map



Zoning Petition (ZP 20-26)
Proposed Conditional Use Permit (CUP)
1006 N Buchanan Street

- Subject Area
- 200' Property Owner Notice

0 5,000 10,000
 Feet



This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.
 Map prepared by PN

FINAL PAYMENTS RESOLUTION
October 6, 2020

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

**1. RESURFACING 1-19 PART B – 2019
NORTHEAST ASPHALT, INC.**

TOTAL AMOUNT EARNED:	\$ 1,411,912.53
LESS AMOUNT RETAINED:	\$ 0.00
	<u>\$ 1,411,912.53</u>
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 1,263,258.68</u>
AMOUNT DUE THIS PAYMENT:	<u>\$ 148,653.85</u>

ACCOUNT NUMBERS

401500E-55303-61049: \$147,895.22

412500E-55303-61049: \$0.00

403500-55330-61049: \$0.00

501-12201-61049: \$758.63

PO #1900041

Adopted _____, 2020

Approved _____, 2020

Mayor

ATTEST:

City Clerk

MAM

**RESOLUTION ACCEPTING DEDICATION
OF REGIONAL STORM WATER RETENTION SYSTEM
FOX RIVER PAPERMAKING CORRIDOR
October 6, 2020**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, on June 19, 2018, the Common Council approved a request on behalf of Green Bay Packaging, Inc. to enter into a Developer's Agreement with the City of Green Bay for the purpose of constructing a state-of-the-art medium paper mill; and

WHEREAS, said agreement required Green Bay Packaging to construct storm sewer and storm water management facilities associated with said paper mill; and

WHEREAS, Brown County passed a "Resolution Supporting the Redevelopment of the Fox River Papermaking Corridor" on June 20, 2018; and

WHEREAS, on December 19, 2018, Brown County passed a "Resolution Amending Prior June 20, 2018 Resolution Supporting the Redevelopment of the Fox River Papermaking Corridor," which contained the following language:

"BE IT FURTHER RESOLVED, that the County shall purchase land and shall take any and all actions necessary to create a Regional Storm Water Retention System on Parcel No. 20-689-B, including but not limited to: 1) Relocating underground utilities and installing an underground Storm Sewer System to convey water from the southern end of the corridor project to Parcel No. 20-689-B; 2) Constructing a Lift Station on Parcel No. 20-689-B to accommodate additional water flow; 3) Excavating materials necessary to construct the Regional Storm Water Retention System; and 4) Repairing concrete pavement on Quincy Street after the Storm Sewer System installation is complete; and

BE IT FURTHER RESOLVED, that the County shall take any and all actions necessary to transfer ownership of the completed FRPC Regional Storm Water Retention System via an enforceable written agreement to the City of Green Bay"; and

WHEREAS, Brown County and the City of Green Bay entered into a Municipal Project Agreement on April 3, 2019, in which Brown County agreed to construct the necessary Storm Water Management System and transfer ownership thereof to the City of Green Bay upon completion; and

WHEREAS, Brown County has met its obligations identified in the April 3, 2019 Municipal Project Agreement; and

WHEREAS, on August 18, 2020, the Common Council approved a request by Brown County for the City of Green Bay to accept dedication of the Regional Storm Water Retention System;

NOW THEREFORE, BE IT RESOLVED that dedication of all infrastructure constructed as part of the Regional Storm Water Retention System is hereby accepted by the City of Green Bay.

Adopted _____, 2020

Approved _____, 2020

Mayor

ATTEST:

City Clerk

JMB:jld

**RESOLUTION APPROVING
EASEMENT TO WISCONSIN CENTRAL LTD
AT PARCEL 2-275
October 6, 2020**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by Department of Public Works to grant an easement to Wisconsin Central LTD for the northerly 30 feet of the westerly 55 feet of Parcel 2-275 for construction of maintenance equipment for the railroad.

Adopted _____, 2020

Approved _____, 2020

Mayor

ATTEST:

City Clerk

jld

GENERAL ORDINANCE NO. 37-20

**AN ORDINANCE
AMENDING SECTION 29.208,
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKING REGULATIONS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended to remove the following FOUR-HOUR PARKING 7 AM TO 7 PM MONDAY THROUGH FRIDAY zone:

CASS STREET, south side, from Roosevelt Street to Irwin Avenue.

Dated at Green Bay, Wisconsin this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

DJAH

GENERAL ORDINANCE NO. 38-20

**AN ORDINANCE
AMENDING SECTION 29.307,
GREEN BAY MUNICIPAL CODE,
RELATING TO TRAFFIC REGULATIONS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.307, Green Bay Municipal Code, is hereby amended to remove the following SPEED LIMIT 25 zone:

WEBSTER AVENUE, from University Avenue to Klaus Street.

SECTION 2. Section 29.307, Green Bay Municipal Code, is hereby amended to remove the following SPEED LIMIT 35 zone:

HILLCREST DRIVE, from Haven Place to the western city limits.

SECTION 3. Section 29.307, Green Bay Municipal Code, is hereby amended to add the following SPEED LIMIT 25 zone:

HILLCREST DRIVE, from Haven Place to West Point Road.

SECTION 4. Section 29.307, Green Bay Municipal Code, is hereby amended to add the following SPEED LIMIT 35 zone:

HILLCREST DRIVE, from West Point Road to the western city limits.

WEBSTER AVENUE, from University Avenue to Klaus Street.

Dated at Green Bay, Wisconsin this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

City Clerk

DJAH

GENERAL ORDINANCE NO. 33-20

**AN ORDINANCE
AMENDING SECTION 29.203(4),
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKING REGULATIONS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.203(4), Green Bay Municipal Code, is hereby amended to read:

29.203 CLASS “B” PARKING VIOLATIONS.

(4) RAILROAD CROSSING. No vehicle shall be parked within 50' **twenty-five (25) feet** of the nearest railroad crossing.

