



MINUTES OF THE GREEN BAY PLAN COMMISSION

MONDAY, NOVEMBER 2, 2020, 6:00 PM
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

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

B. ROLL CALL.

I. Members: Lisa Hanson - Chair, Jacob Miller – Vice-Chair, Ald. Veronica Corpus-Dax, Sidney Bremer, Randall Petrouske, Derius Daniels and Autumn Linsmeier.

Members Present: Lisa Hanson, Sidney Bremer, Jacob Miller, Derius Daniels, Randall Petrouske (arrived at Item D1), Veronica Corpus-Dax (arrived at the end of discussion on Item E3), Autumn Linsmeier

Others Present: Ald. Mark Steuer

C. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the November 2, 2020, meeting of the Green Bay Plan Commission.

Moved by Jacob Miller, seconded by Derius Daniels to approve the agenda for the November 2, 2020, meeting of the Green Bay Plan Commission. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Sidney Bremer, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

D. APPROVAL OF MINUTES.

1. Approval of the minutes from the October 12, 2020, meeting of the Green Bay Plan Commission.

Moved by Sidney Bremer, seconded by Jacob Miller to approve the minutes with the following changes:

- Add Autumn Linsmeier to be listed as a Member.
- Item 10 Paragraph 5 - correct to show the motion to table by Sid Bremer was withdrawn because it was explained that this item must be approved by Plan Commission before it can be considered by the Board of Appeals.

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Derius Daniels, Autumn Linsmeier,
No- None, Abstain- None

E. REGULAR BUSINESS.

1. Consideration with possible action on communication from Ald. Barb Dorff (District 1) to "Estimate potential costs and benefits of proposed Grandview development" (from June 29, 2020 Council Meeting).

Moved by Sidney Bremer, seconded by Autumn Linsmeier to retain the current zoning and refer to Community and Economic Development and Public Works staff to bring to Improvement and Services Committee. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Derius Daniels, Autumn Linsmeier,
No- None, Abstain- None

2. Consideration with possible action on communication from Ald. Veronica Corpus-Dax (District 2) to refer to staff to look at regulations regarding the current zoning code and "Drive Thru" or "Pickup" lanes, and the necessity of bypass lanes and/or menu boards.

Moved by Randall Petrouske, seconded by Jacob Miller to refer to staff. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Derius Daniels, Autumn Linsmeier,
No- None, Abstain- None

3. (ZP 20-23) Reconsideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (including Auto & Metal Salvage Operation) at 1156 Velp Avenue, submitted by Burrows Midwest, LLC/dba Midwest Scrap Metal, property owner (Ald. R. Scannell, District 7).

Ald. Veronica Corpus-Dax arrived during this discussion.

Moved by Sidney Bremer, seconded by Randall Petrouske to open the floor. Motion carried.
Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Derius Daniels, Autumn Linsmeier,
No- None, Abstain- None

Moved by Sidney Bremer, seconded by Derius Daniels to close the floor. Motion carried.
Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Derius Daniels, Autumn Linsmeier,
No- None, Abstain- None

A motion was made by Derius Daniels to approve. There was no second and the motion was withdrawn.

Moved by Randall Petrouske, seconded by Sidney Bremer to postpone until a special Plan Commission meeting in January to allow the applicant to respond to allegations as well as invite the public to provide relevant information to the City at least six (6) days prior to said special meeting. Motion carried.
Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Derius Daniels, Autumn Linsmeier,
No- None, Abstain- Veronica Corpus-Dax

4. (ZP 20-31) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for an expansion of a single-family dwelling in a Varied Density Residential (R3) district at 1518 Western Avenue, submitted by Eric T. Kapla, Schoen Street Condos Rentals, LLC, property owner (Ald. C. Wery, District 8).

Chair Lisa Hanson read into record the rules and procedures for the public hearings and stated that all hearings have been properly posted and published.

Chair Lisa Hanson opened the public hearing on the request to authorize a Conditional Use Permit (CUP) for an expansion of a single-family dwelling in a Varied Density Residential (R3) district at 1518 Western Avenue.

Chair Lisa Hanson asked three times if there was anyone else present who wished to speak. Hearing/seeing none, the public hearing was closed.

5. (ZP 20-31) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for an expansion of a single-family dwelling in a Varied Density Residential (R3) district at 1518 Western Avenue, submitted by Eric T. Kapla, Schoen Street Condos Rentals, LLC, property owner (Ald. C. Wery, District 8).

Moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to authorize a Conditional Use Permit (CUP) for an expansion of a single-family dwelling in a Varied Density Residential (R3) district at 1518 Western Avenue, subject to:

- a. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.
 - b. Future expansions are permitted not to exceed 50% of the footprint of the existing structure.
- Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius

Daniels, Autumn Linsmeier, No- None, Abstain- None

6. (ZP 20-32) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for a Home Based Occupation in a Low Density Residential (RI) District at 1018 Rolling Green Drive, submitted by Philip & Rita Schounard, property owners (Ald. J. Brunette, District 12).

Chair Lisa Hanson opened the public hearing on the request to authorize a Conditional Use Permit (CUP) for a Home Based Occupation in a Low Density Residential (RI) District at 1018 Rolling Green Drive.

Chair Lisa Hanson asked three times if anyone else wished to speak. Hearing/seeing none, the public hearing was closed.

7. (ZP 20-32) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a Home Based Occupation in a Low Density Residential (RI) District at 1018 Rolling Green Drive, submitted by Philip & Rita Schounard, property owners (Ald. J. Brunette, District 12).

Moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to authorize a Conditional Use Permit (CUP) for a Home Based Occupation in a Low Density Residential (RI) District at 1018 Rolling Green Drive, subject to:

- a. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit as well as the applicable requirements in Chapter 13-1609, Home Based Occupations, Green Bay Zoning Code.
- b. If the proposed use ends or the ownership of the property is changed, the approved use shall cease immediately.
- c. There shall be no direct retail distribution, no wholesale food deliveries and no meals shall be served or distributed on the premise as indicated in the applicant's narrative.
- d. On an annual basis, the applicant receives a substantially compliant special advisory inspection from the Brown County Health Department.
- e. The Home Based Occupation may be subject to review on a yearly basis or when the Planning Director or Plan Commission has reason to believe that the conditions are not being adhered to or that there are problems associated with the approved use as a Home Based Occupation. Such review may warrant review by the Plan Commission and the Green Bay Common Council. The Conditional Use Permit (CUP) may be revoked based on the findings of the Plan Commission and the Common Council.

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

8. (TA 20-02-A) Public Hearing on a request to repeal Chapter 13-1716(e), Green Bay Zoning Code regarding game day parking.

Chair Lisa Hanson opened the public hearing on a request to repeal Chapter 13-1716(e), Green Bay Zoning Code regarding game day parking.

Chair Lisa Hanson asked three times if there was anyone else who wished to speak. Hearing/seeing none, the public hearing was closed.

9. (TA 20-02-A) Consideration with possible action on a request to repeal Chapter 13-1716(e), Green Bay Zoning Code regarding game day parking.

Moved by Ald. Veronica Corpus-Dax, seconded by Jacob Miller to repeal Chapter 13-1716(e), Green Bay Zoning Code regarding game day parking.

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

10. (SV 20-02) Consideration with possible action on the request to vacate the remaining portions of Leaf Street, submitted by James S. Komisarek, property owner (Ald. M. Steuer, District 10).

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to vacate the remaining portions of Leaf Street. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

11. Consideration with possible action on approval of the Downtown Green Bay Incorporated (DGBI) Business Improvement District (BID) Operating Plan for 2021.

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to approve the Downtown Green Bay Incorporated (DGBI) Business Improvement Districts (BID) Operating Plan for 2021. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

12. Consideration with possible action on approval of the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Operating Plan for 2021.

Moved by Randall Petrouske, seconded by Sidney Bremer to approve the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Operating Plan for 2021. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

13. Consideration with possible action on approval of the On Broadway Incorporated (OBI) Business Improvement District (BID) Operating Plan for 2021.

Moved by Ald. Veronica Corpus-Dax, seconded by Derius Daniels to approve the On Broadway Incorporated (OBI) Business Improvement District (BID) Operating Plan for 2021.

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

14. Consideration with possible action on approval of the Military Avenue Business Association (MABA) Business Improvement District (BID) Operating Plan for 2021.

Moved by Sidney Bremer, seconded by Randall Petrouske to approve the Military Avenue Business Association (MABA) Business Improvement District (BID) Operating Plan for 2021.

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

15. Consideration with possible action on the 2021 nominations to the Downtown Green Bay Incorporated (DGBI) Business Improvement District (BID) Board, as approved by the DGBI BID Board.

Moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to recommend the 2021 nominations to the Downtown Green Bay Incorporated (DGBI) Business Improvement District (BID) Board:

- Jesse Wotruba - Fox Harbor - reappointment for 3 years
- Ian Griffith - Berners Schober - for a 3 year term
- Greg Babcock - Wanezek, Jaekels, Daul and Babcock, SC - for a 3 year term

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

16. Consideration with possible action on the 2021 nominations to the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Board, as approved by the OMSI BID Board.

Moved by Ald. Veronica Corpus-Dax, seconded by Randall Petrouske to recommend the 2021 nominations to the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Board:

- Ryan Kuehn - Kuehn Printing - reappointment for 3 years
- Tiona Petrouske - American Family Insurance - reappointment for 3 years
- Patrick Stoa - Macco Financial Group - appointment for 3 years

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

17. Consideration with possible action on the 2021 nominations to the On Broadway Incorporated (OBI) Business Improvement District (BID) Board, as approved by the OBI BID Board.

Moved by Sidney Bremer, seconded by Randall Petrouske to recommend the 2021 nominations to the On Broadway Incorporated (OBI) Business Improvement District (BID) Board.

- Brent Weycker - Business/Developer - reappointment for 3 years
- Kurt Schweisow - Pete's Garage - reappointment for 3 years
- Brendt Peeters - Schneider - reappointment for 3 years
- Stephanie Bruss - DOTI - reappointment for 2 years

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

18. Consideration with possible action on the 2021 nominations to the Military Avenue Business Association (MABA) Business Improvement District (BID) Board, as approved by the MABA BID Board.

Moved by Ald. Veronica Corpus-Dax, seconded by Sidney Bremer to recommend the 2021 nominations to the Military Avenue Business Association (MABA) Business Improvement District (BID) Board:

- Adam Kersten - Kersten Realty - reappointment for 3 years
- Ralph Jensen - Pro Data Iv - reappointment for 3 years

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

F. INFORMATIONAL.

1. Director's Report.

Cheryl Renier-Wigg provided the Director's Report.

2. Date of next meeting: Monday, November 23, 2020.

G. ADJOURNMENT.

Moved by Jacob Miller, seconded by Ald. Veronica Corpus-Dax to adjourn. Motion carried.
Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

VERBATIM MINUTES

- To the meeting of the Planning Commission, for the City of Green Bay, Monday November 2nd 2020, 6:00 p.m. We'll start with a roll call. Lisa Hanson Chair, present. Vice Chair Jacob Miller?
- Present.
- Alder Veronica Corpus-Dax. She did message that she might be a little bit late, so hopefully she'll join us. Commissioner Sidney Bremer?
- Present.
- Commissioner Randall Petrouske? Is Commissioner Petrouske with us? Okay I guess so, moving on, Commissioner Derius Daniels?
- Present.
- Commissioner Autumn Linsmeier.
- Present.
- Okay, all right, moving on to the approval of the agenda. Approval of the agenda for the November 2nd 2020 meeting, of the Green Bay Plan Commission. The chairman has seen a motion to approve.
- Move to approve.
- [Commissioners] Second.
- You saw that Vice Chair Jacob Miller said, give me the motion, then a second by Commissioner Bremer. All in favor?
- You can't do that.
- Commissioner Daniels, give me a figure, I'm shocked. All in favor?
- Aye.
- Aye.
- Any opposed? And then approval of the minutes, from the October 12th 2020 meeting, of the Green Bay Plan Commission?

- This is Commissioner Bremer, I would like to move approval but with two changes, Autumn Linsmeier was with us for, official the first meeting Autumn, and she is listed as in attendance, but she is not listed as one of the members of the commission. So I would like that to be corrected and then under item 10 in the fifth paragraph, I had offered a motion to table, the motion to approve, it was done before the Plan Commission. And it was explained, it was not explained, okay, a motion to table takes precedence, over the other motion that would have been before us, but in this case, that was the reason given for the withdrawal of the motion, and that is not correct. I withdrew the motion, because it was explained that this item must be approved by the Plan Commission before it can be considered, by the zoning and planning board of appeal. So the minutes should be corrected to show that, that version of why the motion was withdrawn, and what the explanation was. With those changes I would move to approve.

- Maybe we have a second?

- Yeah, I second.

- Okay, so a motion by Commissioner Bremer, and a second by Commissioner Miller with some corrections. All in favor?

- Aye.

- Aye.

- Any opposed? Okay, then that is approved. Onto regular business, consideration with possible action, on communication from Alder Barb Dorff to estimate potential costs and benefits, of proposed Grandview Development, from June 29th 2020 council meeting.

