



AGENDA OF THE COMMON COUNCIL

TUESDAY, FEBRUARY 2, 2021, 6:00 PM

Virtual Meeting. Public may join via Zoom.

A. Zoom Meeting Information.

- I. This item contains instructions and information for the virtual Zoom meeting.

B. Roll Call.

C. Pledge of Allegiance.

D. Invocation.

- I. The invocation will be led by Alder Craig Stevens, District 5.

E. Approval of Minutes.

- I. Approval of the minutes from the January 15, 2021 Common Council Special meeting.
2. Approval of the minutes from the January 19, 2021 Common Council meeting.

F. Approval of the Agenda.

G. Report by the Mayor.

H. Announcements.

I. Appointments.

I. New Appointments:

Green Bay Public Arts Commission

Chaming Yang, 1689 Westfield Ave., Green Bay, 54303

Term to expire: February 1, 2024

Reappointments:

Transit Commission

Rashad Cobb, 1288 Hannah St., Green Bay, 54303

Term to expire: February 1, 2024

Emily Ysebaert, 1569 Proper St., Green Bay, 54302

Term to expire: February 1, 2024

J. Ordinances - Second Reading for Adoption.

I. Zoning Ordinance No. 01-21

An Ordinance amending Zoning Ordinance No. 38-79 for the Planned Unit Commercial Development at 2350 East Mason Street (East Town Mall).

K. Report of the Improvement & Services Committee (January 27, 2021).

1. To approve the request by Ald. Scannell to have Department of Public Works add \$25,000 to the 2021 bond issue to extend the steel piles at Leicht Park in preparation of docks for the spring fishing tournament. (Ald. Scannell)
2. To approve the request by HL&H to dedicate to the City of Green Bay all public infrastructure in the Excalibur 3rd Addition subdivision.
3. To approve the request by DDL Holdings, LLC, to dedicate public improvements and right-of-way associated with Donald Driver Way from Kellogg Street to Bond Street, and Bond Street from Donald Driver Way to Broadway, including public utility infrastructure (sanitary sewer, storm sewer, water main).

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

A. Granting of Licenses

I. Sidewalk Builder

- a. Blaser Construction LLC
- b. Fischer Concrete
- c. Jim Fischer, Inc.
- d. Melnarik Concrete
- e. Milis Flatwork
- f. Sommers Construction Co., Inc.

2. Tree & Brush Trimmer

- a. A Four Season Tree Care
- b. Bucklin Tree Service LLC
- c. Treeo's Tree Service, Inc.

L. Report of the Protection & Policy Committee (January 25, 2021).

1. To approve an application for a "Class B" Combination license by Rogelio Perez Jr. at 2475 University with a license premises description as "seating tables, small bar area" (Currently licensed as Z Harvest Cafe, LLC), with approval of the proper authorities.
2. To approve an application for a "Class A" Liquor and Class "A" Beer License by Family Dollar Stores of Wisconsin, LLC at 514 W. Walnut St. with a licensed premises description as "standalone building approximately 11,621 square feet," with the approval of the proper authorities.
3. To approve an application for a "Class B" Combination by NW Spirits, LLC at 209 N. Washington St. with a licensed premises description as "store in coolers, behind bar, and in storage room on premises," with the approval of the proper authorities (Currently licensed as Every Time I Dine, LLC).
4. To proceed with no recommendation on a draft resolution written by Alderman Jesse Brunette titled: Resolution in support of Green Bay Area Public School district students, parents, teachers, and employees in urging the school board and administration to transition quickly but safely toward an in-person option for all students.
5. To receive and place on file a request by Ald. Jesse Brunette for an update, discussion, and possible action on the status of all Open Records Requests received by the city from November 1st to until the date of the Protection and Policy Committee meeting.
6. To refer to the Finance Committee a request of City Council President Jesse Brunette to seek an outside Attorney Client Privilege(d) legal opinion for discernment on options to balance the incredibly important need for public disclosure and transparency with the need to protect the city against potential liability.
7. To receive and place on file the Liquor Violation Report for January 25, 2021.

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

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

N. Report of the Plan Commission. (January 21, 2021)

- I. To receive and place on file, per request of the applicant, to withdraw the application request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (Auto & Metal Salvage Operation).

O. Report of the Personnel Committee (January 26, 2021).

- I. To approve the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Building Maintenance Technician - Public Works
2. To approve the 2021-2023 labor agreement between the City of Green Bay and Local 420, Bus Mechanics.
3. To refer to staff for additional content on the alderperson orientation program and to schedule a demo program in April.

P. Report of the Public Arts Commission (January 27, 2021).

- I. To approve the GBPAC budget, for Fiscal Year Beginning January 1, 2021.
2. To refer back to staff for additional information regarding insurance and hold harmless agreements to revive and update the Rotating Art Program.

Q. Report of the Traffic, Bicycle, and Pedestrian Commission (January 18, 2021).

- I. To receive and place on file the report by the Police Department of the 2020 4th quarter serious injury and fatal crashes.
2. To refer to staff the request to remove the stop signs on Oakdale Avenue at the intersection of Huth Street to convert an ineffective three-way stop to a single-stop intersection.
3. To direct staff to open a dialogue with Brown County and the Port Authority regarding the request by Ald. Scannell to move the truck route from North Broadway to McDonald Street between Mather and Alexander Streets.
4. To direct staff to conduct a speed study on Hillcrest Drive from West Point Road to West Mason Street.
5. To deny the request to establish a 4-WAY STOP condition on Parkwood Drive at Fawn Lane.
6. To establish and adopt by ordinance a NO PARKING zone on the south side of Fern Lane from a point 80 feet west of Bader Street to Bader Street.

7. To remove the NO PARKING MONDAY THROUGH FRIDAY zone on the west side of Irwin Avenue from a point 200 feet north of Cass Street to a point 130 feet south of Mason Street.
8. To remove the NO PARKING zone on the north side of Mills Street from a point 80 feet west of Henry Street to Henry Street.
9. To establish and adopt by ordinance a NO PARKING 15-MINUTE LOADING zone on the north side of Mills Street from a point 80 feet west of Henry Street to Henry Street.
10. To establish and adopt by ordinance a I-WAY YIELD condition on Ricky Drive at August Street.
11. To establish and adopt by ordinance a NO PARKING zone on both sides of Hillcrest Drive from Haven Place to West Mason Street.

R. Report of the Sustainability Commission (January 20, 2021).

1. To refer staff to discuss the feasibility of developing a city-wide urban tree canopy goal.
2. To approve as amended proposed code amendments to Sec. 8.11 Noxious Weeds and Maintenance of Vegetation and to refer comments and recommendations to Improvement and Services Committee for further consideration.
3. Approve as amended draft World Water Day resolution and to forward resolution with changes made as discussed to Law Dept. for approval and to forward for Council's approval.