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

LJM

10/06/2020



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # W.4

General Ordinance 25-20

An ordinance creating Chapter 50, Green Bay Municipal Code, relating to equal rights.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Protected Classes Memo
2. AMENDED GO 25-20 - Creating Ch 50 Equal Rights from 9-28-20 P&P

MEMORANDUM

Date: September 17, 2020
From: Attorney Lindsay Mather
To: Protection & Policy Committee
Re: **Equal Rights Ordinance Protected Classes: Comparison to State & Federal Law**

OVERVIEW

The proposed Equal Rights Ordinance (“ERO”) largely mirrors and/or parallels both state and federal law with respect to prohibited forms of discrimination as well as exceptions and exemptions thereto. The principal differences between the ERO and state and federal law involve protected classes. This memo examines the areas of housing, public accommodations, and employment, and the ways in which the ERO’s definition of “protected person” differs from the protected classes enumerated in state and federal statutory law, as well as the City’s HR policies.

EQUAL RIGHTS ORDINANCE (“ERO”)

“Protected Person” defined as

sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, receipt of rental assistance, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, status as a victim of domestic abuse, sexual assault, or stalking

Note: Highlighting identifies classes not specifically listed in state or federal law

COGB PERSONNEL POLICIES

Source	They have, ERO does not	ERO has, they do not
COGB Personnel Policies	Political affiliation Genetic information Arrest or conviction record	Lawful source of income Receipt of rental assistance Familial Status Status as victim of domestic abuse, sexual assault, or stalking

The City’s policies require fair treatment:

“without regard to political affiliation, race, color, creed, religion, age, sex, sexual orientation, gender expression, gender identity, gender non-conformity, transgender status, handicap disability, national origin, genetic information, ancestry, marital status, military service, arrest or conviction record, or any other basis protected by state or federal law and with proper regard to their rights”

Housing – ERO § 50.04

Source	Source has, ERO does not	ERO has, source does not
Federal Law Fair Housing Act	---	Everything except “race, color, religion, sex, familial status, or national origin”
State Law Wis. Stat. § 106.50	---	Creed (religion included) Receipt of rental assistance Gender identity Gender expression Gender non-conformity Transgender status Past or present military service

PUBLIC ACCOMMODATIONS – ERO § 50.05

Source	Source has, ERO does not	ERO has, source does not
Federal Law Title II, Civil Rights Act	---	Everything except “race, color, religion, or national origin”
State Law Wis. Stat. § 106.52	---	Religion (creed included) Age Lawful source of income Receipt of rental assistance Marital status Familial status Gender identity Gender expression Gender non-conformity Transgender status Past or present military service Status as victim of domestic abuse, sexual assault, or stalking

EMPLOYMENT – ERO § 50.08

Source	Source has, ERO does not	ERO has, source does not
Federal Law Title VII, Civil Rights Act	---	Everything except “race, color, religion, sex, or national origin”
State Law Wis. Stat. § 111.321	Arrest record Conviction record Outside use or nonuse of lawful products Declining to attend a meeting or to participate in any communication about religious matters or political matters Military service*	Religion (creed included) Lawful source of income Receipt of rental assistance Familial status Sexual Orientation Gender identity Gender expression Gender non-conformity Transgender status Past or present military service* Status as victim of domestic abuse, sexual assault, or stalking

* State law includes “military service”; ERO more specifically identifies “past or present military service”

GENERAL ORDINANCE NO. 25-20

AN ORDINANCE CREATING CHAPTER 50, GREEN BAY MUNICIPAL CODE, RELATING TO EQUAL RIGHTS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 50, Green Bay Municipal Code, is hereby created to read:

50.01 Findings; Declaration of Policy.

- (1) A vibrant, livable, successful, and productive city is made possible by the talents, contributions, and well-being of its diverse residents. It is the policy of the City that the equal rights of all those who live and work in the ~~City~~city are ensured, and that equal rights and equal opportunities within the context of the larger commercial and social fabric of the Green Bay community are promoted.
- (2) The practice of providing equal opportunities to persons without regard to actual or perceived sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, ~~receipt of rental assistance~~, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, or status as a victim of domestic abuse, sexual assault, or stalking is a desirable goal of the ~~City~~city and a matter of legitimate concern to its government. Discrimination against any City resident endangers the rights and privileges of all residents. The denial of equal opportunity intensifies group conflict, undermines the foundations of democratic society, and adversely affects the general welfare of the community. Denial of equal opportunity in housing forces individuals and families who are discriminated against to live in housing that falls below reasonably acceptable standards. Denial of equal opportunity in employment deprives the community of the fullest productive capacity of those of its members so discriminated against and denies to them the sufficiency of earnings necessary for maintaining the standards of living consistent with their abilities and talents.
- (3) The provision of adequate safeguards against discrimination is a proper and necessary function of City government. To protect the health, safety, and general welfare of all inhabitants of and all persons employed within the ~~City~~city, it is declared to be the public policy of the City to foster, protect, and enforce the right to equal opportunity without regard to sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, ~~receipt of rental assistance~~, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, status as a victim of domestic abuse,

sexual assault, or stalking, or an individual's affiliation or perceived affiliation with any of these categories. To fully effectuate this policy of promoting nondiscrimination, the City shall endeavor to eliminate all discrimination that may occur in the ~~City~~city.

- (4) Where applicable, this chapter shall be interpreted and applied consistently with the provisions of Title VII of the Civil Rights Act of 1964, as amended; Title VIII of the Civil Rights Act of 1968; 42 U.S.C. § 2000a, et seq.; 42 U.S.C. §§ 3601, et seq.; 24 C.F.R. §§ 100, et seq.; 29 C.F.R. 1600, et seq.; Wis. Stat. §§ 66.1011, 106.50, 106.52, and 111.31-111.395, ~~Wis. Stats.~~; and any successor provisions of state and federal law.