- Thank you madam chairman, so this has been a little while coming to you but, if I can give a little bit of history. I don't know, if Paul can put up the PowerPoint to do a background. And you can actually go to my, the second slide to the segment to launch. That one, thank you. So the image on your way right is a exhibit from a planned unit development, that was originally developed in 2015, for what's called The Traditional Neighborhood Design, or some people call them Neo Traditional Neighborhoods. So it's generally a development area that's large in this case about 240 acres, and holds multiple different land uses, pedestrian and bicycle connections, and they kind of recreate what a traditional neighborhood would be, so you know Neo Traditional. So this was adopted in 2015. It was amended to 2018. There have been issues with the ability to execute the the planned unit development for multiple reasons. There's multiple owners involved and that has been, a source of some issues, also the policy of having to install, in this case, storm water detention facilities, for an area wide development so if you notice on that map, there is one, two, three, four, five, six, actually six to seven detention basins or detention ponds on the map, I moved it over, select K2 on the map itself. So typically they also have to be developed, prior to any improvements or developments so a lot's being created for them to take place, that was supposed to be an issue in 2018, and so it was amended to allow anything, that you could do a portion of the planned development, and phase in the pond, and then, so you don't have to do them all at once, right? That also has been problematic mainly because of the multiple ownership, of the cost of putting in the pond, and some of the timing issues, all the endurance accepted to the Plan Commission as the communication, principle attributed the value of the development, and also the cost of infrastructure in July. So that came to planning staff, and hold you can go back one please. Okay so what we had done is basically two things. So the first thing is we kind of dug into the the property and what you see on this part is the existing development out there, you see it's mainly farm field, there is one senior living community that was developed, and whatever the arrow is pointing at now. And at the bottom is the underlying zoning. So that black line is traditional neighborhood planned unit development The underlined zoning is primarily low density residential, which is the darker yellow and rural residential which is the lighter yellow. So that's interline zoning. This area is north of Finger Road, east of Erie Road and again it's about 240 acres it's a very large portion of the city. So the total value out there right now for that acreage, is a little above \$10.5 million. So as you can see here, the taxes that are generated on the property itself is about

255,000, of which the city receives about 100,000. So that's your existing current condition. And if you go to the next slide, probably can kind of explain at full build loads, there we go. So on right hand side, as I mentioned, you see multiple land uses there, the senior living, the multifamily, single family, and commercial uses, mixed uses. And what we did as staff, is we projected out at full build load, so obviously the stack up all appeared in one second, but at full build up, what the values would be. So if you'll notice the table has the same, we did it by parcel. We used what's arguably a low valuation on a home, we used \$250,000 per home. We used \$180,000 for a town home, and 90,000 for a condominium unit. Now those may not be accurate, but they're a pretty good estimation. And to give you an example in 2018, or excuse me, in 2015, the values were \$200,000 for a home, 140 for a town home, and 84 a condo, so we increased the values, but what we came up with, that we also used examples for the multi families. So we used apartment building and actually should kind of be familiar with it, Berkeley Highland, we just saw that PUD section was removed from that. We used one of the apartment buildings that went in there, as a valuation on the value per acre, and then extrapolated that onto this area. So obviously this is not 100% science, but it gives us an estimation, that Alderman Johnson is looking for So at full build out the estimated change in value would be an increase of \$166 million over that the city would receive \$1.67 million a year in tax revenue. That would be for the city assault much more for the whole tackling entity. But so we kind of figured that out. And we looked at the planned unit development, we talked with the, I guess the manager for the consortium spread out a different title, but park owner and manager for the consortium of owners over there to talk about the zoning and some of her issues, merit issues again the primary issue is the upfront cost to put in the storm water detention, even as a phased approach. So obviously community development Plan that we don't install ponds, we don't set priorities, create ponds, but the general policy is a developer will put them in and have to pay at that time, for them to go in. The value or the cost of the load would have to be spread out amongst the law and the buyers to kind of, so they can recover their cost. That's because of the multiple owners and the large area and the complexity of the project, the petitioner, or the I guess, I don't know what to call her, but the managing partner, I'll use that term. So this side of infeasible to be able to put those ponds in advance, even in a phased and approach. And she would prefer that they go in and that may be had a deferred assessment so that the city would borrow the money to put them in and then assess the properties as they get subdivided or developed if they're not being subdivided. And that way the city would recapture, their investment in the pond and the development could proceed. So when we did a little bit of research this went to the improvement and services committee in February, and basically what they have done is ask what type of value is gonna be created from this development. 'Cause that is not a current policy the city should do that to do the deferred assessment. And so that's really what we in community development had done is we got the values, the estimates and really the recommendation now is to refer this back to staff but one I've got to add a little bit to that. We talked about possibility of just removing the interior zoning, removing that official neighborhood PUD. And just going back to the regular OI and treading over that way, the managing partner and staff, neither of us want to see that PUD go away. It was well down at the time, a very collaborative on the multiple neighborhood meeting. It was gonna be a block to the east side. So staff would not recommend removing the planned unit development, although that may be a request by the managing partner, if other alternatives to get that storm water in place is not, does not come to fruition. So basically what we're recommending is not to remove the planning or the zoning on the property, leave it and refer this item back to staff, and when I say staff that would be not just community development, but we're going to public work to bring back to IMF. So they have the data that they requested for evaluation, and they can determine if city policies should be augmented or at least make a recommendation to the council in regard to storm water and improvement, so, there you go.

- Thank you, David. So basically we're looking, I mean, the recommendation on the agenda to receive and place on file, is that still what you're recommending?

- No, that is actually a mistake. And that's why I said it would be I9 zoning and refer to staff.

- Right, okay.

- I apologize for that mistake in the report.

- So the recommendation is to not change the zoning and refer to staff?
- Correct.
- So moved.
- I second.
- So motion by Commissioner Bremer and second by Commissioner Linsmeier, is there any further discussion among the commission? Okay, go ahead and do a roll call vote. Vice Chair Miller.
- Aye.
- Is Alder Corpus-Dax with us? I think she hasn't made it with us yet, Commissioner Bremer.
- Aye.
- Has Commissioner Petrouske made it?
- I have, I apologize for the noise and I go aye.
- That's all right, thank you, thank you. Commissioner Daniel.
- Aye.
- Commissioner Linsmeier.
- She did say aye.
- Yeah, I didn't, I was looking down at the time and I will also vote in agreement with that. So unanimously ended this, so this goes back to staff then? Correct even?
- You cut off.
- Okay, so this just goes back to staff.
- If it does go back to staff it would, at what will it'll be recorded to the council as Plan Commission report and presumably we'll public work will build a line up
- Okay and when is the next city council meeting?
- The next city council meeting is--
- 10th?
- The 10th, November 10th.
- All right, so then, okay. All right, moving on to agenda item number two, consideration with possible action on communication from alder Veronica Corpus-Dax to refer to staff to look at regulations regarding the current zoning code and drive thru or pick up lanes and the necessity of bypass lanes and or menu board.
- Yeah, this one is a refer to staff for review and report.

- Okay.
- So moved.
- We have a motion by Commissioner Petrouske. Any further discussion among the commission.
- Second I commit it.
- Thank you, Vice Chair Miller. So motion by Commissioner Petrouske, second by Vice Chair Miller, go ahead and do a roll call vote, Vice Chair Miller.
- Aye.
- Commissioner Bremer.
- Aye.
- Commissioner Petrouske.
- Aye.
- Commissioner Daniel.
- Aye and I'm just assuming that this just to gain more information, correct. Sorry I was gonna add that earlier.
- Correct, this is a, obviously it probably responds to a previous application, made its way through council and that is probably what generated the request, so staff will take a look at, our colleagues will look at other codes and best practice and report back on a recommendation to, or not to amend. Thank you, aye.
- Commissioner Linsmeier.
- Aye.
- Now also I vote in, aye. So that's going to be referred to or receive a place on file, sorry. And I'm guessing that that file has to do with something from our last meeting as well with a pickup in the bypass lane. So that's by city council November 10th.
- Yes, and that's actually refer to staff.
- Oh, sorry, you're right.
- Thanks.
- And number three, reconsideration with possible action on the request to authorize a conditional use permit for a material recovery facility, including auto and metal salvage operation at 1156 Velp Avenue to fin it by Burroughs Midwest, LLC, doing business at Midwest Scrap Property, Midwest Scrap Metal Property Owner.
- Thank you, Madam Chairman. Well, this one you should be pretty familiar with, and if we go to the PowerPoint, Paul, I'll run through some quick slide. So what you received in your packet, it's basically the original fact report or that was ammended and some communication. And I'm just gonna go over the timeline for this item. So he came first to the Plan Commission on August 31st, that was postponed by the PC for additional information and that information was brought back on September 28th. It was postponed due to some scheduling conflicts with the applicant or the petitioner. And so it came back to the Plan Commission,

October 12, with quite a bit of discussion. And there was a recommendation of approval with conditions, and I'll get to those in a bit. Then average Plan Commission report and resolution was forwarded to the common council on October 20th. The council received the communication, a late communication from a constituent, a city constituent that could not make it out to the council agenda because of the timing. So there after, if there was relevant information, that felt that it was. And so they referred it back to the Plan Commission to look at that information. And that is why we're here on November 2nd of the report currently in front of the Plan Commission, what you received in your packet was basically the original staff report and that late communication from the constituent. And I do wanna make point as well is we received another communication was emailed Friday afternoon, it was received this morning and that is not in your packet, however I'm gonna try to summarize it and it will be going on to council if you forward it back to council but I will summarize it as I go through. But just to give everybody a refresher, do you wanna start going through the flag pole, I'll go fast. So this is a site itself on Velp Avenue, the corner of Winford and Velp. Zone gen, most of it is zone general industrial with some commercial on the I Velp Avenue. This is the future land use plan showing industrial on the far northern side, commercial on the southern side. Also part of Velp Avenue redevelopment plan, which are basically the same, this is the zoning. You can see again, you have some commercial along Velp, but the rest is the general industrial zoning. This is the site plan that was submitted with the conditional use permit application, which is again to go from a material recovery center to a salvage yard, auto and salvage yard. And next up, these were the recommendations that came out of a Plan Commission, is eight recommendations, basically and I'll summarize them but I'll look real quick. The first one wants to leave the frontage. About an acre of the frontage for commercial use and not have the salvage use on there, have all the improvement in that area, he removed this old paving, this old foundations, that kind of thing in that area, he removed and returned the vegetative cover on his screwed cut be removed and replaced, add a landscape buffer or vegetative screen along the new bed flying, that there'd be no drop-off or pickup or other business outside of their operations. And also on Sunday, which were included in their application packet, that the area of prohibited for salvage use is again from one, be brought forward for his own change request from general industrial to commercial and meet with those plans and that all conditions shall be in place prior to the establishment for occupancy of the auto salvage or scrap yard use. So, right, so what we received, what the council received before their meeting on the 20th, and we did receive another copy of the same photograph Friday or I received it this morning, were pictures that, of the site showing automobile and other retail salvage items on the site and the photos were, or the letter that was submitted to this board were taken the day after the Plan Commission meeting. So that letter and those photos are cashed into your packet. So I will summarize that letter. So what we did after that, we had sent a inspector out there middle of September. I believe it was September 9th or September 10th. They have not found any violations. They found what they were meeting their site plan. So we sent another inspector, oh, and the zoning administrator, on November 6th after the council, again they did not see any violations of their existing site plan, nor violations of potential DUP. And I guess if you can go back one more call, please, so these are the pictures from outside of the site, again taken by the zoning administrator I believe of the site itself and operation on November 6th. So these are from the outside looking in. And if you wanna go to the next one Paul, these are within the site. So we did contact the petitioner and we did get into the site itself. And so they did kind of walk the site and looked relevant on the interior 'cause it is bounced off. They did not find any violation. So at this time our complaint, we took that letter as a complaint. It's going through our inspection division, but I believe it to be closed at the time. So those were kind of the photograph of our investigation after the fact that the council got the letter that's in your packet. What I received today was basically the same type of letter that you have in your packet and all summarizes. Again, this will be forwarded onto the council. We couldn't get it out and distribute it to all of you and to the public. Those usually happen in public the Wednesday or Thursday before the meeting. So this came too late, but basically they are requesting that it'd be entered into record. I will enter it into the council, be entered into the council's record, but I'll give you the summary. So and this is from John Robert Beiling and Andrew B Helquith from Well Riley, which is, I believe a law firm. They feel it as a burden on the city to have substantial evidence that the applicant can't comply with city's law and report CUP conditions, the meaning of their letters is their interpretation or their take on Act 67 and how the city should react and then we do have Attorney Lindsay Mather with city attorney at the meeting tonight if you any questions of legality or interpretation of the act. So they feel that automatically approving the CUP due to the applicant agreement to follow the condition and follow other city ordinances, they feel it would ignore the

requirements of Act 67 that borrows not only agree to the conditions, but they have to show it is currently satisfying and will by city requirement. They did bring up there were in multiple concerns raised at the last Plan Commission meeting and also compliance with existing city requirements. They referenced Mr. Bigelow's testimony that he had witnessed the automobile baltimores and appliances on site, and also his concerns of environmental, potential environmental issues, and that the existing material recovery facility was not acting within the rule set forth by the city. And again they submitted those photos of scrap yard uses not material recovery uses. So they do reference, our conversation at the Plan Commission about what's legal and what's not, what's a salvage and a junk yard, as opposed to a material recovery. And if we made the statement that they are doing of autosalvage and junkyard the photos that were shown prior were the same ones submitted with this letter that have been submitted with the council letter. And then they did want to express concern that the day after the Plan Commission meeting, there were photographs and they did supply a video as well. I can't get it on the screen, but basically showing the car bodies being put into an open trailer. So they were no longer visible from the street and also a video of what appeared to be a pile of scrap metal with the car being loaded into it and then becoming not visible. So they feel that based on the information that borough has a disregard for city ordinances and that that disregard actually considered substantial evidence and would act as a reason to deny the conditional use permit. So they also in their letter included some suggested condition if it is to go forward and I will just read what those are. And if it's going to be recommending, Plan Condition is gonna be recommending approval of the conditional use permit, this person believes the following conditions would be necessary and required to protect the public health, safety and welfare. The first would be to obtain and maintain a good standing any and all licenses, permit and other approvals from local, state and federal government authorities. Second would be that the city zoning office be notified within five days of receipt of any notice of that compliance from the DNR, the US EPA or other body, that within five days of issuance the zoning office be provided a copy of any inspection report and or audit conducted by the DNR. US EPA, the department of transportation And lastly in that event that have a discharge, e.g steel of hazardous substance, that the city shall be immediately notified, the city planning office or zoning office being immediately notified. And then they ended with thank you in advance for your review and consideration. So that was the basis of the one that just came in that I just received this morning. But I did wanna summarize that, it will be going on to council in full, exactly what was submitted. The photographic evidence of the same is what you received in your packet however. So with that, I mean, staff's recommendation is still the same. This isn't a new item for us. This is just being referred back from the city council. I can say that we were, just received it as a complaint. It went out and invest in the complaints chapter six and did not find the evidence that was applied, whether it was cleaned up or what we did not find anything. And we won't be sending up a citation or a note of correction based on our investigation from November 2nd. But I do wanna point out in some of those concerns that were brought up, when you look at your pretty extensive condition, on the item one item was that all conditions would have to be complied with prior to occupancy of the auto and salvage use. Again there's some photographic evidence that maybe that had been happening. I didn't talk with the applicant without getting into detail. Mr. Bruce claimed that there had been a mistake that some products have been inadvertently delivered to that site by an employee and was immediately corrected and would not happen again until they get their DUP hereforth. So that's back in your hand.