S. Committee of the Whole.

1. Consideration with possible action to review a determination related to an employee complaint.

The Common Council may convene in closed session pursuant to Section 19.85(1)(c) for the purposes of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility and pursuant to Section 19.85(1)(g) Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Common Council will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

2. For consideration with possible action on General Ordinance 03-21 amending General Ordinance 41-20 relating to required face coverings.

T. Resolutions.

1. Resolution drawing final orders to contractors for February 2, 2021.
2. Preliminary resolution declaring intent to exercise special assessment powers under Section 66.0703, Wisconsin Statutes, for the installation of asphalt pavement.
3. A resolution authorizing and providing for the sale and issuance of \$5,275,000 General Obligation Refunding Bonds, Series 2021A, and all related details.

U. Ordinances - First Reading.

1. General Ordinance No. 01-21
An ordinance amending Section 29.208, Green Bay Municipal Code, relating to parking regulations.
2. General Ordinance No. 02-21
An ordinance amending Section 29.307, Green Bay Municipal Code, relating to traffic regulations.

V. Ordinances-First and Final Reading for Adoption

1. General Ordinance 03-21
An ordinance amending General Ordinance 41-20 relating to required face coverings.

W. Referral of Petitions & Communications.

X. Adjournment.

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

Virtual Meeting Instructions



Common Council February 2, 2021

Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/86413026108>

Meeting ID: 864 1302 6108

Passcode: 175165

One tap mobile

+13017158592,,86413026108#,,,,*175165# US (Washington DC)

+13126266799,,86413026108#,,,,*175165# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 864 1302 6108

Passcode: 175165

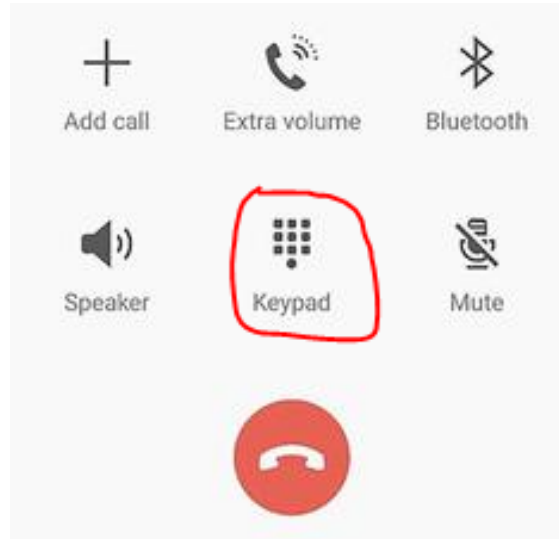
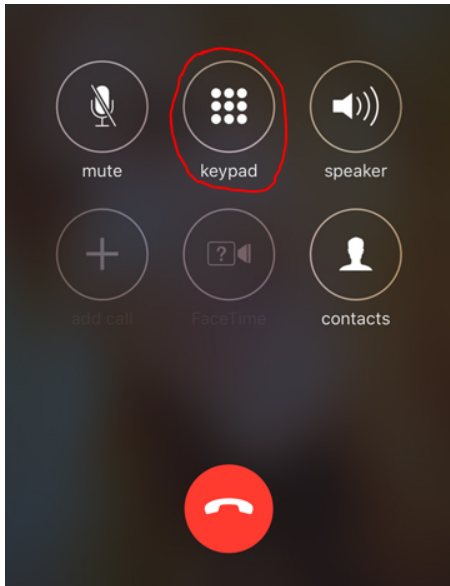
Find your local number: <https://us02web.zoom.us/j/86413026108>

Additional Information

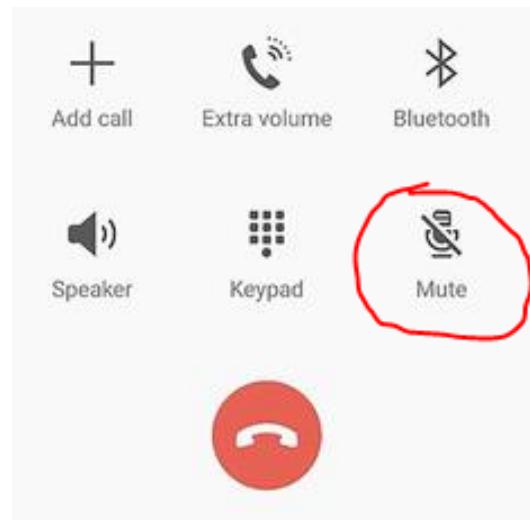
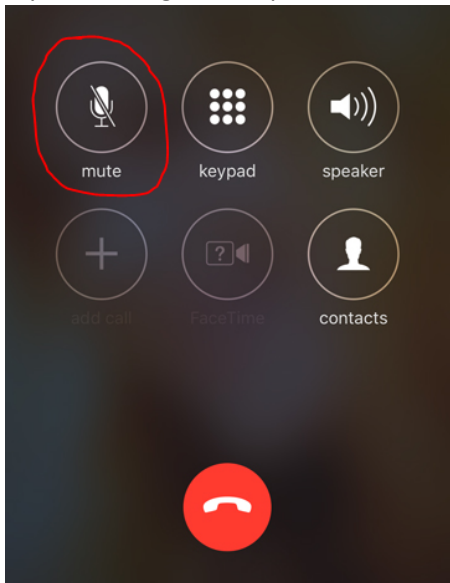
1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must give their name and address
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
3. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
4. Once you are in the meeting please mute yourselves.
 - a. You may unmute yourself when you are called upon to speak.
5. Waiting room
 - a. When you call in, all callers/participants will be placed in a “waiting room.”
 - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
6. Using Zoom with a tablet or computer
 - a. Tablet—you will be asked to sign in. Download the app either with the Apple Store or the Play Store
 - b. Computer—you will be asked to sign in. You may download the app or click on the link to open Zoom in your browser.
7. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You’ll receive another email confirming that you’re registered for the meeting.
 - b. If you’re using a phone, your registration will still be tied to an email.
8. Raising your hand
 - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you’d need to use a computer or tablet) to let the host know you’d like to speak. You can also un-mute yourselves and start speaking.
 - b. Persons on the agenda—you can “raise your hand” but you’d need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
9. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You’ll also be asked to verify your email.
 - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
 - e. For tablet and computer users—if you download the app you will be asked to verify your email.
10. Zoom etiquette
 - a. Muting yourselves when you’re not talking will prevent your background noise from interfering with others’ ability to listen to and participate in the meeting.
 - b. If you’re using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
11. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching live on YouTube will see a gray screen with the City logo during closed session.
12. Persons interested in attending anonymously or listening to the meeting may call in by dialing *67 followed by the phone number above.