50.02 Purpose. Each sector of society engaged in the life of the ~~City~~city has a role in promoting equal rights, equity, and a social fabric free of discrimination. City government is uniquely positioned to assume a primary leadership role in these efforts. To achieve this leadership objective, each department, agency, and unit of City government shall be accountable for promoting social and economic equity for all residents of the ~~City~~city, and structuring its work so that the outcomes are directed toward social and economic equity for all residents.

50.03 Definitions. In this chapter:

- (1) *Ancestry* means the country, nation, tribe, or other identifiable group from which one descends.
- (2) *Commission* means the Equal Rights Commission.
- (3) *Covered multifamily dwelling* shall have the same meaning as its definition in 24 C.F.R. § 100.201, as amended from time to time.
- (4) *Disability* means, with respect to a person, any of the following:
- (a) i. A physical or mental impairment which substantially limits one or more of the person's major life activities.
 - ii. A record of having such an impairment.
 - iii. Being perceived as having such an impairment.
 - (b) Disability does not include current, illegal use of or addiction to a controlled substance.
- (5) *Familial status* means one or more individuals, who have not attained the age of 18 years, being domiciled with a parent or another person having legal custody of such individuals; or the designee of the parent or other person having such custody, with the written permission of the parent or other person. For purposes of this chapter, "familial status" shall include any person who is

pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

- (6) *Gender expression* means a person's external manifestations of gender, which may be expressed through name, pronouns, clothing, haircut, behavior, voice, body characteristics, or other means. A person's gender expression may be the same or different from that associated with the person's assigned sex at birth.
- (7) *Gender identity* means ~~a person's internal sense of their gender. A person's gender identity may be the same as or different from their assigned sex at birth.~~ the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.
- (8) *Gender non-conformity* broadly describes individuals who do not conform to traditional expectations of their ~~assigned designated~~ sex at birth and/or whose gender expression does not fit neatly into a conventional gender category.
- (9) *Housing* means any building, structure, or part thereof which is used or occupied, or is intended, arranged, or designed to be used or occupied as a residence, home, or place of habitation of one or more human beings, including a mobile home as defined in Wis. Stat. § 66.0435, ~~Wis. Stats.~~, and any land or part thereof which is offered for sale, lease, or use as a site for a building, structure, or part thereof intended or designed to be used or occupied as a residence, home, or place of habitation of one or more human beings, including a mobile home park as defined in Wis. Stat. § 66.0435, ~~Wis. Stats.~~
- (10) *Lawful source of income* means income that is legally derived and that is subject to reasonable and good-faith efforts to verify the lawfulness of its derivation, and includes moneys received from public assistance, pension, and supplementary security income.
- (11) *Marital status* means the status of being married, separated, divorced, widowed, or single.
- (12) *Owner* means any person having the right of ownership or possession or the right of transfer, sale, rental, or lease of any housing, or the agent of any such person.
- (13) *Person* means one or more individuals, labor organizations, employment agencies, corporations, partnerships, associations, cooperatives, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy or receivers or other fiduciaries, and the agent or agents of any of the foregoing; ~~but, because of actual, potential, or perceived conflicts of interest, shall not include the City~~

~~of Green Bay, the Green Bay Housing Authority, the Redevelopment Authority of the City of Green Bay, any department of the City, or any other municipal, state, or federal governmental body or any agent, officer, or employee acting in the course of such employment.~~

(14) *Protected ~~Person~~person* means any individual intended to be protected from violations of prohibited discrimination under this chapter. This includes protections afforded based on an individual's actual or perceived sex, race, religion, creed, color, national origin, ancestry, age, disability, lawful source of income, ~~receipt of rental assistance~~, marital status, familial status, sexual orientation, gender identity, gender expression, gender non-conformity, transgender status, past or present military service, status as a victim of domestic abuse, sexual assault, or stalking, or an individual's affiliation or perceived affiliation with any of these categories.

(15) *Public ~~Place~~place of ~~Accommodation~~accommodation or ~~Amusement~~amusement* includes those accommodations, facilities, and services that a person holds out to be open to the common and general use, participation, and enjoyment of the public for any purpose. The term "Public Place of Accommodation or Amusement" shall be interpreted broadly to include, but not be limited to, places of business or recreation, hotels, motels, resorts, restaurants, taverns, barbers, cosmetologists, aestheticians, electrologists, manicuring establishments, nursing homes, clinics, hospitals, cemeteries, and any place where accommodations, amusements, goods, or services are available either free or for consideration, except where ~~such a broad interpretation would deny to any person~~application of this provision would violate rights guaranteed by the constitutions of Wisconsin and ~~of~~ the United States. This term does not include:

(a) Any institution or club which by its nature is distinctly private; or

(b) Any religious organization, association, or society, or any nonprofit institution or organization controlled by a religious organization, including places of worship; ~~or~~

(16) ~~A place where a bona fide private, nonprofit organization or institution provides accommodations, amusement, goods, or services during an event at which the organization or institution provides the accommodations, amusement, goods, or services to the following individuals only:~~

(16)

(16) ~~Members of the organization;~~

(16) ~~Guests named by members of the organization or institution; and/or~~

(16) ~~Guests named by the organization or institution.~~

(16)

(16) ~~Receipt of Rental Assistance means receipt of rental assistance under Title 24, Code of Federal Regulations, Subtitle B, Chapter VII (commonly known as the~~

~~Section 8 program) or any other rental assistance that is not considered household income.~~

(16)

- (16) *Sexual Orientation* means ~~the type of sexual, romantic, emotional, or spiritual attraction one has the capacity to feel for some others, generally labeled based on the gender relationship between the person and the people to whom they are attracted~~having a preference for homosexuality, heterosexuality, or bisexuality, having a history of such a preference, or being identified with such a preference.

- (17) *Transgender* broadly refers to individuals whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. Being transgender does not imply any specific sexual orientation.