- Thank you Dave. Any discussion or questions for staff?

- Yes, this is Commissioner, I do have a question for Dave. So Dave, with your last statement, I have written down several questions. I am assuming that that's the lead that the photographic evidence would be with accurate.

- We have no reason to believe that it was not accurate. I mean it is the fact they are not date stamps, but I mean, we take it in as a complaint, like any other complaint, and then we do--

- Thank you, the next question, was the inspection announced or unannounced?

- It was announced, we had to request access to the material recovery facility, as you know it's all fenced off, we can't enter their property without permission. So yes, we did have to request access, which the petitioner did grant, and was actually against, yep the surprise.

- Go ahead.

- This is Commissioner Bremer. Dave, we had some other evidences or testimonies about the failure of Burrows Midwest to live up to good faith efforts and to talk with regulations during our previous conversation. And one of the main reasons that I was concerned about voting in favor of this proposal and of your recommendation was that it seemed to me that there were some environmental dangers involved here. I was told at the meeting that that would be up to the state or the EPA to enforce not us.

- Sure.

- Do you see any reason that we should not nonetheless add to our conditions as suggested in Mr. Bailyn's letter, the whatever is applicable is list of authorizations and permits and require that those be obtained. And that there be evidence provided that they have been obtained. My concern is that we need to pass the ball clearly to the other bodies, governmental bodies, that would be responsible for doing what we can't do ourselves in addition to whatever we ourselves would need to investigate from the city.

- Well, to answer that we wouldn't be doing the functions of these other government bodies. Most of them are state regulated, a few in county. So we won't be repeating that work. We do not have any control over their processes, suggestions that you have a five day turnaround, this is the city policy. It's not something you're gonna be able to change in a conditional use, they filed getting licenses, they can't get any licenses till they get the conditional use. So it's sort of er, what started off this whole petition is when they came in to get their salvage license. And it couldn't be granted because they were required a conditional use.

- I understand that. And I understand that we can't direct the other agencies, but we can direct the applicant that the applicant must obtain those licenses and permits in advance of starting the work. Is that not correct?

- You can request that, but they can't get their licenses from the DOP without the CUP.

- No, I understand, we would attach to CUP but one of the conditions of the CUP that would relate precisely to the final condition you laid down would be that they would need to obtain those licenses and permits before they could take full possession and begin to operate on that parcel.

- Sure, you could put that condition on, it is overkill 'cause they have to do that anyway.

- Yeah, it was certainly original. Some of my very serious concerns about this. I have been impressed, David. I really want to commend you on the care you've taken and coming up with ways of addressing the difficulty of having this kind of a facility, very close to our Velp Avenue, ambitions and the concerns that the business people and residents around, but that concern remained. And it seems to me that Mr. Bailyn's letter provided a way of addressing that concern. So I'm hearing you say that there would be no problem with including that requirement.

- You could include it. It would be just to make the point. Yes, they would have to get those anyway.

- Okay, so kind of going off of what Commissioner Bremer was talking about and the other things, that I just jotted you down quickly was getting the noncompliance back to the city, to the section through the city and also there's a discharge time currently that we would be able, I don't think that we would be able to add to a CUP like this because I feel like those are the things that we definitely, the city should be notified of all those things. And I'm not sure that without it being written down somewhere that we're going through or is already something that they're supposed to report.

- Well, those would be either action and items that came from other government entities. They may copy us on them. Environmental is probably gonna go to public work. Yeah I don't know we may be notified, we may not be notified, but it's not something that we would regulate after the fact.

- That is understood. And that was the reason that I went ahead and voted in favor of the proposal before, but we could notify the other regulatory bodies that we are requiring the permits, et cetera, et cetera, and the conditions of moving forward.

- And you certainly could, I don't know... Yeah as far as you know, the city being notified within five days and process, suggestions, both are probably outside the Plan Commission control, outside the petitioner control, outside of the city's control, maybe things that might be extrenuous to try to enforce it. It might be an intentional denial of a CUP at that point, if that can't, or both can't happen. As far as getting the notices every time there's any type of action by the state, I am not super familiar with how those action, how the big notifies them if there's a problem.

- I am not suggesting that we require other agencies to notify us, we can't do that, I understand that. All I'm suggesting is that we require the applicant to give us proof that they have gotten the necessary authorizations from those other regulatory agencies so that we know that the ball has been passed to them.

- Sure, I guess and like I said, again, you can add that. I don't get that was trying to answer more of Lisa's questions, she kind of dumped on the other--

- And I apologize.

- Yeah, okay. So Lisa I don't know if that answers your question but madam chair that I don't know if we could do that, to answer Sid's question, yes we could get verification from applicants that the regulations were granted after CUP granted and all the conditions are met.

- Yeah and David, again, I have a ton of questions, but I would say we've probably devoted five to 10 hours on a subject other than that, read it for our meeting if we do open it up and I know that they're just conditioned to talking to that and we do open it up I find that a little bit heartening that the day after our last submission we receive, we already started receiving information that there are some violations, I'll be very curious to understand from the company why that mistake happened so quickly, seeing that there's so much passion and energy around this topic I would think that a little bit more carefulness would have been displayed, so that's what my first question was around the photos, were they legitimate? And the fact that then they're legitimate, the day after we have a meeting we had this error or mistake happened. It very, I'm gonna use my word again, disheartening and hopefully the petitioner have some type of answer behind that because I think all of us went into it with good faith effort and those conditions knowing that those conditions would be met before the new application would be received even though it's going through the council. So just for information only again when we do open it up, I do wanna hear more definition around why the mistake happened and why the mistake happened the day after we picked the vote and why the owners are not doing more to make sure these type of mistakes don't happen in the future, knowing that there's so much passion and energy around what is happening at the site, so just for information put that out.

- Okay, yeah I believe the representative for the owners are here and I'm not sure if the owners or the applicants are here as well. Mr. Grass is shaking his head, yes they are. So if you decide to open the floor of the commission, you could have that question.

- Okay, did he have any more discussion amongst the commission before we, before I entertain a motion to open the floor?

- Yes please do so. I will jump on DJ's comments and add a little bit more fire to it. I am exceptionally disappointed with both the applicant and also the inspector of the city to not take any action after seeing an obvious infraction. Part of what we are trying to do is provide as much within our realm, ability to control these type of things. And one of those pieces of that puzzle is allowing complaints to have some teeth to them, it's an action. The inspector run out there and basically just ignored this from what I'm understanding. What are we supposed to be at? We're trying to do everything we can to help this community out and give them a compromise. And this is obviously contentious and it's getting very, very frustrating from my perspective. I think a lot of the other commissioners here to keep going back and forth about this, particularly where we have such a limited scope of power to try to do the right thing and regulate this for the city, but also the neighborhood, but also have the best interest of the business in mind. And like DJ just said, not even a week after that we already have evidence that they have basically ignored the conversation that has been had. I mean, it's either ignoring what we've said or it's complete just, I don't even wanna go down the steps. I am very upset about this and I'm tired of talking back and forth when we're not, we're trying to do the good thing here. And it doesn't seem like the applicant has any interest in trying to follow the rules even a week after we've had this discussion. So I do wanna hear from them but I need to be very clear about this that did the amount of trust has been severely cut. The operation is gonna be under scrutiny by the neighborhood, obviously, already. So as much as we're trying to work through this, we need to start seeing a little bit better representation from the applicant. Otherwise this is gonna keep getting dragged out and I can't imagine it's gonna go away. So we need to start seeing a little bit more cooperation here. Otherwise I'm not sure I was going to end well for anyone involved. I specifically wanna know from you David, why did the inspector not do anything? Was it just because they, when they went out there, there was nothing there?

- Correct--

- Is that what happened?

- Right, when we receive a complaint and even with the photographic evidence so not the stamped location, looked like it's the appropriate location, but we're not sure. So the factors in this case, the zoning administrator also because of the land use controversy both went out on the site contact, well several times contacted the owners and went into the site. So they have to get the evidence on their own, they can't take others' evidence to provide a citation or a correction noted. They have to witness it themselves or take pictures of it themselves and--

- That's understood I do get that--

- Raising her hand too as well.

- And I would like to hear, I guess, a little bit on those aspects of the two in the end here, is it just, I think we put these conditions in place to try to safeguard as much as we can in this situation that that's not an ideal situation for anyone here, but what really gets me is when it seems there is disregard for what we're trying to do almost immediately after, but also the mechanisms of the city to be able to address when issues do come up also seems to be kind of failing too. So I'm feeling very frustrated at the moment. Sorry for my rant.

- So I don't know if you want to recognize Lindsay Mather?

- I would like to recognize Lindsay Mather.

- Hi everyone I am Assistant City Attorney I just wanted to interject a little bit you guys probably know way more about area than I do, but just keep in mind, when it comes to added conditions to the permit or approving or denying a permit on a vehicle they've just said we can't just go offer, the picture to you the violation. So it's not an approval being a picture. You know, I, again like they said we have no reason to doubt their validity, the truth that we're taking on the day or after or whatever. But at the same time, we also have a report from an inspector I also know that the administrator who went out and dealt with commission. So just

keep in mind that whichever way you go you have to articulate that decision and make sure that it's not based on speculation.

- I hate to say this but it kind of feels like our hands are pretty tied, in this commission. Is that kind of what you're saying without, because we don't have timestamps, we don't have a further away picture or a video. It really it's not necessarily substantiated. So because of Act 67, we're kind of tied in this situation.

- I can't tell you whether or not you have substantial evidence just that if you are open to for it, you can't let people however you wanna do it because at all committees it doesn't have to come down to In the opinion of the board, it's not, I can't, I would love to tell all the commissioners

- Okay, thank you. Are there any other discussion amongst the commission?

- Lisa just one more point before we move into opening it up if that's all right?

- Sure,

- I would say we've litigated this pretty thoroughly. Of course wanna hear from anybody in the public that does want to speak on this. We do have a pretty lengthy agenda tonight. And as you mentioned, our hands are pretty tied on this. So we certainly wanna hear from anybody that wants to speak on this, but I don't know if there's too much else we can do at this point, besides hand this over to counsel, specifically the alders of the local, of both districts, I would certainly wanna make sure that they're engaged in these conversations, but I just want to put the interest of time for all the other items that are on the agenda for everyone else tonight too.

- Thank you, all right. I just need a motion to open the floor then.

- So...

- Second.

- Motion by Commissioner Bremer and a second by Commissioner Petrouske. All in favor.

- Aye.

- Any opposed? All right and since this is now several meetings that we've had as we've discussed, you have to filled to capacity before we heard your testimony. We would like to hear from you again, we are going to confine testimony to three minutes and please if you have new information, we'd really appreciate new information coming forward. We've already heard a lot of past information, but I think we probably do want to hear from the applicant first and ask any questions to him. So I guess Mr. Grass.