Calling into the Zoom meeting using a smartphone

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



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



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



ZONING ORDINANCE NO. 01-21

AN ORDINANCE AMENDING
ZONING ORDINANCE NO. 38-79 FOR THE
PLANNED UNIT COMMERCIAL DEVELOPMENT
AT 2350 EAST MASON STREET (EAST TOWN MALL)
(ZP 20-38)

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

SECTION 1. Pursuant to Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, the Planned Unit Commercial Development District for 2350 East Mason Street is hereby amended by adding the following language:

SECTION 3.h. Limited production and processing uses, as defined in Section 13.303 of the Green Bay Zoning Ordinance, shall be permitted to be established and occupy the rear portion of the multiple tenant shopping mall building as depicted on Exhibit A.

SECTION 3.h.1. Retail and/or service businesses shall occupy the northern section of the building with individual storefronts and entrances directly from the parking area.

SECTION 3.h.2. Any and all outdoor display and storage associated with the limited production and processing use(s) on the property are prohibited.

SECTION 3.h.3. Commercial truck traffic, delivery staging, loading/unloading, or other accessory uses associated with the limited production and processing use(s) on the property are prohibited to the north of the Mall's façade.

SECTION 2. The provisions of this ordinance, including, without limitation, the granting of a conditional-use permit and all obligations, conditions, restrictions, and limitations related thereto shall run with and be jointly and severally binding upon the fee-simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

SECTION 3. Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit and the plans identified therein had been set forth in its entirety in the body of this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City

while any violation of this ordinance remains uncured.

SECTION 6. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of Green Bay that all provisions of this ordinance are separable.

SECTION 7. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2021.

APPROVED:

Mayor

ATTEST:

Clerk

db

Attachment: Exhibit A – Area Permitting Limited Production and Processing Uses

Exhibit A – Area Permitting Limited Production and Processing Uses



ZONING ORDINANCE NO. 38-79

AN ORDINANCE

ZONING CERTAIN PROPERTY LOCATED SOUTH OF AND
PARALLEL WITH FINGER ROAD, AND WEST OF AND
PARALLEL WITH EDGEWOOD DRIVE, AS PLANNED UNIT
COMMERCIAL DEVELOPMENT DISTRICT.

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

SECTION 1. Section 13.01 of the Code of Ordinances of the City of Green Bay, together with the zoning map referred to therein, is hereby amended and corrected in the following particular:

SECTION 2. The following described property is hereby zoned as Planned Unit Commercial Development District, pursuant to Section 13.51 et seq. of the Code of Ordinances of the City of Green Bay, as they apply:

Commencing at the intersection of the easterly right-of-way line of U.S. Highway 141 (Main Street) and the northerly right-of-way line of Auto Plaza Way; thence easterly along the northerly right-of-way line of Auto Plaza Way to a point 280' +/- of said intersection of the easterly right-of-way line of U.S. Highway 141 and the northerly right-of-way line of Auto Plaza Way, said point being the point of beginning; thence northerly, N0° 36' W 300'; thence S0° 24' E 263.18'; thence N29° 40' E 412.71'; thence S63° 30' E 149.6'; thence N25° 40' E 713.61'; thence S63° 49' 30" E 376.56'; thence, easterly along a line parallel to the southerly centerline of Finger Road for a distance of 1960' +/-; thence, southerly along a line parallel to the centerline of Edgewood Drive to a point 1350' +/- southerly of the centerline of Finger Road; thence westerly along a line parallel to the centerline of Finger Road to a point 810' +/- of the centerline of Auto Plaza Drive; thence, southerly along a line parallel to the centerline of Auto Plaza Drive to a point 1960' +/- southerly of the centerline of Finger Road; thence westerly along a line parallel to the centerline of Finger Road to a point 470' +/- of the centerline of Auto Plaza Drive; thence, northerly along a line parallel to the centerline of Auto Plaza Drive to its point of intersection with the northerly right-of-way line of Auto Plaza Way; thence, westerly along the northerly right-of-way line of Auto Plaza Way to a point 280' +/- easterly of the intersection of the easterly right-of-way line of U.S. Highway 141 and the northerly right-of-way line of Auto Plaza Way, said point being the point of beginning.

SECTION 3. That pursuant to Section 13.51 et seq., as they apply, the following conditions are imposed:

- a. The developer providing parking in the quantity of 5.5 spaces per 1000 sq. ft. of gross leasable area.
- b. The total gross leasable space of the center is not to exceed 575,000 sq. ft.
- c. The development is limited to three department stores (department store being defined as: a store keeping a variety of goods arranged in several departments).
- d. The three department stores not exceed 350,000 sq. ft. of gross leasable area; two of which shall not exceed 100,000 sq. ft. in gross leasable area, one of which shall not exceed 150,000 sq. ft. of gross leasable area.

- e. Access to the development shall be limited to East Mason Street, U.S. Highway 141 (Main Street) frontage road and Auto Plaza Drive.
- f. The developer shall provide a minimum 25' landscape berm not less than 4' in elevation next to adjoining residential areas.
- g. The developer agrees to pay for right-of-way and traffic improvements necessary to accommodate the development.

SECTION 4. The zoning map of the City of Green Bay shall be corrected to conform to the above amendment.

SECTION 5. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13.43 of the Code of Ordinances of the City of Green Bay, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 13th day of December, 1979.

APPROVED:

Mayor

ATTEST:

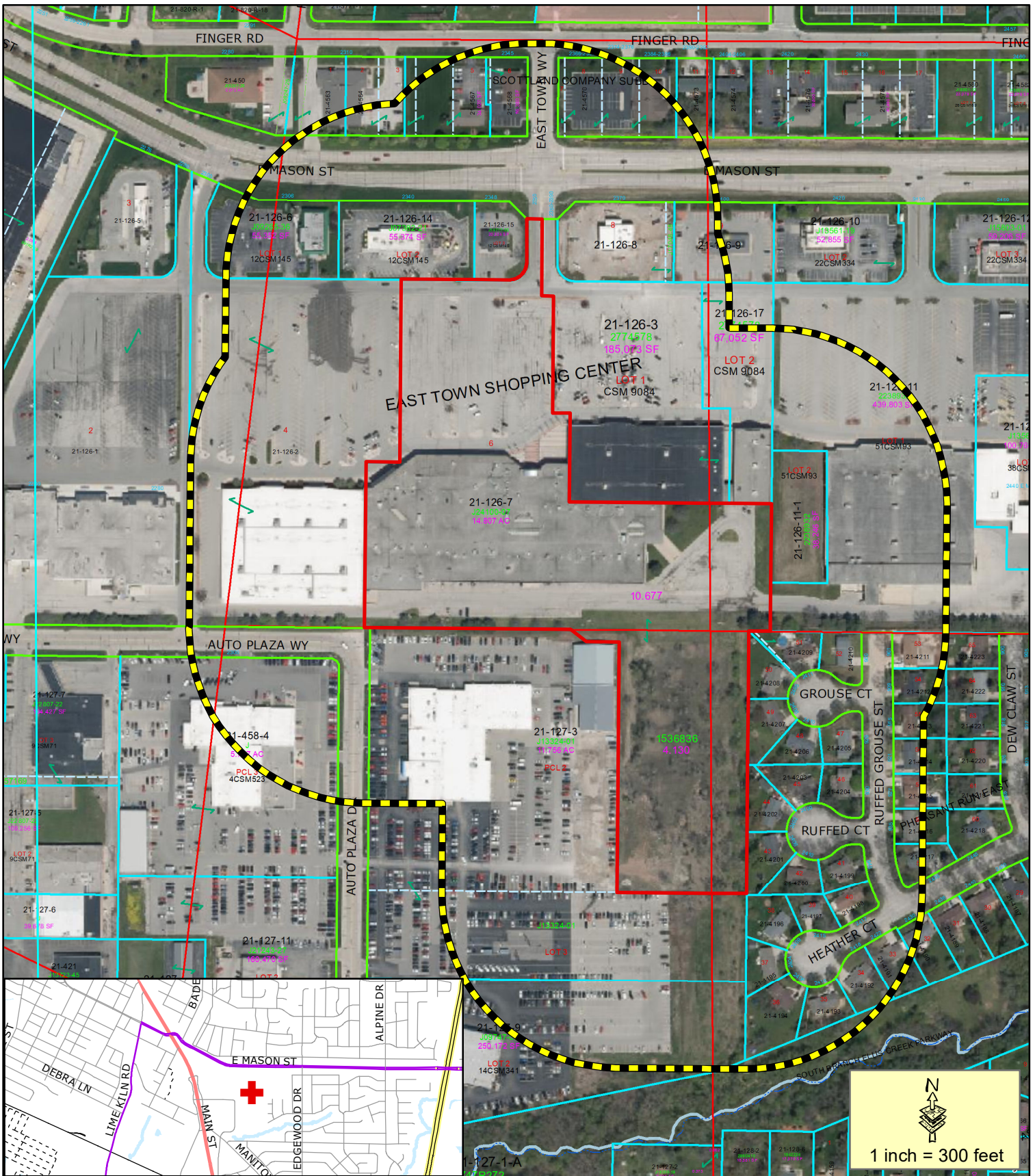
Clerk

ch

11/20/79

TO: 2nd 11-20-79
2nd 12-4-79

24/9



Zoning Petition (ZP 19-38)

Subject Property

400' + Notice Area

Proposed Amendment to Planned Unit Development (PUD) at 2350 East Mason Street



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

For Official Notice:

**Public Notification
Proposed Amendment to ZO 38-79 Planned Unit
Development (PUD)-aka East Town Mall
2350 East Mason Street
(ZP 20-38)**

The Green Bay Plan Commission will hold a public hearing on **Monday, January 11, 2021**, at 6:00 p.m. If you wish to participate in a Public Hearing, you may access the meeting by the internet or telephone, using the access code below.

Join Zoom Meeting

<https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSIZGZlFjcmlpWnZlOEVnUT09>

Meeting ID: 841 3767 5822

Passcode: 483400

One tap mobile

+13126266799,,84137675822# US (Chicago)

+16468769923,,84137675822# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 646 876 9923 US (New York)

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Washington D.C.)

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

Meeting ID: 841 3767 5822

Find your local number: <https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSIZGZlFjcmlpWnZlOEVnUT09>

The hearing is regarding the following:

A request to Amend Zoning Ordinance 38-79 (East Town Mall) to allow Limited Production & Processing uses within the Planned Unit Development (PUD) at 2350 East Mason Street, submitted by GB Real Estate Investments LLC, property owner (Ald. L. Gerlach, District 3)

Public comments will be invited at the public hearing or can be sent in writing to:

City of Green Bay
Department of Community and Economic Development
Attn: David Buck, Planner
100 N. Jefferson St., Rm. 608
Green Bay, WI 54301

For additional information, contact David Buck at (920) 448-3411 or david.buck@greenbaywi.gov.

Publication Date: December 28, 2020 and January 4, 2021



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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # K.I

To approve the request by Ald. Scannell to have Department of Public Works add \$25,000 to the 2021 bond issue to extend the steel piles at Leicht Park in preparation of docks for the spring fishing tournament. (Ald. Scannell)

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Ald. Scannell_ communications
2. Leicht Memorial Park 2021 Dock Installation 1082021 Memo

From: [Jaime Fuge](#)
To: [Steven Grenier](#)
Cc: [Jamie Destiche](#); [Elizabeth Nadolski-Spears](#)
Subject: FW: communications
Date: Wednesday, November 11, 2020 9:18:10 AM

Good Morning,

Please see below the following communication for I&S from Ald. Scannell.

Thank you,
Jaime

From: District Seven
Sent: Wednesday, November 11, 2020 9:06 AM
To: Jaime Fuge <Jaime.Fuge@greenbaywi.gov>
Subject: communications

Good morning Jamie!

Here are two communications:

I&S - Consideration with possible action on preparing docks at Liecht Park for spring fishing tournament.

P&P - Police report on the compliance and policing of the mask mandate.

Have a great day and stay safe!
Randy



DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION

100 N. Jefferson Street, Room 300
Green Bay, WI 54301
Tel (920) 448-3100
Fax (920) 448-3102

INTER-OFFICE MEMO

TO: Improvement & Service Committee

FROM: Steven Grenier, PE , Director of Public Works

SUBJECT: Leicht Memorial Park
2021 Spring Dock Installation Options

DATE: January 8, 2021

C: James Brunette, PE, Assistant Director of Public Works
Matthew Heckenlaible, P.E., Utility Manager

Comments:

In December, 2020 a communication was brought forward to look at options as to what it would take to get the floating docks installed in the Fox River in the early spring of 2021 in light of continued Great Lakes (Fox River) high water elevations. The water elevations are approximately 3.5 to 4 feet above average lake / river elevations and are projected to continue to stay elevated as shown in the US Army Corps of Engineers graphic below.