50.04 Housing Discrimination Prohibited.

- (1) In this section, prohibited discrimination includes discrimination because of the protected person status of the buyer, renter, or applicant, or any person residing in or intending to reside in a dwelling after it is sold, rented, or made available.
- (2) It shall be an unfair discrimination practice and unlawful and hereby prohibited:
- (a) For any owner to refuse to transfer, sell, or rent, or to refuse to negotiate for the sale, or rental of, or to otherwise make unavailable, deny, or withhold from any person such housing because of the person's status as a protected person.
 - (b) For any owner to discriminate against any person in the terms, conditions, or privileges of the transfer, sale, or rental of any housing, or in the provision of services or facilities in connection therewith, because of the person's status as a protected person. Nothing in this section shall be deemed to prohibit a housing provider from considering a history of disruptive, abusive, or dangerous behavior.
 - (c) For any person to make, print, publish, post, or broadcast, or cause to be made, printed, published, posted, or broadcast any notice, statement, or advertisement with respect to the sale, rental, or financing of a dwelling that expresses any preference, limitation, specifications, or discrimination, or an intention to make such preference, limitation, specification, or discrimination, as to any protected persons.
 - (d) For any owner to falsely represent to any person that any dwelling is not available for inspection, sale, or rental on the basis of a prospective occupant's or tenant's status as a protected person. A person who has

received written notice from the Green Bay Police Department that a drug nuisance under Wis. Stat. § 823.113, ~~Wis. Stats.~~, exists on property for which the person is responsible as owner may take action to eliminate the nuisance, including but not limited to eviction of residents, provided such action is not a subterfuge to evade the provisions of this chapter.

- (e) For any person to induce or attempt to induce any person to sell or rent a dwelling by representations regarding the entry or prospective entry into the neighborhood of protected persons or persons of a particular economic status or by representations to the effect that such present or prospective entry will or may result in any of the following:
 - 1. The lowering of real estate values in the area.
 - 2. A deterioration in the character of the area.
 - 3. An increase in criminal or antisocial behavior in the area.
 - 4. A decline in the quality of the schools or other public service facilities in the area.
- (f) For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of a person's status as a protected person. As used in this section, the term "residential real estate-related transaction" means any of the following:
 - 1. The lending of money or security, guaranteeing any loan, accepting any mortgage, or in any other manner making available any other funds or resources for the construction, acquisition, purchase, rehabilitation, repair, improvement, or maintenance of any housing or housing accommodation.
 - 2. The selling, brokering, or appraising of residential real property. Nothing in this section prohibits a person engaged in the business of making or furnishing appraisals of residential real property from taking into consideration factors other than a person's status as a protected person.
- (g) For any owner to make or cause to be made any written or oral inquiry or record concerning the nature of any disability of prospective occupants or tenants of such housing, or persons associated with them, unless such inquiry or record is necessary for compliance with applicable local, state, or federal law.
- (h) For any person to refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, an owner may condition permission for such a modification on the

renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

- (i) For any person to refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford persons with a disability equal opportunity to use and enjoy a dwelling.

(j) *Animals assisting persons with disabilities.*

1. If a protected person with a disability keeps an animal that is specially trained to assist the disabled person, it is discrimination for any person to refuse to sell or rent housing to the protected person, cause the eviction of the person from the housing, require extra compensation from the person as a condition of continued residence in the housing, or engage in the harassment of the person because ~~of their service animal, if all of the following apply: they keep such an animal.~~
 - i. ~~Upon request, the protected person shows to the owner credentials issued by a school recognized by the State or an agency thereof as accredited to train animals for individuals with disabilities; and An owner may ask for documentation of the individual's disability and the need for the animal, unless the disability is readily apparent or known. The owner must keep all documentation confidential.~~
 - ii. ~~The An owner may require the~~ protected person ~~to~~ accepts liability for sanitation with respect to, and damage to the premises caused by, the animal.
2. This subsection does not apply in the case of the rental of owner-occupied housing if the owner or a member of the owner's immediate family occupying the housing possesses and, upon request, presents to the person a certificate signed by a physician which states that the owner or family member is allergic to the type of animal the protected person possesses.

- (3) Nothing in this section shall affect any person's decision to share occupancy of a lodging room, apartment, or dwelling unit with another person or persons.

(4) *Information Allowed.*

- (a) Nothing in this section shall be deemed to prohibit an owner from requiring that any person who seeks to buy, rent, or lease any housing supply information concerning the person's prior residence, or familial, marital, financial, and business status.

- (b) Nothing in this section shall be deemed to prohibit an owner from refusing to sell, rent, or lease any housing to any person on the basis of such person's treatment of any property formerly occupied by such person or on the basis of such person's record in paying rent or other obligations when due, or such person's ability to pay.
- (5) The prohibition in this section against discrimination against a person with protected person status because of the person's age or familial status does not apply to housing for older persons, as defined in Wis. Stat. § 106.50(1m)(m); ~~Wis. Stats.~~, as amended from time to time.
- (6) It is not a violation of this ordinance to restrict occupancy in a dwelling to persons with disabilities or to provide housing for older persons as defined in Wis. Stat. § 106.50(1m)(m); ~~Wis. Stats.~~, as amended from time to time.
- (7) It is not a violation of this ordinance to restrict occupancy in a dwelling to protected persons or to provide housing for protected persons as provided under any state or federal program that is specifically designed and operated to assist persons in a protected class, as defined in the state or federal program. For example, it is not a violation of this ordinance to restrict occupancy in a dwelling to veterans, homeless individuals, or survivors of domestic violence.
- (8) It is not a violation of this ordinance for a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons.

50.05 Discrimination in Public Places of Accommodation or Amusement Prohibited.

- (1) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any public place of accommodation or amusement, as defined in this ordinance, without discrimination upon the basis of a person's status as a protected person.
- (2) It shall be an unfair discrimination practice and unlawful and hereby prohibited:
- (a) For any person to deny to another, or to charge another a price different from the regular rate charged to others for the full and equal enjoyment of any public place of accommodation or amusement because of the person's status as a protected person.