- Good evening, both that are two out of the three owners are here but I do need to address the passion here and the outrage. I think the applicants to be absolutely honest have been flipped through some unfairness, not by this, not by the city but by Alter, okay? The three or \$4 billion company that feels so threatened by this yard that originally they hired Mr. Dennis Nelson, who was on this Zoom call to create a 200 page dossier on my client to feed it not only to the City of Green Bay, but to the Village of Howard. When that didn't work, they came out of the woodwork, they came out in the background with their high priced attorneys and Weld Riley in Eau Claire to go after my clients in the City of Green Bay and the Village of Howard. The Village of Howard approved some action items with these gentlemen and now Alter through it's attorneys are asking that that be reconsidered, even though Alter is not an aggrieved citizen or party, this, make no mistake about it ladies and gentlemen, this is about Alter feeling threatened by my client and trying to get you guys to buy into this stuff. And it's garbage, I'm sorry it's garbage. I don't know why Mr. Nelson is here. Maybe it has to do with the fact that I've initiated litigation against him for defamation against my clients. I have never seen

anything like this. And I had been in front of many municipalities with these men to get, we don't ask for special treatment. You know, we face Mr. Bigelow who throws around how much money he's given the city and he better shut you, you better shut it down and all this other stuff. And he had to be cut off by this committee. I've frankly never seen anything like this. And Mr. Bigelow's complaints were based upon absolutely nothing. He has no photographs, no videos, no nothing. This was an honest mistake. And what Alter is doing is they're trying their hardest to make my people out to be the bad people, because they don't want any competition, three miles away from where my folks want to do business Alter scrapping vehicles, they're shredding vehicles, creating all sorts of noise, creating all sorts of potential pollution, but you know what, we're fine with them doing that. We have no problem with competition because the state is gonna protect the streams and the rivers and the lakes. And they're gonna make sure we don't pollute, and we're gonna make sure we don't pollute. So Mr. Eric Burroughs who talked to Dave Buck is here to answer any questions you have and explain what happened here but the outrage here frankly, should be again, not against anybody on this commission or to the county council but the outrage should be directed from my clients to Alter for what they've done and what they've tried to do. Thank God now they've come out of the woodwork and then they're being transparent about what they're doing, they're hiding behind Mr. Nelson, but it's ridiculous.

- LLC. I did have speaks with David Buck it was adjourned to give me a call and ask me an explanation of what happened. And before this meeting I did call, I have a manager that's running on a single manager and I asked him what the issue was over there and before this meeting, I don't know if your committee is aware of that. We bought out a Midwest Scrap Metal on Velp Avenue, which is on the Howard side. And we received a lot of commercial accounts from them. A lot of small scrap yards, which are little commercial accounts. And we have a lot of dumpsters placed all over. What happened was that we picked up a box from our commercial accounts and when we dumped the box out there was two cars on the bottom of the box. And my guy immediately contacted the owner of the property. Now the box is mine, but the owner of the scrap, and ask them why we have cars in the box and it's also filling with like appliances and regular scrap metal. And he says, well, I thought I could put that in there 'cause I didn't want the previous owner. Well, we dealt with this owner, which is Burrows Midwest. And immediately my guy notify me and I told him to get them off the property ASAP, but I also wanted to find out from the person who sent us the scrap if the cars were a legitimate, the license and everything with the state, and yes, he did take care of that, but the cars were draining everything. And we immediately got them off the property and sent to BNB Metals. It was a mistake and I'm not gonna sit here and deny, 'cause I've told David Buck about it, but my peoples are very quick action and as you could see, the one picture was building on the semi truck, we got them off their ASAP to make sure there was no issue, this was before the last meeting we had. So Mr. Burrows, both of us are not trying to hide anything here. Okay accidents do happen but we did what we're supposed to do. We immediately corrected the action and took care of it, so that the best as I could see it. if we're trying to hide something, we want to spend the landscaping there, we want to put trees up. You see the pictures of our yard, we're being very cooperative with Jen. I don't know how to be more cooperative. We're not trying to hide nothing, there's nothing to hide there, that's what I need to say.

- Thank you and just for housekeeping, can I please get both of you to state your name and addresses for the record?

- Yes, Eric Burrows, 14520 Pioneer Road. The yard is on a Velp Avenue and then my brother Ted Burrows, 675 North Alverno Road Manitowoc 54220. Ryan Grass, 1425 Memorial Drive Manitowoc.

- Okay, thank you. So does anyone on the commission have any questions for the applicants? Okay, now I do just have a question 'cause I had happened to drive past this last week and noted is the fence around the property with the dark green paneling? Is that all new or is that old?

- We've put that up approximately, the green stuff was put up approximately when we finished fence three months ago.

- Okay.

- I believe it was that when we had our first meeting on the computer, yeah.

- 'Cause I know that when I did drive by that I noticed that the bottom of the fence had come away up a lot quite a bit a portion of it. So I don't know if that's something that you know, but that kind of fencing it with that kind of paneling if it needs to be repaired frequently or if it could be--

- What happened is that my contractor put it on the wrong side of the fence and was a local fence company. And we did contact them because that's senseless on how we believe, supposed to put it on inside. So if the wind goes through it, it blows into the fence, not across the road, so yes we are taking care of that, yes, but very well I'm not happy about that, but yes we are with the fence company thankfully withdraw all the money, so yeah.

- Thank you Mr. Burrows. Were there any other questions? Go ahead Alder Steuer.

- Thank you Chair Hanson. I'll was gonna wait until the end in fact, we have city budgets that I'd sign, I'm toggling between two meetings. And I don't know if I'm doing that well, but anyway, thank you for listening. I saw the photos, I appreciate Mr. Burrows making the comments that he did and his attorney as well. But I gotta admit I'm a little edgy about all of this as well only because many of my citizens live south to south of Velp Avenue so they do have concerns. So I, granted I understand that you've been here for a while, your a business, I appreciate it all that, we're not trying to make a big stink of all of this, but I think with some of the activities that happened recently, okay it wasn't a mistake, but I guess some of the citizens are worried that, okay, maybe it's a mistake, but might this happened again. So I guess I'm just saying that the citizens will be watching this very closely only because they're concerned about their neighborhood so right or wrong, you know it is what it is. If you live across the street, you might be, you know, folks that live nearby have concerns. So I guess they really need to be swayed as much as possible to make sure that everything is going along accordingly. And I know the Plan Commission voted for this last time, you know, the, the planning department didn't, so I'm on city council, you know, we're gonna deal with this next week. So we really need to have everything in place now. I read some of that 100 page dossier that Mr. Nelson had, look if we had, if the baseball Hall of Fame dealt with personalities and such half the people wouldn't be in it. So I don't take that into account. I'm looking at specifically the land use, the zoning the comprehensive plan, all the different elements that go into this. And it's important to know that our Velp Avenue plan, we want some good things for that area. So in the big picture, I think people would like to see something different, but under the circumstances in Act 67, it is what it is. I just want the neighbors to feel like they have a good neighbor and that they can be trusted and then move forward. So if we we can be assured of that, I think that might help. So those were my initial comments and I may save some for later, thank you.

- Thank you, Alder Steuer. So then if there's anyone else in the public that would be interested in speaking, if you can state your name and address for the record and please confound your testimony to three minutes, is there anyone else looking to speak on this item?

- Lisa remember that for the people on the phone and it gets, is pound six, star six, sorry don't forget to unmute yourself.

- So yeah, star six, unmute yourself on the phone.

- Lisa that was one person

- Do you, okay, is it what's speaking right now?

- And in there call core?

- That's perfect Mr. Bigelow.

- Oh there we go, okay. Yeah, go ahead please.

- Thank you very much members of the Plan Commission. Yeah, I'm from 12 Lavington, I grew up North of Highway 8. I'm not that high price of an attorney, but we're just here to respectfully request that the Plan Commission recommends this approval of this conditional use permit. As Mr. Buck mentioned we didn't provide a legal memo to the city and we think it's important to reemphasize that although Act 67 does provide some language regarding applicants and approving conditional use permits. It doesn't require you to approve or rubber stamp a CUP as presented. In fact, the burden is on the applicant, Mr. Burrows to provide substantial evidence himself, that he is in fact demonstrating in lines with all city requirements and conditions. The evidence presented in your packet again, we think is compelling. And just to touch on assistant city attorney position, there may be a difference between trying to prove up a citation versus substantial evidence in a conditional use approval, substantial evidence under Act 67 is facts and information not merely personal preferences or speculation. So what you've seen, isn't the speculation like, oh, I heard cars were being moved in into the site. Right there were actually pictures taken. And in fact that's something that wasn't in our packet, but we got a picture from a resident I'm sorry. That picture was taken October 8th of cars going into the site. And that was taken from a neighborhood resident. And we have said you review the video that's also been provided, to help clarify the activities that were occurring at the site. Again, we don't think Burrows meets that burden of providing substantial evidence to show they complied with city requirements. And as Mr. Buck outlined even as the Plan Commission feels like they are boxed in and need to recommend approval of this conditional use permit, we'd request those four conditions that Mr. Buck outlined, primarily that the applicant needs to have all permits and approval and maintain alternative approvals during the life of their operations that they need to provide notice to the city of any notice of non-compliance or notice of violation from the DNR or EPA that they need to provide the city with notices of any audits or inspection by governmental entities. And then they need to, Burrows needs to provide notice the city, of any spills or discharging to the environment, of any hazardous substances. We think those are reasonable conditions that are based on substantial evidence.

- Thank you, Mr. Health Minister, your three minutes are up. But could you please state your name and address for the record?

- Thank you, Panders Helquez and 3624 Oakwood Hills Parkway, Eau Claire, Wisconsin.

- Thank you so much for your time.

- Thank you so much to the Plan Commission.

- Was there anyone else that wished to speak on this item? Yes, Ms. Matter, please state your name and address.

- Thank you, oh, I'm sorry. I'm not actually speaking on the record. sorry about that. Just wanted to clarify a little bit, first of all, wanna clarify that as city attorney you guys take any of your advice from me yeah, there are, the applicant does have to show by substantial evidence that they are capable of meeting the conditions established, but it's not necessarily that doesn't necessarily require that they show up that they're meeting them currently, it's I mean, I think what Attorney Helquez is asking that you do is to bring more into the statute that is actually there. Everybody's gotten like, the applicant has to show I guess that they can meet the conditions that have been set before, the city has to have substantial evidence for any conditions that they poked in. And he's correct potential evidence are facts and evidence and cannot be based on speculation. And again, I take the point that it's not entirely speculation that you have pictures, but like the advantage side, we don't have date stamps or have timestamps. We can't speculate to when, I'm just trying to remind you all that it's not a foregone conclusion that just because substantial evidence is they need to prove a petition in court that doesn't mean that we can still just rely on hearsay

- Thank you so much for that information. And it was Mr. Nelson

- Correct, Dennis Nelson I live at 4195 Pine Lane. I have done business in the city for over 35 years and currently run my business out of 1030 West Mason Street. I wanted to put a date stamp on some of the evidence that was attached. We have evidence that our vehicles go there at the site going back to November 28th on the day after that hearing May 13th, there was at least 12 to 14 vehicle that I noticed were onsite, so not only were they on site, but as I was taking photographs of these vehicles, the crane operator began to pull the semi-truck trailer over and began to pull out of the pile these vehicles, you guys on the night previous, they had said there were no vehicles there. And so they began to put them into a tractor trailer ostensibly so that they could not be seen by inspectors or the public or myself. And after he ran out of room in the back of the tractor trailer, the crane operator then started to dig a hole in the middle of the pile, I have video of that. And in the minute, in that pile, he put four or five, six additional vehicles in the pile. After he did that, he took some metal to cover them up. And then he took a really large piece of sheet metal, about 30 by 30, the sheet metal iron curtain to put over them, put more stuff on top to hide the vehicles that he had in there. I wanna put up one more image in reference in response to Eric Burrow's excuse that an employee, somebody delivered a pack of a bin with two vehicles in by mistake. I'll show you what arrived prior to that in October. Just give me one moment. I don't know if you can see this. That's an October 8th that the flatbed trailer with at least six vehicles in it that were pulled in by it looks like somebody that wanted to do some retail business with them. I wanted to make one other comment. It goes to the credibility of Jerry Bigelow. Mr. Grass wanted to say that because he was emotionally, wasn't credible. Everything that Mr. Bigelow has pointed out that's factual about vehicles and lawnmowers and 50 gallon drums with oil leaking out of them all occurred. I have photographic evidence for all of it.

- You say you have the evidence Mr. Nelson.

- Hold on a second, hold on a second.

- It's actually been three minutes Mr. Nelson. Oh, quit I'm sorry, it's been three minutes Mr. Nelson so I do appreciate your testimony, but we speak one of the time Mr. Grass. So I guess David, I do have a question for you as far as these pictures and video evidence that Mr. Nelson is referencing, have you seen information?

- Well the pictures, not all of it that there is, Mr. Nelson is referencing the ones that were submitted, the three photos that were on your screen earlier and that are in your packet tonight are the same photos that were submitted prior to council. I do have the video and I can try to play it. I'm not sure if it's gonna work in this format, but let me try to screen share, see if I can show it that.

- I appreciate that.

- Everybody see that?

- Yes.

- Yeah.

- Okay, it's very short, seven seconds. I don't know if that is the video Mr. Nelson had made or not. It was supplied by Weld Riley.

- It's validated that it's my photograph. And thank you for this opportunity to speak to the committee by the way, thank you.

- Okay, right, who is speaking right now, oh...

- That was Dennis Nelson again.

- Oh! Right, okay, all right, was there anyone else from the public that was wishing to speak on this item? And if anyone sees any hands put them please.

- Yes, yes, I'd like to speak.

- Okay, can you please state your name and address for the record?