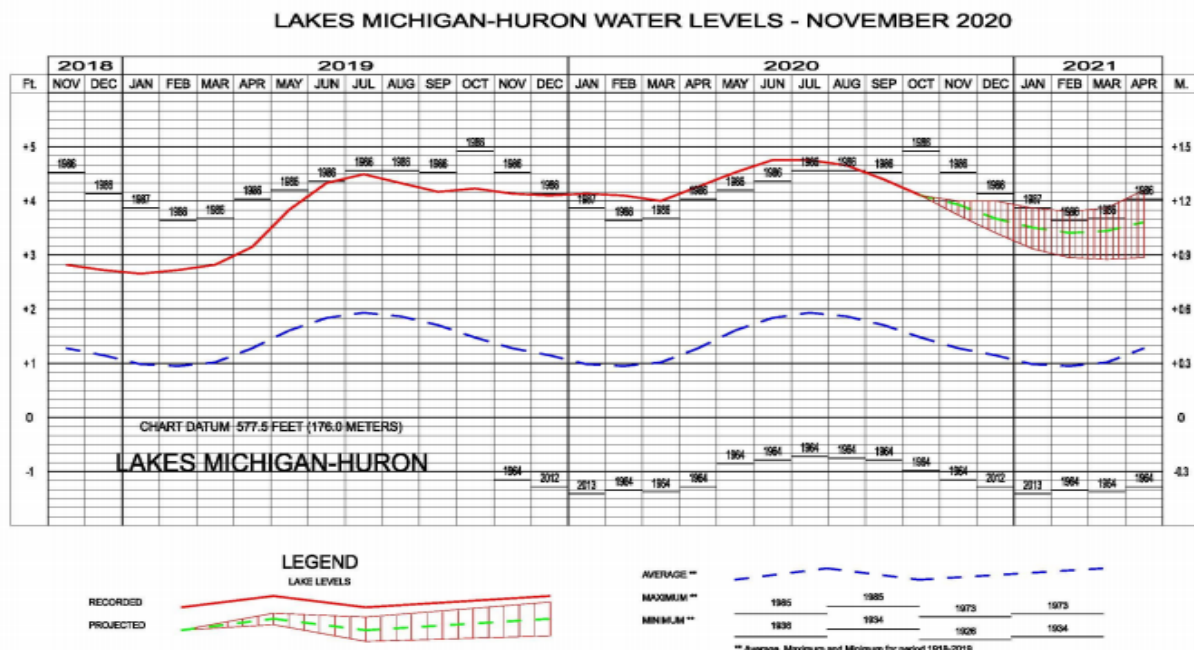


Figure 2: Recorded and projected water levels for Lake Michigan-Huron as of October 2020.
(Courtesy of US Army Corps of Engineers)



DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

100 N. Jefferson Street, Room 300
Green Bay, WI 54301
Tel (920) 448-3100
Fax (920) 448-3102

INTER-OFFICE
MEMO

Because of the elevated high water levels, the Department of Public Works was hesitant to install the docks at Leicht Memorial Park in 2020 because the piles / piers driven into the river bottom are only extended to a certain height above the water surface. These piles were placed during a period when the river levels were significantly lower. With the high water elevations that we have observed over the past few years there is the potential that the docks could literally float off the top of the piles and float away.

In 2019, the docks did float off the tops of a few of the piles and started floating down river. DPW captured the docks and tied them off to the shoreline along with welding a steel bar across the top of the pilings to prevent the docks from floating off in the future. By placing the steel bar across the top of the pilings, when the river rises too high, the docks rise as well and the restrained portion of the dock then starts to twist which causes damage to the docks.

There are three (3) options that can be considered for 2021.

The first option would be hold the 2020 status quo do not install the docks until the river levels return to lower levels making it a safe installation and operation practice.

The second potential option would be to weld additional piling sections onto the six (6) primary pilings. The timing of this option would be dependent upon when it would be safe to get people out on the water to place the pile extensions, weld them in place and to fill the piling with concrete if necessary. This would be done after the ice had left the river and lower portions of the Bay and would be conservatively speaking middle of April at the earliest.

A third option that may be considered is modifying the collar / tethering device that holds the dock to the piling. This collar would then most likely be below the visible waterline. Without the brackets being removed and re-installed for each season, and preventing the brackets from supporting the weight of the docks during the offseason, the most that the brackets could be adjusted would be approximately 12-inches. With this option, in order for crews to secure the docks to the piles, the brackets would be submerged below the water line. The crews would need to have their hands, arms and tools in the frigid, early spring waters of the Fox River raising a significant health, safety concern.



DEPARTMENT OF PUBLIC WORKS ENGINEERING DIVISION

100 N. Jefferson Street, Room 300
Green Bay, WI 54301
Tel (920) 448-3100
Fax (920) 448-3102

INTER-OFFICE MEMO



The installation and removal of all of the City's docking facilities is contingent upon weather conditions, wind, rain, ice, waves, etc. The safety of City personnel is critical component when it comes to the installation and removal of these facilities. Typically, during "normal water elevations", the early docks at Metro Boat Launch would go in towards the beginning of April and all remaining docks would be guaranteed to be installed at least one week before Memorial Day. With the higher water elevations, the docks at Metro Boat Launch have been pieced together to make a couple of extra-long docks with the remainder of docks when possible to be installed again before Memorial Day.

If City forces were able to make modifications to the piles and brackets and contract a crane for the installation of the docks, it could be estimated to cost around \$10-\$15,000.



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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # K.2

To approve the request by HL&H to dedicate to the City of Green Bay all public infrastructure in the Excalibur 3rd Addition subdivision.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # K.3

To approve the request by DDL Holdings, LLC, to dedicate public improvements and right-of-way associated with Donald Driver Way from Kellogg Street to Bond Street, and Bond Street from Donald Driver Way to Broadway, including public utility infrastructure (sanitary sewer, storm sewer, water main).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DDL - City of Green Bay Dedication I-15-21



Together doing business as *DDL Holdings, LLC*

340 N. Broadway – Suite 460
Green Bay, WI 54303

January 15, 2021

Steven M. Grenier
Director of Public Works
City of Green Bay
100 N. Jefferson Street, Room 300
Green Bay, WI 54301

Project: Rail Yard Innovation District Public Infrastructure

Dear Steve,

This letter is to notify the City of Green Bay that we are in substantial compliance with design and development of the Donald Driver Way and Bond Street right-of-way. At this time, we would like to request to formally dedicate the right-of-way to the City of Green Bay.

Please let us know if any additional information is required and of any questions you may have.

We are looking forward to the dedication and the opportunity to acknowledge the City of Green Bay and all those involved for their arduous work in seeing the project through to a successful and positive community changing achievement.

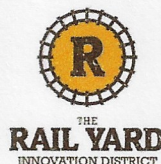
Respectfully,

A handwritten signature in black ink, appearing to read 'Paul B. Belschner'.

Paul B. Belschner
Member
DDL Holdings, LLC

A handwritten signature in black ink, appearing to read 'Brent M. Weycker'.

Brent M. Weycker
Member
DDL Holdings, LLC





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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # K.4

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

A. Granting of Licenses

I. Sidewalk Builder

- a. Blaser Construction LLC
- b. Fischer Concrete
- c. Jim Fischer, Inc.
- d. Melnarik Concrete
- e. Milis Flatwork
- f. Sommers Construction Co., Inc.