- (b) For any person to directly or indirectly publish, circulate, display, mail, or otherwise disseminate any written communication which the communicator knows is to the effect that any of the facilities of any public place of accommodation or amusement will be denied to any person by reason of status as a protected person, or that the patronage of a protected person is unwelcome, objectionable, or unacceptable for any reason.
 - (c) For any person to subject a person, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity on the basis of the individual's status as a protected person.
 - (d) For any person to, notwithstanding the existence of separate or different programs or activities provided in accordance with this section, deny an individual the opportunity to participate in programs or activities that are not separate or different on the basis of the individual's status as a protected person.
- (3) This section does not prohibit special services, rates, or benefits provided to veterans or to any protected person fifty (50) years of age or older.
- (4) Any exemption or affirmative defense available under Wis. Stat. §106.52(3) shall apply to this section.

50.06 Access by Persons with Disabilities to Public Places of Accommodation or Amusement.

- (1) No individual shall be discriminated against on the basis of disability, or because of the known disability of an individual with whom the individual or entity is known to have a relationship or association, in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any public place of accommodation or amusement by any person who owns, leases (or leases to another), or operates a public place of accommodation or amusement.
- (a) *Denial of Participation.* It shall be prohibited discrimination to subject an individual, on the basis of a disability, directly or through contractual, licensing, or other arrangements, to a denial of the opportunity to participate in or benefit from the goods, services, facilities, privileges, advantages, or accommodations of an entity.
 - (b) *Participation in Unequal Benefit.* It shall be prohibited discrimination to afford an individual, on the basis of a disability, directly or through contractual, licensing, or other arrangements, with the opportunity to

participate in or benefit from a good, service, facility, privilege, advantage, or accommodation that is not equal to that afforded to other individuals.

- (2) A public place of accommodation or amusement shall make reasonable modifications in policies, practices, and procedures to permit the full and equal enjoyment of the public place of accommodation or amusement by a person with a disability. Those policies, practices, and procedures shall ensure that a person with a disability is not segregated from other patrons of the public place of accommodation or amusement.
- (3) This section is not intended to impose a greater duty than the reasonable accommodation requirements of the Americans with Disabilities Act Amendments Act of 2008.

~~*Exemptions for Private Clubs and Religious Organizations. The provisions of this section shall not apply to private clubs or organizations exempted from coverage under Sec. 50.03 above, or to religious organizations or entities controlled by religious organizations, including places of worship, to the extent that requiring compliance would violate state or federal law.*~~

50.07 City Facilities. It shall be an unfair discrimination practice and unlawful and hereby prohibited for any person, public official, employee, agent, agency, authority, board, commission, or committee of the City of Green Bay to deny any person the use of City facilities or otherwise discriminate against any person in the use of City facilities because of such person's status as a protected person.

- (1) This section is not intended to impose a greater duty than the reasonable accommodation requirements of the Americans with Disabilities Act Amendments Act of 2008.

50.08 Employment Discrimination Prohibited.

- (1) It shall be an unfair discrimination practice and unlawful and hereby prohibited:
 - (a) For any person or employer to discriminate against any person with respect to the failure or refusal to hire, or with respect to the discharge, compensation, terms, conditions, or privileges of employment, including promotion, on the basis of the person's status as a protected person.
 - (b) For any person or employer, individually or in concert with others, to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any person of employment opportunities or which would otherwise adversely affect their status as an employee because of such person's status as a protected person.

- (c) For any person or employer to fail or refuse to refer for employment, or otherwise to discriminate against any person in a manner that would deprive or limit the person's employment opportunities or otherwise adversely affect their status as an applicant or prospective employee, on the basis of the person's status as a protected person.
 - (d) For any person or employer to refuse to reasonably accommodate an employee's or prospective employee's disability, unless the employer can demonstrate that the accommodation would pose an undue hardship on the employer's program, enterprise, or business.
 - (e) For any person or employer to refuse to reasonably accommodate an employee's or prospective employee's religious observance or practice, unless the person or employer can demonstrate that the accommodation would pose an undue hardship on the person's or employer's program, enterprise, or business.
- (2) It is the policy of the City of Green Bay to include in all contracts negotiated or renegotiated by a contracting department of the City a provision obligating the contractor not to discriminate against any qualified employee or qualified applicant for employment on the basis of a person's status or perceived status as a protected person, and to require the contractor to include a similar provision in all subcontracts.
- (3) *Sexual Harassment.* No employer, labor organization, or employment agency shall engage in sexual harassment, and employers shall ensure that all of their employees work in an environment free of sexual harassment.
- (4) *Exceptions.* Notwithstanding any other provision of this section, the following are permitted practices which do not violate this section:
- (a) For any employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer or a labor organization to admit or employ any person in those certain instances where religion, sex, age, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.
 - (b) For any employer to observe the terms of a bona fide seniority system or any bona fide employee benefit plan such as a retirement, pension, or insurance plan, which is not a subterfuge to evade the purposes of this section, except that no such employee benefit plan shall excuse the failure to hire any person.

- ~~(c) For an employer to take the behavioral manifestations of an applicant's mental disability into consideration in determining whether the applicant is qualified.~~
- (c) For any religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or such religious organization, association, or society, to give preference to an applicant or employee who is a member of the same or a similar religious denomination, in hiring or promotion to an instructional or policymaking position, including but not limited to the position of chaplain or counselor.
- (d) For any employer, labor organization, or employment agency to fail or refuse to hire a person with a disability if the employer, labor organization, or employment agency can show that the person's disability is reasonably related to their ability to adequately undertake the job-related responsibilities of the employment.
- (e) For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of status as protected persons.

50.09 Enforcement and Jurisdiction.

(1) *Complaints.*

- (a) Any person who claims to have been aggrieved or injured under this chapter may file a written complaint with the city clerk alleging a discriminatory practice or violation. The complaint shall be in writing and signed by the complainant. Such complaints shall be filed within 300 days after the alleged violation of this chapter.
- (b) The complaint shall contain the following information:
 - i. The complainant's name, address, and telephone number;
 - ii. The name and address of the person(s) or entity the complainant alleges discriminated against them or violated this code;
 - iii. The names, addresses, and telephone numbers of witnesses, if any;
 - iv. The date or dates of the alleged violation or discriminatory practice;
 - v. A statement describing in detail the alleged violation or discriminatory practice;
 - vi. A short description of any injury suffered;
 - vii. Any other facts the complainant believes are important; and
 - viii. The original signature of the complainant.