- Yeah, my name is Corey Hansel, my address is 1216 North Buchanan Street. And I'm speaking on behalf of Jerry Bigelow tonight, he could not make the meeting. I can attest to Mr. Nelson's testimony with the video evidence proving that multiple cars have been intentionally hid in a pile doing business this whole entire time that we've been having these meetings together. This has been taking place right underneath the city's laws with nobody seeing that happen, unbelievable. First of all I'd love to commend Jake Miller for seeing truth itself and actually realizing that there's something going on here. As far as the attorney for Mr. Burrows goes, he claims that Mr. Bigelow has no photos or videos, we have plenty of that, it's all documented, we'd love to share it with the whole committee. We'd love to get it all together and share it. Now this is multiple people that have video evidence, including neighbors, including other parts. Why is somebody else not raising a red flagging and going, "What the hell is going on?" Mr. Burrows claims that he's only got two cars mistakenly brought there. Well try about 22 cars and more and more in everything else. So there hasn't been just two cars. So if we wanna hide the problem that there is, in putting this in the city, you're gonna ruin your city and also your neighborhood. Lisa Hanson brought up a good point. She said she sees the fencing coming apart, and it's not okay getting 90% at what you guys are required. It's an opaque at about 30% and furthermore the fencing is only on three sides of the property and it's required to be on four sides of the property. They don't have it on the salt side because they don't own the fence. Now I don't know why the city attorney is saying that pictures are not evidence. You're gonna tell me that a detective is on a crime scene. He has to be there to witness it. So your inspector has to be there to witness. Well he can't be there 10 hours a day, every single day. Like we are across the street from it. We see it, we're there, we've live it, he doesn't. He shows up for 15 minutes and then you leave and guess what? Right back to square one. Just like everybody's been telling everybody on this Plan Commission that's been happening. That's all I got to say. If you guys pass this without further investigation, it's unbelievable and that's all I got to say.

- Thank you Mr. Hansel. Is there anyone else from the public wishing to speak on this item?

- I don't see anybody raising their hand madam chair.

- I don't see anyone either, I need a motion to close the floor.

- I'm raising my hand.

- Oh! I apologize, who is that please?

- My name is Luke Stubs. I'm at 1220 Winford Avenue.

- Okay.

- And I will, I just heard what Corey has said, and Dennis has said with the vehicles, I've seen multiple trailers go in with, six, seven, eight cars on it.

- Thank you and there was no indication on our screen that you were raising your hand Mr. Stubs, we don't have a visual image for you so I'm glad you identified yourself.

- I've never used Zoom before so I guess I don't really know how to use it that well, but...

- Doing great don't worry.

- Yeah, but I mean, what Corey has said, what Dennis has said, I will say that that's true I've seen that happen, flatbed vehicles, flatbed trailers going in with multiple cars and I've seen cars on that big pile of scrap that they have sitting on the north side of the yard.

- Okay thank you very much for your testimony Mr. Stubs. Was there anyone else from the--

- I'd say it's a green fence hub.

- Was there anyone else from the public wishing to speak on this? And if you were just coming in via phone, it's star six to unmute yourself. All right, I think we're good now. All right, I'll entertain a motion to close the floor please.

- Motion moved.

- Second.

- A motion by Commissioner Bremer, second Commissioner Daniels, all in favor.

- Aye.

- Aye.

- Aye.

- Aye

- All right.

- I would like to ask Dave Buck please to clarify the question about the fence. As I understand there is a current fence up there that was required for the conditional use of this property that was already permitted. And I believe our conditions ask for greater impermeability. Am I right about that Mr. Buck?

- Well I'm not sure exactly there is that fence up there or not for the conditional use, it is up there for the current use of material recovery. I don't know if there's a difference in the opacity of the fences depending on the use, but their site plan was approved, for material recovery.

- Okay, by point ma'am you're not failing to these all conditions because those have not yet been approved by the city council and are not yet finding on that permeability.

- Correct.

- Thank you. I would note that in addition to Mr. Hansel's and Mr. Stubs and Mr. Nelson's testimony, we had testimony remember, without documentary evidence but barely substantial observation that was testified to before the Plan Commission. We're not just running on guessing by golly.

- Go ahead David.

- And I guess Ms. Madi may correct me, but from listening to her earlier, it is the commission's determination of substantial evidence, not what inspector would need to issue a compliance order or a citation, so I do wanna it's they're two different things. Thank you.

- So I guess then I feel like this is such a tiny point that I'm taking out for some reason, but I know that I've looked at that fence and that green covering, I would assume that 90% opaque is like can barely see through it. It's pretty easy to see through that, but it, I guess that seems like such a minor point. I guess the concern I have is if we have good video and photographic evidence from recent, that this has been going on before we've approved this CUP, I don't know, I know, I feel like that's something that we need to see to make a determination.

- Lisa, I think one, what I agree again we're getting into compliance versus what we can really control. I don't know what else we can do, we as a commission can do with this, I think it's over we're kind of turning it over to compliance and I think as David has known in the past, we're actually putting a little bit more restriction on it by putting the suit and having council pass it because of the conditions, fencing, otherwise, the other things that we've talked about, I'm just not sure what else we can do with this at this point, within our power besides handing over the compliance, which I'm not really sure the inspector or compliance in general, I'm feeling all that much faith in either at the moment. But honestly, that's beyond this at this point. I don't know what else we can do really at this point.

- Yeah, I will second that and, yeah, I will second that, I think some of the questions we had, we got those answers, we, anything we think we do, we hope that they're compliant is making a good faith effort to abide by the stipulation we put in place to make the matter of point, if we have and expected to go that way and doesn't find anything, and we don't deem that there's no evidence, stand by legally what can we do? Again this is a very emotional topic, is a very, we have a lot of very passionate people on both side, but I agree with Commissioner Miller. I think our hands are kind of tied in what we can do. And if Chair Hanson if it's appropriate, I'll I would like to make a motion to approve it to move forward.

- I still have some points that I think that we need to discuss before we get to a vote on this if that's all right. So I don't wanna dive too deep into the legal analysis FML 'cause we do have Attorney Mathers as well, but the two most important words in the statute are shall and or and in my analysis here because shall means that the legislature is commanding us to do something. It's not a may. If the statute said that we may, the term may, issue a conditional use permit, well, then that gives us a lot of discretion, but this statute was specifically changed to, by the state legislature to remove control over the granting of conditional use permits from local municipalities to a large degree, such that in order to deny it, we have to find substantial evidence that here comes before that the applicant isn't abiding by it or won't abide by it just to paraphrase a little bit. So in other words they can satisfy the conditional use permit by either a bio matter conditions currently or by abiding by them in the future. And as long as they can do one of those two things, we are required to grant a conditional use permit. However, we are also entitled to determine the appropriate conditions. And if we as a board feel that we need more evidence to craft those opinions or those conditions more carefully and it seems that there's a certain amount of evidence that's just coming to our attention today, even though this has been dragged out several times, I think that we have the ability to set a new hearing for this at a future board or a future commission meeting, ask anyone who's. well frankly ask the applicant to respond to this evidence and in order for them to do that, I think it needs to be disclosed to them in advance so they can prepare a response. So rather than moving forward with a vote up or down today, even though we've had this before us multiple times, I think the most prudent course of action would be to set a date somewhere down the road. And ask that we as a commission be provided all this evidence that everyone claims to have, provide it to the applicant, give them the opportunity to respond to it, and only then would we be able to craft a conditional use permit that is thorough and appropriate and fair to the applicants and fair to the town. And those are my thoughts.

- Madam chair, I would point out that to the video. Pardon me, the yeah, the video and other recordings of our previous meetings would be, our public record available to the applicant, sent to anybody else about the testimony that we have received before to which I earlier reported.

- Go ahead David.

- I did wanna make the comment as well, keep in mind your action here to the recommendation, to the council and I know you know that I did wanna stress that again. So if there is a desire to have staff reach out to Mr. Hansel and Mr. Stubs and Mr. Bigelow, we could reach out to them to acquire those evidence to either have it as Commissioner Petrouske has recommended and as a postponed action or have that available for the council for their discussion as well. So they are the final decision maker. That would not give the Plan Commission the ability to look at it and determine if it's substantial evidence or not, but would allow council to do that. So I just throw that out there as a, you know--

- Hey Dave, when I did hit council was there a discussion or was this pretty much just turned around because of the new evidence, started to have a wrong turn?

- Correct it was, the new item again came in late, so it could not be presented to council. They asked staff if we felt it was relevant, we did feel was relevant and council took it back or referred it back, excuse me, to the Plan Commission.

- Thank you.

- Maybe just point out, to say to David, that this commission is the committee that has the expertise as far as conditioning servicing maybe in the city substitutes but again the decision to the commission

- So I guess what, taking that into consideration, I agree with Attorney Mather that we're probably in the best position to put together a cohesive presentation rather than to just say, here you go to the council and put together either a conditional use permit that we feel substantially addresses the concerns raised here or to give them a recommendation to decline this with substantial evidence so that whatever decision is made is ultimately final or at least sufficient for them to make a clear a well-informed decision on it. So we already have a motion on the floor. So I would, I guess, either defer to Commissioner Daniel, if he's willing to withdraw the motion, or I guess we could wait for an up or down vote or second on the motion.

- I will withdraw the motion, I will withdraw the motion.

- In that case I'll bring a new motion to postpone the decision on this from now until I would say the December Plan Commission meeting that would give ample time for the applicant to respond to these allegations that are in some part being brought over time, some are being introduced just tonight. I would also invite any member of the public who feels that they have a relevant information to provide that to the planners, to the city, so that they can assemble it and rather than just have kind of a free for all where everyone is introducing evidence, being held up to the screen and all that, which is good, I'm glad people brought evidence, but so we could have it in a clear cohesive package and have the applicant with a fair opportunity and time to respond to it. I think the 60 days would be sufficient for that. So I moved to postpone for those reasons for, until the December Plan Commission meeting.

- Go ahead Attorney Mather.

- May I just pick one suggestion that you provided cut off day for people to figure their evidence so that they would have time to accumulate it all second to the applicant that way things aren't coming in the last day.

- Okay, and when the December council meeting, what is the date on that December council meeting?

- Well it would be the week December 4th commission meeting, which would be December 7th, which is 30 days, January it's allotted 16th--

- I meant to say January, I had 50 days in my head and this year I'm trying to make it in faster than it is.

- Yeah, I hear you. They meet, they're held on Monday the week before the common council or the common council's agenda has been shifting, last year it shifted, I'm not sure what that is for next year, I don't know if Lindsay knows yet, but it will be the Monday before the council when they would meet which was typically the January 19th.

- Okay, so then we'll kind of cut off what we want to give to get evidence to you David.

- Well that would, you would end up going to the, it would be the December 7th Plan Commission meeting, but I would need everything is published the Wednesday before the Plan Commission. So I would need it probably at least by the Tuesday before the Plan Commission, so a week or a week before the 7th. So I would think December 1st or November 30th.

- Commissioner Petrouske you had said 60 days are you still okay with December 7th Plan Commission meeting or did you wanna push it to January?

- I think January is appropriate. I mean, January is a prep for the next meeting. The other one gives everyone just a couple of weeks basically to get their stuff together and what I don't want to have happen it's for us to come back here in December and then not have a clear answer and then push it out again. So I'd rather just do it one hopefully final time and let's do the January, that's my motion. So the January Plan Commission meeting.

- And I'm sorry the timing here is kinda strange. So if it's the January 19th, the Plan Commission is going to be January 11th, I would need information by January, no later than January 4th to go into the January 11th Plan Commission, which would then be forwarded to the council on January 19th, I sure hope I have all those dates correct.

- Okay, go ahead Vice Chair Miller.

- I don't know if we can do this, but can we somehow make that a special session for that specifically? There are a ton of very patient and good people sitting on this call listening to us discuss this right now. And this is not pre-signed that this has happened. We are at 7:30 already and we're three items in. If there's any way possible, can we make it a special session so people do not have to wait through all this. This is ridiculous I'm sorry.

- Yeah, I would consider that a final amendment and I would accept that.

- We could, we'll pull, we can pull the Plan Commissioners are having meetings a special Plan Commission meeting in January, we can't hold one of your regular meetings 'cause if applications come in we have to bring them forward or we can hold a special meeting in January.

- Okay.

- Please, please.

- I heard only concurrent that, and that would be with the understanding that the information would need to be gathered much earlier

- Okay. So yeah, anything that comes later than a six day timeframe, I will not include it in the Plan Commission packet.

- I think already should notify people who've been involved in these various meetings now that we are making this additional step.

- I can go through the minutes and look for who's name and address provided. And then obviously we send out notification within 400 plus feet from the site.

- Excellent.

- Okay.

- With that in mind I would second Commissioner Petrouske's motion.

- Okay, so we have a motion and a second to postpone to a special meeting times of the citizens staff. Was there any further discussion amongst the commission?

- Just one point of clarification, it would be coming back in terms of the PUD adds as is, there's no changes to the conditions that we're looking at. So if you look at the same thing we're just gonna be adding in the additional information, correct?

- Correct. So would we be able to take action at that time as well? Okay, okay, thank you.

- I would want our staff time to offer as investment the listing of particular permits that need to be obtained by the applicant.

- Okay.

- Yes and yes we can do our best to find out what all those are and none of us are scrap or junk yard, so we'll do that.

- Thank you, you have done your best in every step Thank you.

- Thank you, David. Okay, so we have a motion, second. Is there any other discussion amongst the commissioners? All right, then we'll go at it with a roll call vote again. This is to postpone special session from January. Vice Chair Miller.

- Aye.

- Commissioner Bremer.

- Aye.

- Commissioner Petrouske.

- Aye.

- We have been ignoring Alder Corpus-Dax.

- Is she here?

- Yes.

- Oh, okay. Commissioner Daniel.

- Aye.

- Commissioner Linsmeier.