2. Tree & Brush Trimmer

- a. A Four Season Tree Care
- b. Bucklin Tree Service LLC
- c. Treeo's Tree Service, Inc.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # L.I

To approve an application for a "Class B" Combination license by Rogelio Perez Jr. at 2475 University with a license premises description as "seating tables, small bar area" (Currently licensed as Z Harvest Cafe, LLC), with approval of the proper authorities.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. aux form.security plan.lease_2475university
2. 2475 university
3. LICENSE STIPULATION.AYRESS.503_2475UNIVERSITY



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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # L.2

To approve an application for a "Class A" Liquor and Class "A" Beer License by Family Dollar Stores of Wisconsin, LLC at 514 W. Walnut St. with a licensed premises description as "standalone building approximately 11,621 square feet," with the approval of the proper authorities.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. IRFAN T BADIBANGA PQ AND DOCS FOR FD PRESIDENT
2. BUSINESS SECURITY PLAN
3. FAMILYDOLLAR
4. SIGNED STIPULATIONS.KASTERNS.439_514WWALNUT



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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # L.3

To approve an application for a "Class B" Combination by NW Spirits, LLC at 209 N. Washington St. with a licensed premises description as "store in coolers, behind bar, and in storage room on premises," with the approval of the proper authorities (Currently licensed as Every Time I Dine, LLC).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. LIBERTINE
2. LICENSE STIPULATION.STROJNYM.378_209NWASHINGTON



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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # L.4

To proceed with no recommendation on a draft resolution written by Alderman Jesse Brunette titled: Resolution in support of Green Bay Area Public School district students, parents, teachers, and employees in urging the school board and administration to transition quickly but safely toward an in-person option for all students.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. DISTRICT12SCHOOLCOMMUNICATION
2. 2021-01-25 DRAFT Resolution In Support of GBAPS Students

DRAFT

Resolution in support of Green Bay Area Public School District Students, Parents, Teachers, and Employees in urging the School Board and Administration to transition quickly but safely toward an in-person option for all students

Date _____

By the Common Council of the City of Green Bay

Whereas COVID-19 has required all levels of government to implement sensible policies and procedures to confront the public health crisis while still providing quality public services for the betterment of all people,

Whereas the Green Bay Area Public School District serves students in the City of Green Bay, Village of Allouez, Village of Bellevue, Town of Scott, parts of Ledgeview, Eaton, and Humboldt,

Whereas the Green Bay Area Public School District includes 4 high schools, 2 charter schools, 4 middle schools, 3 K-8 schools, 24 elementary schools, 1 alternative school, and 3 early childhood schools,

Whereas the Green Bay Area Public School District is responsible for teaching over 20,000 students including 14.8 % with Disabilities, 64.5 % Economically Disadvantaged, and 21.1 % English Learners,

Whereas the Green Bay Area Public School District employs over 3,500 people,

Whereas the demographic makeup of the student body of the Green Bay Area Public School District is 43.1 % White, 29.7 % Hispanic, 9.1 % Black, 7.5 % Asian, 3.6 % American Indian, less than 1 % Pacific Islander, and 6.9 % with two or more of the preceding,

Whereas the stated Mission of the Green Bay Area Public School District is “We educate all students to be college, career and community ready, inspired to succeed in our diverse world,”

Whereas many Parents, Students, and Teachers of the Green Bay Area Public School District believe the school district is failing to fully meet their stated Mission,

Whereas current situations created by a lack of a safe in-person instruction option is directly and negatively impacting the quality of life of Green Bay residents, many of whom are our most vulnerable,

Whereas many students with various vulnerabilities are falling behind their peers in other Green Bay-area school districts and independent private schools,

Whereas these current inequitable conditions will be exacerbated in future years creating a substantial achievement gap for many Green Bay children as compared to their peers,

BE IT RESOLVED that the City of Green Bay is in support of Green Bay Area Public School District Students, Parents, Teachers, and Employees and urges the Green Bay Area Public District School Board and Administration to transition quickly but safely toward an in-person option for all students.



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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # L.5

To receive and place on file a request by Ald. Jesse Brunette for an update, discussion, and possible action on the status of all Open Records Requests received by the city from November 1st to until the date of the Protection and Policy Committee meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DISTRICT12LATECOMMUNICATIONS_1.19.2021



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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # L.6

To refer to the Finance Committee a request of City Council President Jesse Brunette to seek an outside Attorney Client Privilege(d) legal opinion for discernment on options to balance the incredibly important need for public disclosure and transparency with the need to protect the city against potential liability.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. DISTRICT12LATECOMMUNICATIONS_1.19.2021



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

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # L.7

To receive and place on file the Liquor Violation Report for January 25, 2021.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 19LiqVio
2. 20LiqVio
3. Report January 25 2021

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

February 2, 2021

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

Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Bomski, April L
Boney, Natalie G
Breakfield, Stephen C
Broadnax, Brittnay B
Ciurro, Jesse J
Cohan, Cody A
Curtis, Sadie
De Roche, Reed J
Deicher, Isaac R
DeKeyser, Natalie M
Diedrich, Brandon D
Drown, David J
Elsner, Georgia L
Flores, Amy L
Garrison, Shauna M
Green, Brittany L
Jelinsky, Michaela R
Joepeck, Edward J
Kapla, Anthony J
Keeping, April G
LeMay, Amara S
Merkt, Alexis M
Ness, Ian R
O'Connell, Michael J
Peters, Michelle M.
Reckelberg, Scott D
Wauters, Danielle J
Ysebaert, Maxwell T
Zeidler, Katherine A



Report to the Green Bay Plan Commission

MEETING DATE

February 2, 2021

PREPARED BY

David Buck, Staff

AGENDA ITEM # N.1

To receive and place on file, per request of the applicant, to withdraw the application request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (Auto & Metal Salvage Operation).

BACKGROUND

* The Plan Commission recommended approval of this CUP request with seven conditions (a-g below) on October 12, 2020. On October 20, 2020, the Green Bay Common Council referred this item back to the Plan Commission for additional consideration. The referral was based on comments submitted after the Plan Commission action that were felt to be relevant to the Plan Commissions evaluation of this petition. On November 2, 2020, the Plan Commission postponed action on the petition until January 2021, to allow the applicant to respond to allegations brought up at the meeting as well as to invite the public to provide relevant information to the City. Staff reached out to those property owners within 400 ft. of the subject property, Alderpersons Scannell (District 7) and Steuer (District 10) as well as the adjoining Neighborhood association.

As of the drafting of this staff report, one communication/comment was received and is attached.

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

Zoning and Land Uses:

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

North: GI General Industrial Warehousing

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

East: GI General Industrial - Auto service and outdoor storage.