- (2) *Review of Complaint.* The city clerk shall provide a copy of a timely-filed complaint to the city ~~prosecutor-attorney~~ for preliminary review for completeness and jurisdictional determination under subsection (4).
- (a) If the city ~~prosecutor-attorney~~ determines that the complaint does not satisfy the requirements of subsection (1), the city ~~prosecutor-attorney~~ shall return the complaint to the complainant without taking any action, and notify the complainant what information is missing from the complaint.
 - (b) If the city ~~prosecutor-attorney~~ determines that the City does not have jurisdiction over the complaint, the city ~~prosecutor-attorney~~ shall notify the complainant in writing that the City does not have jurisdiction, and shall direct the complainant to the appropriate state or federal agency.
 - (c) Upon receipt of a verified complaint over which the City has jurisdiction, the city ~~prosecutor-attorney~~ shall initiate enforcement proceedings in municipal court.
 - i. The city attorney shall have the authority to issue subpoenas compelling the attendance of witnesses and production of documents for actions arising under this section. Such subpoenas shall be served according to Wis. Stat. §§ 885.03 and 885.04, ~~Wis. Stats.~~ Failure to comply with a subpoena issued under this section may result in contempt, as described in § 1.32(8), GBMC.
- (3) *Jurisdiction.* The city shall not exercise jurisdiction over any complaint that sets forth or states any facts or allegations that are within the subject matter jurisdiction of any state or federal equal rights agency, including, but not limited to, the U.S. Equal Employment Opportunity Commission (EEOC) or the Equal Rights Division of the Wisconsin Department of Workforce Development (ERD), regardless of whether the complainant has chosen to file with that agency.
- (a) The city ~~prosecutor-attorney~~ shall take no action on any complaint against the City of Green Bay or any public official, employee, agent, agency, authority, board, commission, or committee thereof. The city ~~prosecutor-attorney~~ shall refer the complaint to the ERD, EEOC, the U.S. Department of Housing and Urban Development (HUD), or any other state or federal agency that has jurisdiction over the complaint for appropriate action as provided by law. The complainant shall be informed of all such referrals.
- (4) *Other remedies.* This ordinance shall not be construed to limit any other remedies available under local, state, or federal law.

50.10 Forfeiture. Any person violating any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not more than one thousand dollars (\$1,000.00).

50.11 Equal Rights Commission.

- (1) *Members.* The Equal Rights Commission shall consist of nine (9) residents of the Citycity, appointed from a diverse and representative cross-section of the community, inclusive of traditionally underrepresented groups, who shall be members only so long as they shall reside in the Citycity. The membership of the Commission shall include one Alder.
- (2) *Appointment.* Members of the Commission shall be appointed by the mayor, subject to confirmation by the council. The Alder shall be elected for a term of two (2) years, and all other members of the Commission shall be appointed for a term of three (3) years, except that three (3) members initially appointed shall be appointed for a term of two (2) years, and two (2) members initially appointed shall be appointed for a term of one (1) year. Each member shall hold office until a successor is appointed and confirmed. A vacancy occurring other than by expiration of the member's term shall be filled by appointment of the mayor and confirmation by the council for the unexpired portion of the term.
- (3) *Officers.* A chair and vice chair shall be elected from the membership of the Commission at the first regular meeting of each calendar year by a majority of the members of the Commission.
- (4) *Powers and Duties.*
 - (a) The Commission shall meet not less than four (4) times annually for monitoring the employment, contracting, and program activities of the City, and prepare and provide timely reports to the mayor and council on efforts to promote equal rights, equal opportunities, positive community relations, and to eliminate discrimination and inequities in City government and the Citycity.
 - (b) *Reporting.*
 - i. *Departments.* The human resources department, with the cooperation of all departments, shall regularly provide the Commission with information of efforts and activities undertaken across City government to achieve the leadership objectives described in sections 50.01 and 50.02, Green Bay Municipal Code. This information shall from time to time identify programs and activities conducted by the City to promote equal rights and equal opportunity, as well as goals, challenges, and strategies for the future. The human resources department shall provide

the Commission with information about activities and accomplishments with respect to diversity and equal employment opportunity in City employment. Upon request of the Commission, other City departments, agencies, and units shall report to the Commission orally, in writing, or both, at the pleasure of the Commission.

- ii. *Mayor and Common Council.* The Commission shall provide a written communication to the mayor and the Common Council, not less than annually, summarizing the activities of the Commission and the progress of the City in meeting the leadership objectives specified in this chapter. This communication shall further include an examination of those conditions in the City-city at large which contribute to or detract from equal rights and an environment free from discrimination. The communication shall provide recommendations for furthering the purposes and objectives provided-identified in this chapter.

- (c) The Commission may, at its discretion, engage with employers, housing providers, community organizations, and other stakeholders to create positive working relationships focused on providing equal opportunities throughout the City-city and raising awareness of important equity issues.

50.12 Construction; Severability.

- (1) The provisions of this chapter shall be liberally construed in order to promote the purposes and provisions contained herein.
- (2) The provisions of this chapter are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this chapter or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid, unconstitutional, or inapplicable provision, sentence, clause, section, or part hereof had not been included herein, and if the person or circumstance to which the chapter or any part hereof is inapplicable had been specifically exempted herefrom.