- Aye.
- And Alder Corpus-Dax.
- Is it okay for me to bounce since I just popped in like the last 10 minutes.
- You don't have to vote if you don't, I mean, it's coming back to us, so you'll have a chance to at the future.
- Yes, probably.
- All right, and I'll--
- What is the date? What is the date Lisa? Is there a date?
- We don't have a date.
- To be determined.
- To be determined.
- TBD?
- Okay, it will be a special session. The one thing on the, hopefully the one thing on the agenda--
- It will be, when will it be determined? Any idea as far as the what timeframe?
- We'll have to pull the Plan Commission to find the availability, we have to perform so we'll do that well in advance by middle of December we'll know for sure when the date is.
- Okay, thank you.
- Is it something that you can address that's the December meeting so that you can announce the deadline about one of the meetings, that would probably be beneficial to everybody involved.
- That's very smart, thank you very much Attorney Mathers. Okay, so we are six in favor and one abstention. And moving on. Okay, so public hearing, this public hearing has been properly posted and public notification has been published in the Green Bay past events. The Plan Commission is interested in hearing public comments on a subject agenda item. We invite your comments now, after your name has been called you state your address, whether you represent the group or association, whether you favor or oppose or are only providing information this matter and your comments or concerns. We also ask that you can find your testimony to facts related to the proposal at hand and avoid repetitive testimony. You must be recognized by the Plan Commission in order to speak and please address your comments to the chair. Comments will be limited to three minutes. We will now open the public hearing on agenda item four, public hearing on the request to authorize a conditional use permit for an expansion of a single family dwelling in a varied density residential R3 district at 1518 Western Avenue submitted by Eric Kapla showing three condo rentals, LLC property owner. And if we can have a brief overview from the staff before we open the public comment.
- Thank you madam chair, this property is located at 1518 Western Avenue a single family home on the north side of Western, between Military Avenue and Fisk. The reason for the request of the the conditional use permit is as a single family home, this is considered non-conforming in the current very density residential districts. So any expansion really would need a conditional use permit. So the CUP is the tool that allows for an expansion in this case a smaller addition of road vision to the north side of the adjacent structure. So

because the footprint is changing working through out an expansion of the non-conforming use, the CUP will be the tool to hopefully correct that.

- Thank you, Paul. And now we will be taking testimony from interested parties, those that are in favor of the proposal. And if anyone sees any hands raised, please let me know. Can we get back to the gallery view so I can at least try to, sorry, thank you.

- Hands on Mr. Kapla did raise his hand.

- Okay. Okay, go ahead.

- Eric Kapla, 2769 Blue Spruce Avenue, Green Bay, Wisconsin. I'm owner of 1518 Western, I'm here to answer any questions. I'm expanding a garage to an existing home that in the back it actually already has a six unit that was built in 2004. And we're, it originally had two stalls and I'm putting it back to have multiple stalls again, to similar amend this that it had originally.

- Thank you very much. And then we might need to ask you more questions when it gets to the actionable item versus a public hearing part of this. Was there anyone else that wished to speak in favor of this item? Was there any lesson wished to speak in opposition to this item? Is there any one wishing to speak to provide information only? Is there anyone else wishing to speak? Is there anyone else wishing to speak? Is there anyone else wishing to speak? Let the record reflect that no one came forward. This public hearing is now closed and we will move on to agenda item number five, consideration with possible action on the request to authorize a conditional use permit for an expansion of a single family dwelling in a very density residential R3 district at 1518 Western Avenue submitted by Eric Kapla showing three condos rental, LLC property owner.

- Thank madam chair, and just had a few more points here, this is the city's comprehensive plans for in the future land use permit area. Actually the council I recommend won't have to be residential long term even now it has a current R3 zone. We'll get to work to get to our conference plan updates. This is probably a candidate to be changed more of a medium to high density residential zones but currently it has future plans for low-density residential. As I mentioned before, the current zoning that is R3 that the renters, Commercial or Military Avenue, there are multi family dwellings to be used to this property towards this but there are some single family homes mainly to the south here. This is a Google view on the property. This is a single family dwelling here. As the applicant mentioned before, we're in the multi family dwelling to the rear here. You can kinda feel that driveway came through, there was again a second stall was out of here, but that was removed back in the year 2000 for lack of that driveway access, so this is the view on the Google Street view of this other property. Although this has been remodeled more recently, you can see the garage and then get actual distance at the marks on the property. We did all the property within a couple of hundred feet. We didn't receive any call or questions regarding that. They have a recommended approval of this item, we have two conditions, compliance with all the regulations of the Green Bay Municipal code not covered under the conditional use permit and item B future expansions that permitted not to exceed 50% of the footprint of the adjacent structure. I think the idea there is we allow some way to exploit the applicant probably to expand gives us a minor additions to the structure, that has the structure's or buyer given.

- Thank you, Paul.

- Was there any discussion amongst commissioners?

- I move to approve subject to the condition proposed.

- Say that again?

- Okay.

- You gonna get Veronica, she just got here, she can get one.
- Okay, so motion by Commissioner Petrouske a second by Alder Corpus-Dax, any further discussion? Okay, I mean, we'll go ahead and roll call votes. Vice Chair Miller.
- Aye.
- Alder Corpus-Dax.
- Aye.
- Commissioner Bremer.
- Aye.
- Commissioner Petrouske.
- Aye.
- Commissioner Daniels.
- Aye.
- Commissioner Linsmeier.
- Aye.
- And I will also vote in favor, so that's unanimously that's approved. Moving ahead to the next city council meeting on November 10th. Moving on to item number six, public hearing on the request to authorize a conditional use permit for a home-based occupation in a low density residential R1 district at 1018 Rolling Green Drive submitted by Philip and Rita Schunnard property owners. And if staff could give us just a brief overview before we start that public hearing portion.
- Sure, thank you madam chair this is a request for a conditional use permit for a home based occupation at 1018 Rolling Green Drive. That property per rated and rent here. The personal effect of the West Mason Street. This is show perhaps drive This is the city limit and far outside of town. There are several conditions that go along with obvious occupations, on this case the applicant is proposing some meal preparation to be distributed to the public, somewhat of a commercial nature so working with the applicant we suggested a conditional use for that as we felt that the erodes the level of meeting with conditional use permit, small oversight both the Plan Commission and council review of that. So I can give you additional detail of the regular.
- Okay, thank you. All right, so now looking for a testimony for the public hearing, and we are looking for interested parties who are in favor of the proposal who would like to speak?
- My name is Phil Schunnard, and this is my wife Rita. We are property owners at 1018 Rolling Green Drive and just to give a brief background as to what we're doing. We are looking to put a prep kitchen on the back of our existing structure. What we are doing with that is not a restaurant atmosphere. We will not be taking any fulfill deliveries or food pickups or food orders or anything like that. We basically prepare the meals here, we supply St. John's Homeless Shelter. We supply other families in crisis. In fact, our motto is, "Encouraging those crisis one meal at a time," sorry. So basically what we're doing is we shop at all grocery stores that all of you shop at. We prepare food, we make meals, we deliver them. We encourage those in crisis. And as you can imagine, since March, there's been a lot of a crisis here in the city. That is our only goal, it is not to ever turn it

in to a restaurant. We have made contact with all of our, the majority of our neighbors within the 200 foot radius and we have gotten no opposition. In fact we've even gotten offers to volunteers to donate to our cause of what we're doing. So with that I'll end my comment.

- Thank you so much for your testimony. Was there anyone else wishing to speak in favor of the proposal? Is there anyone wishing to speak in opposition to proposal? Is anyone wishing to provide information only?

- Go ahead Alder Steuer, I mean.

- Thank you chair. I was just waiting for the public to finish. I got this from alder Brunette, he couldn't be at the meeting today and he represents that district. He said that he gives it his full support and he said no neighbors contacted him with any concerns. So he's fully in support of this, and I'm just speaking on his behalf. I also wanted to mention that Alder Doris could not make the meeting today for her item because we have city budget today, which started at three, so it's been a long day.

- All right thank you. Thank you alder Steuer, anyway sounds like a very wonderful thing that the applicants are doing. So, all right, is there anyone else wishing to speak on the site? Is there anyone else wishing to speak?

- Yes I would, I wish to speak.

- Okay, please state your name and address for the record.

- Hello. My name is Pamela Smith and I live at 10003 Rolling Green Drive, Green Bay. I'm a neighbor of Phil and Rita, and I honestly didn't call to find out any information, Phil and Rita weren't able to contact us probably due to our work our various work schedules, mine and my husband. And so I'm listening in tonight mainly to find out information about what's going on, but it's my understanding that there's not gonna be wholesale deliveries. There's not gonna be a lot of pickups and stuff like that. So those were my main concerns. We live on a cul-de-sac, as you can see by the map, and we wanna keep it a quiet street like that. So those were my main concerns. And it sounds like this is going to be a wonderful service. And I just want to make sure that it's not going to evolve into some other kind of service eventually that it will stay the kind of plan that the conditional use permit is for.

- And we will discuss that in the actionable item, but right now we are doing--

- Okay.

- But that was my concern. Just pickups, deliveries, traffic and I don't sound, it doesn't sound like that is going to be an issue with this type of permit.

- Okay, but thank you so much for your testimony Ms. Smith.

- Thank you.

- All right, was there anyone else wishing to speak on this item? Is there anyone else wishing to speak? Is there anyone else wishing to speak? Let the record reflect that no one came forward and this public hearing is now closed. Moving on to agenda item number seven. Consideration with possible action on the request to authorize a conditional use permit for a home-based occupation in a low density residential R1 district at 1018 Rolling Green Drive submitted by Philip and Rita Schunnard, property owners.

- Recommend charge, give it some of the best section of the background, again this is part of property located in red outline, north of Mason Street, east of Hill Crest. This is the city future land use conditional plan, it's a low density residential area, you may even find single family home in this particular neighborhood. Corresponding building that's it in, low density residential. This is a drawing provided by the applicant for

permitting Mr. Shores, the expansion of the garage area. So this is the existing garage on a single-family home. And originally they're proposing 720 square foot addition of I find that back meet current requirements to obvious occupation, but this space would include three residential grade bordering the stalls here and some wash base as well as a bathroom and an office space. So in fact initially thought that we felt this use was a little too intensive on a home based occupation. There's also components here that our permeance sketchers have considered as kind of a commercial type kitchen from a plumbing perspective based on the real plans require basically requirements So that's something beyond the scope of the Plan Commission and the CUP but I want to bring that to your attention that some of the general have to contend with. As I mentioned before there are several conditions that are included in the home based occupation that's been attached within your report. They are meeting many of the other requirements, again, by size and access addition here to be compliant. The other issue initially that came up was in the meal preparations of, the staff reached out to Brown County Health, typically with any sort of food preparation or meal preparation. The county health department has some oversight, but the applicants have a IC status and send the comments of Brown County Health they can issue a like, so they are somewhat exempt in that respect. We did not find that the property owners that I've mentioned before, we didn't give you, there was no call to questions. We did talk to the Alder Brunette about this, he did leave me a message saying that he's a supporter of the request. Staff is also for the request but we have about five conditions I just wanna kind of run through real quickly. First one is compliance with all the regulation that the Green Bay Municipal code not covered under the CUP as well as all the other possible requirements of the home base occupation. Item B at the proposed use end or the ownership of the property has changed the approval seize immediately. So this really has a use that is strictly for the current property owners. This would not, this use would not continue on with the change of ownership, is perfect for the current property owners. Item C there shall be no direct retail distribution, no wholesale food delivery, and all meals served are distributed on permit. The applicant did provide a narrative of, they voluntarily give help, but we want to include that as a condition. Again this is not a restaurant. This is something that can be distributed on site and not offered on site. Item D, on an annual basis, the applicant receives a substantially compliant special advisor inspection from Brown County Health. As I mentioned before, staff hasn't talked about County Health to assist. This technically has no jurisdiction, but I did reach out to them last week and 'cause of the number of meals that are prepared they are aware we're doing a special advisory session, I don't have a lot of details on but the main include simply an annual inspection or someone has oversight on this for health center perspective to take a look. I gave suggestion to the applicants, I don't believe there were any concerns from the applicant but I'm just waiting from them on that. And finally the home based occupation may be something to review on a yearly basis. Sometimes we have this language when there is concerns or if you've submitted more than we could agree a fee this will just kind of cover up the sense that if you received complaints from neighbors, if there's water problems or some other issues that we see that the Plan Commission or common council can come back and review the CUP and consider revoking although I hope that's not the case here, but the language we wanted to build in just for some additional protection. So with that we all recommend approval of the owner.

- Thank you Paul. Was there any discussion amongst the commission?
- I move to approve subject to the conditions for both.
- I guess. Any further discussion?
- Just to echo the comment made by multiple people. This is really awesome that you guys are doing this. That's really somewhat of a great benefit to the people who need it in our communities, thank you.
- Yeah, it's amazing, thank you so much.
- And delightful to hear the support from your neighbors too.
- Thank you.

- Thank you and we just want to reiterate too that although it was stated before, this is our next step to serve as many people as we possibly can. I'm certified safe food handler and sanitary certification. We understand that we don't wanna be doing this in our residential kitchen, we want it to be in a proper environment and especially with COVID, we wanted to be proactive. And it's why we've gone to four basic there's not too many residential kitchens that have too much of the equipment, little did we know that if we had put that in there, that it would draw further attention to us in a negative light, from this, looking commercial. We never wanted to be commercial. All we want to do is be safe and handle food properly, and we intend to do then until we can't do it in this property any longer. Which would force unwillingly on our part, because since we're able to feed we would move into a commercial site, which would, you know, give us more good duty. So as long as we can do it out of our home, do it safely, do properly, not infringe on the privacy actions of any of our neighbors, we're more than willing to do that. We followed said norms, prepay on boarding rates in Green Bay, I lived here my entire life, originally our plan called for a food truck. So that plan has been put on hold only because we need to stay here at Green Bay, the need is here in Green Bay and orbit and hit us up provides us with a brick to prove that, so we thank you for, Paul and all the time that he's put in and Jesse Brunette and all of the people that have shown court.

- Thank you so much.