West: GI General Industrial - Manufacturing

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

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

An inspector from the city investigated the site on September 10, 2020 and observed that at that time the operation of the material recovery business is in compliance with their approved site and operation plan currently on file with the city. Staff has been in contact with both the Alderperson of the district, where the

property is located, Ald. Scannell (District 7) and Alderperson Steuer (District 10) whose district is located directly across Velp Avenue to the south. They indicated that they will be present at the Plan Commission meeting or provide a statement.

The Mather Heights Neighborhood Association was contacted and held a neighborhood meeting on the topic on September 21, 2020, with approximately 20 residents in attendance. In general, the neighbors were not in favor of an industrial use of any kind on the property. But more specific, expressed concerns related to noise levels, poor views of the operation from the south, concern of potential environmental impacts, potential debris from transport vehicles accumulating in the area, stormwater management and drainage, protection of the southern part of the site along Velp Avenue from becoming industrial in use and the potential for afterhours drop-off of materials at the site when it is unmanned.

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

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

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

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

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

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

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

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

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

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

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

The Comprehensive plan depicts the north half of the site suitable for general industrial uses consistent with the request while the southern half is designated for commercial uses not consistent with the request. The Velp Avenue Areawide Plan’s recommendation is primarily for mixed-use and modern industrial uses such as small scale production facilities and showrooms with the general intent of reserving the Velp Avenue frontage for commercial and less intense industrial uses that will redefine Velp Avenue as a gateway corridor to the downtown with greater “curb appeal”. However, the zoning designation of a majority of the site is currently GI General Industrial. To facilitate the proposed use while also retaining consistency with adopted plans, staff is recommending that the proposed material recovery/scrap operations be limited along the Velp Avenue frontage to the extent needed to provide suitable area for the development of commercial or less-intense industrial uses.

After consultation with a commercial real estate professional and the City’s Economic Development staff, it was determined that a minimum of approximately 1 acre of land would be needed to be reserved for commercial redevelopment along the frontage. This equates to an area extending from the Velp Avenue right-of-way to the northeast 130 ft. along the western property line and 200 ft. along the Winford Avenue right-of-way / eastern property line (.88 acres) and staff is recommending that Salvage operations be prohibited within this area.

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

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

percent opaque on a year-round basis.

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

Ald. R. Scannell, Mather Heights Neighborhood Association and property owners within 400 ft. have been notified of the request as well as the placement of a zoning action notification sign along the Velp Avenue frontage. Staff has received six inquiries as of the drafting of this report, three of which were simply inquiries and three of which were objections. The objections are based on concerns over noise levels of the operations, views of the materials stored outside from Velp Avenue, negative impacts on redevelopment efforts of the Velp Avenue corridor and potential negative impact to property values of homes on the south side of Velp Avenue.

RECOMMENDATION

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

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

FISCAL IMPACT

ATTACHMENTS

1. Request for City Action - Plan Commission - Conditional Use Permit
2. ZP 20-23 Location Map_color
3. ZP 20-23 Prop Letter no. 4
4. ZP 20-23 Response Ltr 11.02.20
5. Memo from Weld Riley (January Plan Com -- ZP 20-23)
6. ZP 20-23 Resolution#2

REQUEST FOR CITY ACTION - PLAN COMMISSION

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

Date: 8/6/2020

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

Phone Number: 920-693-8261

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

Property Owner: Sal Bs on Velp, LLC

Phone Number: 920-693-8261

Parcel Numbers (required): 18-782-E

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

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

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

Attach Zoning Petition Form with first three items.

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

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

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

Petitioner Signature(s): 

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

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

Please See attached document.

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

Action Desired:

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

Operational Activity

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

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

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

Ferrous metals accepted include the following:

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

Non-Ferrous metals accepted include the following:

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

The following items are NOT accepted:

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

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

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

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

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

Owner: Sal Bs Scrap Metal on Velp, LLC

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

Parcel#: 18-782-E

Legal Description:

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

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

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

Parcel subject to easements and restrictions of record.

Amended Site Plan

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

LEGAL DESCRIPTION

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

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

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

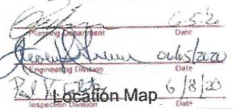


Steven M. Stepien
PLS-2275
May 14, 2017
Revised June 7th, 2019 (Maintenance/scale blog)
Revised August 22nd, 2019 (Per City review letter)
Revised March 10th, 2020 (Labeled Uses)
Revised May 18th, 2020 (moved scale and scale building)
Revised May 28th, 2020 (Per City Review)

NOTES

- 1) Subject parcel is zoned G - General Industrial
- 2) Property located in Flood Zone "AE" (Base Flood Elevation Determined) and "X" (Areas determined to be outside the 0.2% annual chance floodplain) according to the FEMA FIRM 50009C0166F, dated August 19, 2009
- 3) Table A #16, There is no evidence of current earth moving work, building construction or building additions
- 4) There are no wetlands per the WDNR inventory maps
- 5) It is the Buyer's intent to provide green cloth screening as required by City Code Section 13-904.
- 6) Gravel areas for the sized buildings shall be restored to green space per City Code.
- 7) Key entrance drives to be abandoned, shall be abandoned in compliance with City Code Sec. 13-1706(n)
- 8) The Buyer does not intend on making any improvements, including utility related improvements, to the Property of this line other than as indicated herein.
- 9) The type of material to be located on site will be primarily ferrous metals/scrap (for example, sheet metal, steel, etc.) and some non-ferrous metals/scrap (for example, aluminum siding, etc.)
- 10) No hazardous materials will be stored within the 100 year floodplain (Flood Zone AE)
- 11) REVISIONS TO THIS SITE PLAN FROM PREVIOUS SUBMITTAL:
Outdoor Roll-off Box & Lugger Box parking, new fencing, material storage areas and moved scale and maintenance 1/2 scale building.

CITY OF GREEN BAY, WISCONSIN
CONDITIONALLY APPROVED
SITE PLAN



City of Green Bay

Site Coverage Calculations

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

Roll-off & Lugger Box Parking

Winford Avenue

Velp Avenue

Thomas Street

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

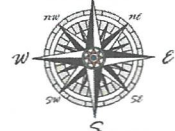
Owner:

SALES SCRAP METALS ON VELD LLC

Mau & Associates
LAND SURVEYING & PLANNING

TAX PARCEL NO. 18-782-E

Site Plan



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

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

-  Proposed CUP Site
- 400' Property Owner Notice



City of Green Bay
Department of Community and Economic Development

January 12, 2021

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

Dear Property Owner:

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WHO: Application submitted by Burrows Midwest, LLC/dba Midwest Scrap Metal, property owner.

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WHERE: Due to current restrictions related to COVID-19, the meeting has been changed to a virtual format. If you wish to participate in a Public Hearing you may access the meeting by the internet or telephone using the access code below.

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Meeting ID: 841 3767 5822

Password: 483400

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the Commission on your behalf. You are also encouraged to attend virtually to provide comments in person.