SECTION 2. Section 1.67, Green Bay Municipal Code, is hereby created to read:

1.67 Equal Rights Commission. See § 50.11, Green Bay Municipal Code.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. Effective Date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

10/6/2020

ZONING ORDINANCE NO. 13-20

**AN ORDINANCE TO REZONE PARCELS ALONG 0 NORTH HURON ROAD
FROM RURAL RESIDENTIAL (RR) TO CONSERVANCY (CON)
(ZP 20-24)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property along N. Huron Road from Rural Residential (RR) District to Conservancy (CON) District:

LOT 1 OF CSM 9159

All of Lot 1, Brown County Certified Survey Map Number 9159, (being part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 35, Township 24 North, Range 21 East), City of Green Bay, Brown County, Wisconsin.

Tax Parcel Number 21-385.

OUTLOT 1 OF CSM 9159

All of Outlot 1, Brown County Certified Survey Map Number 9159, (being part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and part of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, and part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, Section 35, Township 24 North, Range 21 East), City of Green Bay, Brown County, Wisconsin.

Tax Parcel Number 21-387.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

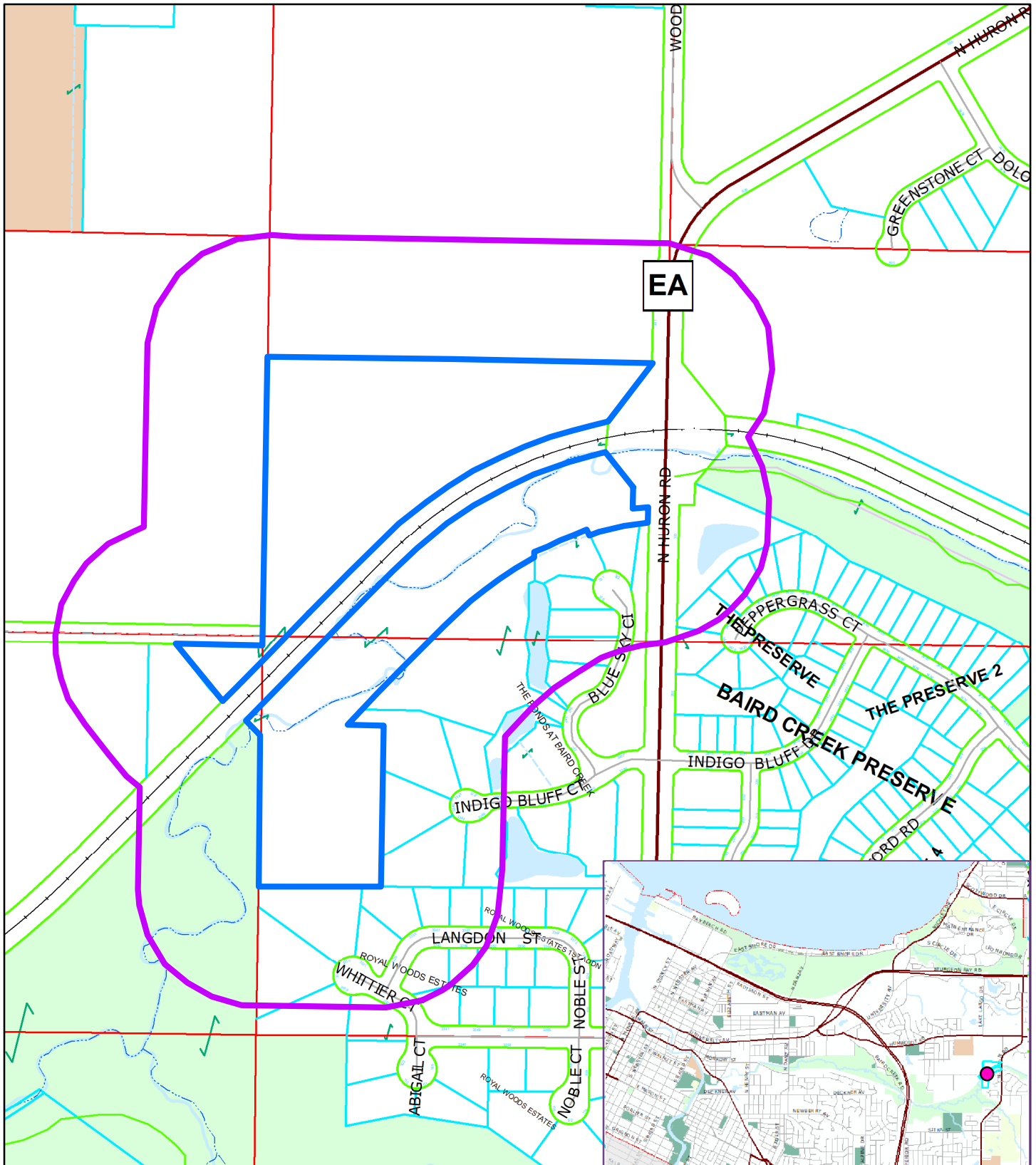
ZONING ORDINANCE NO. 03-19

PAGE 2

Clerk

ms

Attachment – Map



(ZP 20-24) Rezone Parcels N. Huron Rd. from Rural Residential (RR) to Conservancy (CON)

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Department of Community and Economic Development. MS

Parcel Numbers:
21-385, 21-387

0 125 250 500 Feet



- Subject Parcels
- Notification Area 400'

ZONING ORDINANCE NO. 14-20

AN ORDINANCE AMENDING
ZONING ORDINANCE NO. 09-03 FOR
PLANNED UNIT RESIDENTIAL DISTRICT
LOCATED IN THE 2000 BLOCK OF MORROW STREET
(ZP 25-20)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, the Planned Unit Residential District for the 2000 Block of Morrow Street, as repealed and recreated by Zoning Ordinance No. 09-03, is hereby amended by removing the following described property from the existing Planned Unit Development District :

PART OF SE1/4 SE1/4 SEC 32 T24N R21E DESC IN J12746-16 & J21559-38 & PRT
VAC ST IN 1829061 & 2853529 & 2857162 10.097 AC M/L
Parcel No. 21-1229

SECTION 2. The provisions of this ordinance, including, without limitation, the granting of a conditional-use permit and all obligations, conditions, restrictions, and limitations related thereto shall run with and be jointly and severally binding upon the fee-simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

SECTION 3. Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit and the plans identified therein had been set forth in its entirety in the body of this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

SECTION 6. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of Green Bay that all provisions of this ordinance are separable.