- It means a lot.

- Go ahead with a roll call vote, we have a motion by and a second by Alder Corpus-Dax, is that correct?

- I wanted to say something though.

- I want to take a second. I just want to reiterate what the commissioner said. I think this is a great project and I'm on city council. I will support this whole heartedly as well. So God, Steve thank you again.

- Thank you.

- Thank you.

- Okay, so going ahead voting on approval with the conditions listed. Vice Chair Miller.

- Aye.

- Alder Corpus-Dax.

- Aye.

- Commissioner Bremer.

- Aye.

- Commissioner Petrouske.

- Aye.

- Commissioner Daniels.

- Aye.

- Commissioner Linsmeier.

- Aye.
- And I also vote in favor, so unanimously approving, to move ahead to city council on November 10th.
- Thank you for your time.
- Thank you and let me ask you item number eight. Public hearing on a request to repeal Chapter 13-1716E Green Bay zoning code regarding the game day parking.
- You're probably thinking we already approved this. So the back story is we took a proactive step several months ago to amend game day parking and it was real limited to single family, two family use, and the proactive nature was to expand that to all zoning district. So we went through that process and Plan Commission approved it. The council also approved it. What ended up happening is we had a new session, so to speak to be honest. We forgot and found out later that we left the other session that we're going to actually repeal it. So this is really a kind of a clean up measure. We're repealing the original language that they'll just want to bail on users. We'll keep a better language that we intended for well going on district. So this is again just a straightforward cleanup and just an error we can just...
- Well, this is a public hearing, so--
- Oh that's right.
- But I appreciate your-- Okay, so public hearings taking testimony, pretty interested parties that are in favor of Mr. Povo. Is there anyone in opposition? And is there anyone wishing to provide information only? Is there anyone else wishing to speak? Is there anyone else wishing to speak? Is there anyone else wishing to speak? Let the record reflect that no one came forward and this public hearing is now closed. And moving on to agenda item number nine, consideration with possible action on requests to repeal chapter 13-1716E Green Bay zoning code regarding game day parking.
- You recommend approval based on the comments in the public hearing.
- All right.
- Sorry.
- All right, so we have a motion by Alder Corpus-Dax, seconded by Vice Chair Miller, any further discussion? Hearing none we'll go on to a roll call vote, Vice Chair Miller.
- Aye.
- Alder Corpus-Dax.
- Aye, I've been in a meeting since three o'clock, so you will understand my ignorance.
- Oh man!
- Commissioner Bremer.
- Aye.
- Commissioner Petrouske.
- Aye.

- Commissioner Daniels.

- Aye.

- Commissioner Linsmeier.

- Aye.

- I will also vote in favor, pretty nervous. Fast forward and on to item number 10. Consideration with possible action on the request to the remaining portions of each submitted by James S. Kamizerek partner.

- So yeah, this is my agenda item. Did you want me to just go ahead with it? 'Cause I do believe we also have the applicant on the line as well.

- What did, I guess, why don't you go ahead and give us the overview of the item and then we can decide whether we want to open it up, or we can still open it up to the public.

- Sure, so this request to vacate the remaining portions of the street would be on the first diagram to the left, the yellow rectangle to the west of locust and Mr. Kamizerek, Kamizerek, I hope I'm saying that right. He owns parcel 61677 which is in pink. And so a little bit of history about it. There is no access to the applicant's property. As a Leaf Street has already been partially vacated. So the Southern portion and you can see kind of from the right white and black diagram, the southern portion of Leaf Street has been already vacated. The proposed right away was intended to be created in 1950 I believe, however, the street was never fully completed. There's no infrastructure, it was abandoned. And so basically parcels 61677 all the way to 61680 have no access. The only difference is those three parcels actually are the same owners that own in front on Locust. Whereas our applicant and the pink square, his parcel, it has a different owner in front and he's actually approached that owner who's not interested in purchasing the behind parcel. So there's no access to his property and it's landlocked, the vacated portions would be removed from the public right away and be transferred to the adjoining parcels. The southern portion was vacated in 2003. So we're just doing some cleanup as the applicant has come forward with this request. And it is his intention I believe if this request does go through to join his parcel and gift that to the Fort Howard Memorial Park, that cemetery kind of located behind him. So the future land use is actually very similar to the existing and current zoning. So you have the public cemetery behind, you have some commercial and low density residential and park space and you can already see that kind of Leaf Street behind. Now, it is important to mention 'cause I was a little bit confused that strip of commercial behind it, but that is actually owned by the cemetery. You can go on to the next slide, so here we still have the surrounding properties are R3 and R1 to the north, so that's the cemetery park and residential. And then our R1 both south and east, which is single family residential. And then to the west again is that R3 and that's the cemetery and you could see the proposed vacation. So here's the street view and the aerial from Google earth, Thomas Street would be if you're looking straight at Leaf Street, so you can see there's zero infrastructure. And it was an idea that was entertained and planned back in the 50s and early 2000s, it was decided to kind of go out the window with that idea. So the request is to move forward and vacate the remainder of the street. And you can see on the star and the bottom right, that is kind of the area that's left, that is Leaf Street but there's nothing there and no access or right away. So the recommendation by staff is to approve the request and vacate the entire Leaf Street. Something that we discussed probably should have been done 20 years ago, but we're here doing some cleanup, thanks to the applicant's request.

- Okay, thank you Madison. Go ahead Alder Steuer.

- Thank you chair, I'm the alder in that area. And it's got an interesting dynamic over the years, but I just wanted to double check with Madison as far as that piece of property, so you're saying that that will be deeded over to the cemetery? Does that, did I hear that correctly?

- I think that's the intended future decision with that, but right now it's just the relinquish without any restrictions to the property owner. So I believe it would be transferred to the adjoining parcels and he wants to combine his and gift it to the cemetery, I believe.

- Okay, 'cause I noticed the the other parcels to the north, there's two parcels, there's other two, four, six parcels. And you're saying the people that live on Locust also own the parcel behind them--

- Correct.

- Touching Leaf, so they have two parcels on painting up. So was there any talk of them also getting that small portion of Leaf Street as well? I guess I just needed to clarify that.

- As of right now, I believe correct me if I'm wrong, David or Stephanie, but that it would be transferred to the adjoining parcels. I know I have had discussion with one of the residents just about combining their two parcels between Leaf and Locust because in general it makes very little sense 'cause they would not be able to sell the back property.

- Well, I'm in favor of them vacating though. It will be interesting to see how that goes but right now we're just looking to vacate it, correct?

- Correct.

- Okay. All right, thank you.

- That would be a different application in the future.

- Okay, thank you. Were there any other questions or I guess, discussion amongst the commission? So I guess I am a little bit confused. I mean, we're saying that it doesn't have there is no access.

- Correct.

- What of creating it?

- No.

- Okay.

- And I guess, I think what Alder Steuer was saying is that if you go back, I guess if someone could go back to the picture of the map with those three properties to the north, do we contact those three property owners to see if they wanted to, basically have three properties online? Yeah, like that--

- They have all been--

- Properties where they could expand their yards. I mean I don't know if that's something that we typically will offer.

- If I could cut in,

- Go ahead.

- Chair?

- What means vacate property in the city it gets split in half. So right down the middle will get split, half of it will go to the cemetery, the other half gets attached to be adjoining parcel. So in the instance of the pink highlighted... He's interested in donating his entire area to the cemetery. The cemetery will also get the western half of that piece. And then each of the three property owners on the east side, will get a small portion of it to the rear parcel.

- Okay, perfect, all right. That clears--

- The house is done verbatim, if they want something different, they can also dedicate over to the cemetery if they're interested, but just buy rights it's still is split in half and attached.

- Okay, I thank you so much staff. Was there any other discussion amongst the commission? If not I'll entertain a motion.

- I'm Commissioner Bremer, I'm move to approve.

- Second.

- We have a motion by Commissioner Bremer, second by Alder Corpus-Dax. Any other discussion? Okay, now go ahead with the roll call vote. Vice chair Miller.

- Aye.

- Alder Corpus-Dax.

- Aye.

- Commissioner Bremer.

- Aye.

- Commissioner Petrouske.

- Aye.

- Commissioner Daniels.

- Aye.

- Commissioner Linsmeier.

- Aye.

- And I will also vote in favor, so unanimously. Moving ahead to council on November 10th and onto item number 11. Consideration with possible action on approval of the Downtown Green Bay incorporated Business Improvement District operating plan for 2021. Thank you Sharon.

- So for the next four items, you have the operating plans for all of our bids, by their guidelines in handbook, the Plan Commission is required to review and approve those. So we do have some of the board representation here. Some are conflicted with other meetings, so we can go in order each week, so they have opportunity to present their operating plan if they're interested in doing so. This should be a very brief presentation. And then from there you need approve each of them individually. The following four items are their approval of new committee members or reappointment of committee members. And we will take those

up separately as well. So for the next four items, Lisa, if you just want us to introduce each of them, vote on them in order, and then the bid representation will take care of the presentations for these.

- Okay, so we're voting first and then you're--

- No, no, no, I mean like have each of them do their own. I know sometimes in the past we've collectively approved them all together, but we would like to approve them all individually as agenda item.

- Okay, so then we're not gonna lump like 11 with 15 or anything like that.

- Yes, exactly.

- We'll do operating plans first and then we'll move on to--

- So...

- So number 11 we're starting with the bid operating plan for DGBI.

- Yes and I wanted to mention we have Jenny Ladenburg on behalf just reduce conflict of the same thing. Thank you.

- Okay.

- Well, thank you. I'm hoping you had the opportunity to review the operating plan for DGBI. And as you can imagine, this year was a lot of fun making plans and you know, late summer and fall of this year for all of 2021. So we like everyone else that has had a challenge of trying to figure out what's going to be happening. But we do have confidence that we have a good plan forward, we do plan on retaining the seven staff members that we have in our, the activity within our bid, really fall into four different categories, mainly business developments, which we figure will be the most important thing in 2021, definitely focusing on being a resource to all of our businesses that are impacted by COVID-19. And we're also planning on having the business development, people on our team working closely with our marketing team to make sure we get out there, all those available properties. And this keeps things very up-to-date so that we can keep the business, the sizing and our district. Another thing focusing on is physical improvements, knowing that we wanna do a lot of place making, making stuff hungry man a great place for people to visit and to go and to want to work there. And really continuing to focus on our first impressions and hoping to make some simple things happen in 2021. Marketing is the third pillar in what we'll keep moving on and adapting as we need to, not as much print advertising, if you're, you know, you can't do a brochure, but we did learn how to really focus a lot on are digital media. And we'll continue to do that in 2021. Our fourth pillar is events that I would say is the wild card next year, but we are ready to go with our teams and putting on events that will continue in a safe way. This year, we were able to continue our farmers markets very successful, all things considered and we have a definite plan going forward. We know that works this year could continue that into next year, but hopefully things will be better and a little bit back to normal. So as far as the revenue is coming in next year, we're looking at very similar amount to what we anticipated in 2021. So nothing major on the income or expense side that is gonna be, they're changing a lot from what we've had in the past. Does anyone have any questions?

- Okay.

- Okay, so I guess, I would ask that the chair would entertain a motion.

- I'm delighted with the plan and I will move to approve it.

- Second.

- Motion by Commissioner Bremer, second by Alder Corpus-Dax. Any further discussion? All right and a roll call vote. Vice Chair Miller.

- Aye.

- Alder Corpus-Dax.

- Aye.

- Commissioner Bremer.

- Aye.

- Commissioner Petrouske.

- Aye.

- Commissioner Daniels.

- Aye.

- Commissioner Linsmeier.

- Aye.

- I'll also vote in favor, to nervously that forward. And moving on to then item 12, the consideration with possible action on approval of the Olde Main Street incorporated district operating plan.

- And I love to speak to that. So Olde Main Street shares the same staff as Downtown Green Bay. So again those same four pillars that I already mentioned and the bed revenues that we anticipate coming in with our Main Street are just slightly higher than they were in 2021. So we're glad that we, they're not interested. So this is coming lower. Our plan and budget look very similar year to year. And I guess I am gonna say the same thing I said with Downtown with what we're focusing on with and addition and in Olde Main Street, it's the art district. So we really want to put as much focus on the arts as we possibly can in that district and try to bring more more things, create more fun places in that district that focused on art. We have very strong partnerships with Sage and the Art Garage and the NWTC Artisan Center really working well together right now with all those entities. And so really making sure some of things happen in the next year in that district.

- Thank you so much. Go ahead Commissioner Bremer.

- Two quick questions. What do you have in mind for a loyalty program? I wasn't sure.

- Sure, that is something we're looking at. There have been a few new businesses that opened up on Olde Main Street very recently actually a few new pub and grills, pizza places on Main Street. And they're kind of all in a roll. And we were thinking, toying around with the idea of having a program like a punch card program became those places that if you go to certain ones and patronize them that there'd be some kind of a reward, so this is one of those ideas that's getting looked into at this point.

- Great and how did you manage to lower your administrative costs by almost 10,000 hours?

- That is a very good question.

- I would like that,

- Now what would happen there is that in the year 2020, this year, our organization Jed applied for the PCP from the federal government and we did receive some funds for our staff and it's a kind of complicated metric in how we pay, how Olde Main Street works at Downtown Green Bay, but Downtown Green Bay technically has all the, houses all the employees. And so, and then Olde Main Street paid for a portion of that. So we ended up taking some of those funds that we received, for the COVID help and give Olde Main Street a portion. And so that's why we decided let's deduct it for one year's worth of what Olde Main Street usually paid Downtown Green Bay. And so we put that into the budget for 2021. I hope I explained that well.