SECTION 7. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

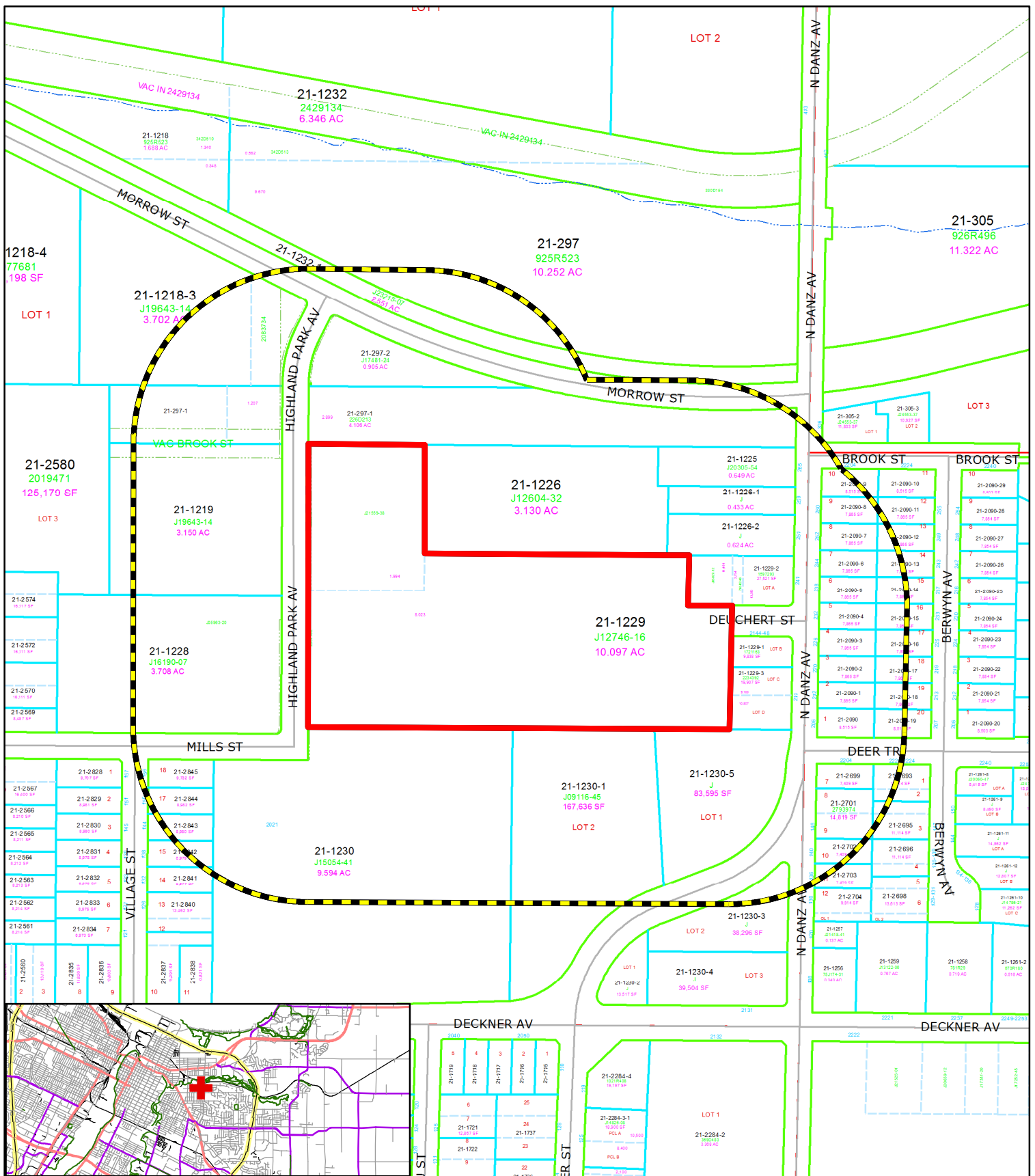
Mayor

ATTEST:

Clerk

pn

Attachments: Exhibit



Zoning Petition (ZP 20-25)
Proposed Planned Unit Development (PUD) Amendment
200 Block Highland Park Avenue

- Subject Area
- 400' Property Owner Notice

0 5,000 10,000
 Feet



This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.
 Map prepared by PN



Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

October 6, 2020

PREPARED BY

AGENDA ITEM # W.7

General Ordinance No; 36-20

An ordinance amending Sections 25.04(I) and (II), Green Bay Municipal Code, relating to modifying daily park hours.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DRAFT GO 36-20 - Amend 25

GENERAL ORDINANCE NO. 36-20

**AN ORDINANCE
AMENDING SECTIONS 25.04(1) AND (11),
GREEN BAY MUNICIPAL CODE,
RELATING TO PARK HOURS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 25.04(1), Green Bay Municipal Code, is hereby amended to read:

(1) **TRAFFIC.** No automobile or other vehicle shall be driven within any park, except upon drives provided for that purpose, or at greater speeds than those posted; nor shall any person park an automobile or other vehicle in the parks, except in places designated therefor, unless ordered to do so by an officer on duty in the park. Except during ~~department-~~ City-sponsored or -approved events, no person shall park any vehicle anywhere in any City park between ~~10:30~~ 10:00 P.M. and ~~6:30~~ 6:00 A.M.

SECTION 2. Section 25.04(11), Green Bay Municipal Code, is hereby amended to read:

(11) **PARKS CLOSED AT NIGHT.** No person shall loiter, idle, or remain in a City park between the hours of ~~10:30~~ 10:00 P.M. and 6:00 A.M., unless he or she is attending a ~~Park Department~~ City-sponsored or -approved activity.

SECTION 3. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2020.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

10/6/2020