- You have been able to maintain all physicians as well.

- We have, yes and we anticipate if everything goes as planned that we can hold out in those positions in the next year.

- Thank you.

- Yeah, thank you.

- I have a quick question Ms. Vera in regards to the new businesses that are coming up. Have you got the drift parking or do you think parking would be in a normal year with no COVID or would there be parking concerns for those businesses or do we have ample parking?

- Are you talking about said businesses in the Olde Main Street district.

- Yes.

- A lot of the ones that are new do have the parking right next to the building or behind the buildings on Olde Main Street? So it hasn't been a big concern as of right now. So yeah, they seem to be really excited about opening up and really successful. So far the crowding come in, it opened near that big parking lot right next to it. So kind of already got located, they seem to be working out okay.

- Thank you.

- Mhmm.

- I would certainly entertain a motion.

- Move to approve.

- Second.

- Where did a second come from?

- Here.

- Oh, okay, all right. So we have a motion by Commissioner Petruske and a second by Commissioner Bremer. Any further discussion? Roll call vote, Vice Chair Miller.

- Aye.

- Alder Corpus-Dax.

- Commissioner Bremer.

- Aye.

- Commissioner Petrouske.

- I'm gonna guess that he said aye.

- Aye, yes I did.

- Commissioner Daniel.

- Aye.

- Commissioner Linsmeier.

- Aye.

- I also vote in favor of moving that item forward. Moving on to item number 13. Consideration with possible action on approval of the on Broadway incorporated business improvement district operating plan for 2021. And I'm guessing--

- The applicant is here, if you'd like to speak to him.

- Sorry Wendy, it looks like you were chiming in there to say something, so I was waiting.

- Hello everybody, Brian Johnson from Broadway. So our organization is, is experienced quite an interesting year. Our Business Improvement District is not quite as substantial and there's two reasons for that. One is we have a mill rate that's quite a bit lower than the state average. And the other reason is because the total assessable value of the properties in our district is not as high. And so unfortunately our organization is certainly dependent on events. In fact 94% of our budget is tied to the revenue generated from those events and sponsorships that support this, so when you cut out the events, you cut off the revenue, now we did experience a little bit of revenue from the farmers market, but that was really more of a, a break even and quite frankly probably a losing proposition for us this year. But other than that, we really haven't had anything. So we're gonna see probably a total revenue reduction of about 85% this year. And unfortunately as a result, we have to, we have staff of six, we're basically down to me and then our office manager works a couple hours a week and we've been furloughed and salary reduction on top. So we do what we can with what we have left. Unfortunately a lot of our efforts have been more internally focused this year to what we would like meaning how do we ensure our survival of the pandemic? And that's one of those things where we are actually very near to running out of funding. And so as resolved, we're going to launch a crowd funding campaign here in the next week or two. And then of course you're gonna be looking to the business community to help support our operation. We're estimating that we will need to raise approximately 100,000 dollars just to keep our doors open before the end of that's probably from now until the end of May. And that our hope of course is that ends well, we'll be able to be executed next year and then we can start to generating income that way. So as a result with the Business Improvement District Board put together their plan this year, they recognized the hardship that the organization's going through. They wanna see us survive and that's why you see in the plan that we haven't allocated funding towards different items as we have in the past. Instead it's saying, take the assessment and keep your doors open and that's covering salaries, and overhead operating costs like rent. So that's where we're at as an organization. It's yeah, I mean, we'll figure out how to get through this. I think that's what good organizations do. We have a wonderful board behind us, that's really committed to our long-term success. But unfortunately in the short term, what that means is that we've had to cut all of our non essential services. So that'll include things like seasonal decor and our public art initiatives that we had budgeted for this year. Even doing some of the events that we consider loss leaders, meaning that we don't generate income on the event, but we do them to bring foot traffic down here. It's kind of in direct conflict with what you wanna

be doing in a pandemic right now. So it's really kind of a wait and see game right now. And we continue to help and assist our businesses more on a one-on-one basis while still continually applying for grants and doing fundraising for our own operation.

- Thank you so much Brian. Any discussion amongst the commission? Well, the chair would entertain a motion.

- All right, now that I put you guys in a satisfactorily somber mood, either way we'll get through this, it's not that bad. I want you guys to be happy, come support the businesses during the holiday shopping season, they really need you.

- Absolutely. Motion to approve?

- I'll move.

- All right, we've had a motion by Alder Corpus-Dax.

- Yep.

- And a second by Commissioner Daniels. Any further discussions? Okay, Vice Chair Miller.

- Aye.

- Alder Corpus-Dax.

- Aye.

- Commissioner Bremer.

- Aye.

- Commissioner Petrouske.

- Aye.

- Commissioner Daniels.

- Aye.

- Commissioner Linsmeier.

- Aye.

- And I'll also vote in favor of moving that agenda item forward. And moving on to item number 14. Consideration with possible approval of the Military Avenue Business Association, Business Improvement District operating plan for 2021.

- Leah is on the line.

- Hi, I'm here, can you hear me?

- Hi Leah.

- Yep.

- Hi, so I don't have to tell any of you what a strange year this was for, we had planning and the bids, like Brian said also the bids are structured very differently. So we weathered very well and having just a single chairperson, wasn't too much of a problem for us. The farmers market actually did very well. I think because we were kind of the down and dirty farmers market in and out, people were looking for that kind of service this year versus, you know, a celebration. It was more about getting your produce and getting out. So our model was helpful for us this year and we've got over 100% increase in EBT sales, which is the food support program. And there were several grants that we were able to get through a loan and the different health groups. And that really helped drive a real diverse group to our farmers market. Excuse me, which was 12 different than normal years. And that was really good to see. 'Cause I think we've always wanted to do that really be, you know, just a true farmers market. We are continuing to stay outside even through November 19th is the plan. So we hope you don't freeze to death but we probably will not conduct our indoor winter market, but really pushing online service instead. One of the things in our operating plan from last year was doing this strategic plan and talking about public amenities and things, and that never happened, you know, that involved gathering people. And of course, that didn't happen for COVID reasons. So we're gonna continue to move forward with that and just select things ourselves as we go forward, we're gonna work with the Green Bay transportation department on benches, and they've already put one up and they run into problems where they don't have enough money. So I think combined the two of us to work together and pay for cement and the benches for all the bus stops, there's many, many bus stops on the Military Avenue. So the cooperating side this year kind of recommends. And the new piece of health and safety, I've worked a lot with businesses this year. Several of our businesses are foreign owned. And so they really struggled with some of the language in our government grants, things like that. So I was able to walk through with the, we're all in grants to the states, and I'm currently doing them thrown to them do it midnight tonight, so that's the only new thing we added to the operating plan. Our revenue is projected play higher, but so is liquid payments due to the fact that some businesses are definitely struggling in the whole strange year that we had, there were actually five or six new businesses that popped up some of which gone and some never really open. So it's hard to know, and I've watched them try to go over and see the people. And it's like, they're never there, so it's really hard to get ahold of them. But I think again people are waiting for this to be over so that they can really open their businesses, but we definitely have a couple of businesses and not closed for festival site. We are also wrapping whenever utility faxes, the weather got cold so fast. Like if I was so hoping to this fall, but waited to learn, I'm still planning both Saturday and systems to all business to try to get some business and are weird retail type. If anyone had questions

- If I could Leah, I'm curious as to how you propose to handle the assessment delinquencies that seems to be increasing under obvious circumstances.

- Yeah, that's sort of out of our control, it falls in the city then, I believe it gets assessed to their actual, if they get the property, then it would go to the owner of the property.

- Your plan also referred to the model list of assessments that appendix C, but I did not see one of snapped.

- Oh yeah, because we got it like right when I was sending it and the city was just releasing it from us. So that's where I talk about the number increased slightly, and that would have to do with evaluation of the property values versus changing any. So the same assessments were, it's like \$2 per 1000 value on... It's none of that change that was on sale, so the preset we're looking due to the increase in property values.

- Okay. I appreciate that you and the other directors are all paying attention to the impact of COVID and using the opportunity to work one-on-one with your people, seems like

- Yeah, but the frequent victim...

- Yep.

- Okay, go ahead Alder Steuer. You'll have to unmute yourself though.
- Straight in, I've been always been up for six hours here. I just wanted to thank Leah for her efforts on Military Avenue which goes through my district and I meet with her quite a bit. And we're always talking about initiatives and ways to improve the district. So I have just wanna give kudos to her and her crew and the farmers markets are all great and I'm looking forward to a better year next year. Thank you.
- I think we all are.
- Yeah, we are.
- If he brings coming up to the rest of this week, getting out.
- Hmm right.
- Our Thursday market will be very good.
- Great, I'd like to move approval.
- Second.
- All right, motion by Commissioner Bremer, second by Commissioner Petrouske, any further discussion? All right, roll call vote. Vice Chair Miller.
- Aye.
- Alder Corpus-Dax.
- Aye.
- Commissioner Bremer.
- Aye.
- Commissioner Petrouske.
- Aye.
- Commissioner Daniels.
- Aye.
- Commissioner Linsmeier.
- Aye.
- And I will also vote in favor of the operating plan. And moving on to item number 15. Consideration with possible action on the 2021 nominations to the Downtown Green Bay perforated business district four, as approved by the DGBI Bid Board.
- Thank you Chair, for all the appointments, if you've been on Plan Commission for awhile, this might look different for you. Previously the mayor had approved them. So we had resumes, applications, and then we

were the final approving body. The mayor has not switched them, so he will receive applications and resumes after from the Plan Commission. So there are no resumes near package as names recognition. We are recommending a staff approval of all these new placements. We shouldn't need no presentation items, but if I move that the directors wanted to speak on any of these appointments, you may do so when your agenda item is called. Okay. So working with first with the DGBI Bid Board nominee, and we gonna hear from Ms. or do we not need to hear on anyone at all, we can just...

- You don't need to, if anyone does make a mistake you're gonna raise your hand or something, but usually the appointments are just done by consensus, consensus voting.

- Okay.

- So I'd entertain a motion.

- Move to approve.

- Second.

- Motion by Commissioner Petrouske, second by Alder Corpus-Dax, and a roll call vote. Vice Chair Miller.

- Aye.

- Alder Corpus-Dax.

- Aye.

- Commissioner Bremer.

- Aye.

- Commissioner Petrouske.

- Aye.

- Commissioner Daniels.

- Aye.

- Commissioner Linsmeier.

- Aye.

- I'll also vote in favor of the nomination. All right and moving on to item number 16, which is consideration with possible action on the 2021 nomination to the Olde Main Street Incorporated Business Improvement District Board as approved by the OMSI Bid Board.

- Move to approve.

- Second.

- Motion by Alder Corpus-Dax and the second by Commissioner Petrouske, any further discussion? Now, roll call vote, Vice Chair Miller.

- Aye.
- Alder Corpus-Dax.
- Aye.
- Commissioner Bremer.
- Aye.
- Commissioner Petrouske.
- Aye.
- Commissioner Daniels.
- Aye.
- Commissioner Linsmeier.
- Aye.
- And I'll also vote in favor of the motion. Moving on to agenda item 17. Consideration with possible action on the 2020 nominations to the own Broadway Incorporated Business Improvement District four, as approved by the OBI Bid Board.
- I can just comment.
- Oh, sure, go ahead.
- Yeah, just two things. And I don't know if there strictness errors or maybe an oversight, but one is Frank Peters is with Schneider, not Trevor foods. And the other item, certainly the process listed here is a three-year term. Our terms are staggered and her term technically expired a year ago. So this should really be like a two year appointment to align with the duration of that term.
- Okay.
- Sorry, go ahead.
- Comments and amendments to work with oversight and move to approve.
- Second.
- Motion by Commissioner Bremer, second by Commissioner Petrouske, any further discussion? And roll call vote, Vice Chair Miller.
- Aye.
- Alder Corpus-Dax.
- Aye.
- Commissioner Bremer.

- Aye.
- Commissioner Petrouske.
- Aye.
- Commissioner Daniels.
- Aye.
- Commissioner Linsmeier.
- Aye.
- I also vote in favor of the nominations with the corrections made and number eight? Item number 18. Is there any issue with possible action on the 2021 nomination to the Military Avenue Business Association Business Improvement District Board as approved by the MABA Bid Board.
- Motion to approve.
- Second.
- Motion by Alder Corpus-Dax, second by Commission Bremer, any further discussion? Hearing none, we'll go ahead to vote, Vice Chair Miller.
- Aye.
- Alder Corpus-Dax.
- Aye.
- Commissioner Bremer.
- Aye.
- Commissioner Petrouske.
- Aye.
- Commissioner Daniels.
- Aye.
- Commissioner Linsmeier.
- Aye.
- And I'll also vote in favor of the nominations for item number 18. Moving on to informational, number one director's report.

- I feel like I've jinxed the Plan Commission. I apologize for whatever I'm doing. I just wanna mention one thing is that I think we're gonna bring the housing study to this meeting, but we saw the agenda was super long, so I think at our next Plan Commission meeting, we might bring our housing study to you. you're welcome.

- Thank you

- So we can talk about that more then. And I think that's about it. That's enough, right?

- Yes, that sounds great.

- And the date of the next meeting is Monday November 23rd, 2020.

- Motion to adjourn.

- Yes, please.

- Second on that.

- Second, oh I second.

- All in favor.

- Aye.

- Aye.

- Any opposed?

- Bye.

- All right, we'll see you guys on the 23rd.

- Bye.

- Are you done?

- Are you done?

- Yeah, right.

- Goodbye.