SHARE THIS LETTER: Please share this letter with other interested parties you may know. If you no longer own or are the landlord of this property, please forward this notice to the new owner or tenant.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Buck".

David Buck, AICP
Principal Planner

DB:lb

cc: Ald. Randy Scannell, District 7
Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

BRETT A SIMMONS, ETAL
1123 WINFORD AVE
GREEN BAY WI 54303-4030

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

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Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

BRONSON A DUNOW
1204 WILSON AVE
GREEN BAY WI 54303-4209

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

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

BROWN COUNTY TAX DEED
305 E WALNUT ST
GREEN BAY WI 54301

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Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

CARIB INVESTMENT GROUP LLC
PO BOX 8242
GREEN BAY WI 54308-8242

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DB:lb

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Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

CARL D HARDTKE
2300 TOWER DR
KAUKAUNA WI 54130

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DB:lb

cc: Ald. Randy Scannell, District 7
Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

CARMEN M SHEFCHEK
1115 WINFORD AVE
GREEN BAY WI 54303-4030

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Ald. Mark Steuer, District 10
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City of Green Bay
Department of Community and Economic Development

January 12, 2021

CHARLES MEYER
PO BOX 244
COLEMAN WI 54112

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David Buck, AICP
Principal Planner

DB:lb

cc: Ald. Randy Scannell, District 7
Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

CHERYL L & ANTHONY P KNUPPEL
1708 E WISCONSIN AV
APPLETON WI 54911-4037

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

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

CHRISTOPHER D WILLCOX
1201 VELP AVE
GREEN BAY WI 54303-4210

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

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

DANIEL R & MELISSA M STAUB
1112 NEVILLE AVE
GREEN BAY WI 54303-4020

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

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Department of Community and Economic Development

January 12, 2021

DEBRA & STEVEN KASHDAN
180 DARCY AV
GOOSE CREEK SC 29445

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1124 NEVILLE AVE
GREEN BAY WI 54303-4020

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

ERIC K ELLIOTT
405 SARATOGA ST
GREEN BAY WI 54303-4538

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

FERRELLGAS INC
1 LIBERTY PLAZA
LIBERTY MO 64068-2971

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

GERALD C & GLORIA P BIGELOW
1216 N BUCHANAN ST
GREEN BAY WI 54303-3702

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

GILLIS ANTHONY J & MARY ANN REVOC LIVING TRUST
PO BOX 991
GREEN BAY WI 54305

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Respectfully,

A handwritten signature in black ink, appearing to read 'D. Buck'.

David Buck, AICP
Principal Planner

DB:lb

cc: Ald. Randy Scannell, District 7
Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

JACOB E HINTZ
1135 WINFORD AV
GREEN BAY WI 54303-4030

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

Dear Property Owner:

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

JACOB M SCHWAHN
N7265 COZY OAKS CIR
SHAWANO, WI 54166

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City of Green Bay
Department of Community and Economic Development

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JOEL K NIENOW
1127 WINFORD AVE
GREEN BAY WI 54303

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Department of Community and Economic Development

January 12, 2021

JULIE G BECKS
911 GERARD DR
GREEN BAY WI 54302

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City of Green Bay
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January 12, 2021

KATHLEEN A SAMSON
1116 NEVILLE AVE
GREEN BAY WI 54303-4020

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KATHRYN M & DAVID G PERRET
3507 NICOLET DR
GREEN BAY WI 54311-7201

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KENNETH C & VICTORIA J BORLEY
1175 THOMAS ST
GREEN BAY WI 54303-4021

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January 12, 2021

KERRY F RATHBURN
2425 LINA LN
GREEN BAY WI 54304

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

KEVIN D STAUB, ETAL
1125 NEVILLE AVE
GREEN BAY WI 54303-4019

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City of Green Bay
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January 12, 2021

LISA K & KEVIN C SCHAUT
4373 WINDEMER LN
ONEIDA WI 54155-8637

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Respectfully,

A handwritten signature in black ink, appearing to read 'D. Buck'.

David Buck, AICP
Principal Planner

DB:lb

cc: Ald. Randy Scannell, District 7
Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

M T REAL ESTATE HOLDINGS LLC
1001 DISCOVERY RD
GREEN BAY WI 54311-8001

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

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

MICHAEL S LUEDTKE
1136 WILSON AVE
GREEN BAY WI 54303-4207

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

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

NICOLE M & ERIK J BINNEBOSE
1123 NEVILLE AVE
GREEN BAY WI 54303-4019

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

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

PATRICK J ATKINSON, ETAL
710 RIVERSIDE DR
SUAMICO WI 54174

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

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

RICHARD J ERICKSON
1129 NEVILLE AVE
GREEN BAY WI 54303-4019

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Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

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

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

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President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

SANDRA M HAZAERT
1116 WINFORD AVE
GREEN BAY WI 54303-4031

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

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

SCOTT P ALLEN, ETAL
2070 DOVE ST
GREEN BAY WI 54304

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

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

STUBBS LUKE LLC
1220 WINFORD AVE
GREEN BAY WI 54303

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100 North Jefferson Street, Room 608, Green Bay, Wisconsin 54301-5026
(p) 920.448.3400 (f) 920.448.3426 greenbaywi.gov

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Respectfully,

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David Buck, AICP
Principal Planner

DB:lb

cc: Ald. Randy Scannell, District 7
Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

SUSAN A & ALLEN L NIENOW
1129 WINFORD AVE
GREEN BAY WI 54303-4030

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

Dear Property Owner:

You are once again being notified of a proposed zoning action because you own property within 400 ft. of this request.

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Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

TAMBRA L & CURTIS J ALLEN
1119 WINFORD AVE
GREEN BAY WI 54303-4030

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

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President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

TODD M & TRISHA D LEMERY
N1058 COUNTRY RD 577
MENOMINEE MI 49858

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

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President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

VELP PROPERTIES INC
PO BOX 9229
GREEN BAY WI 54308

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

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President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

WALTER H STILES, ETAL
1122 NEVILLE AVE
GREEN BAY WI 54303-4020

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City of Green Bay
Department of Community and Economic Development

January 12, 2021

WS PROPERTY INVESTMENTS LLC
1649 PINECREST RD
GREEN BAY WI 54313

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Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

January 12, 2021

BURROWS MIDWEST LLC
1156 VELP AVE
GREEN BAY WI 54303

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Principal Planner

DB:lb

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Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association



City of Green Bay
Department of Community and Economic Development

November 5, 2020

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

Dear Property Owner:

Please be advised that on Monday, November 2, 2020, the City of Green Bay Plan Commission recommended to postpone review of the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (including Auto & Metal Salvage Operation) at 1156 Velp Avenue until a special Plan Commission meeting in January. Final date yet to be determined.

The postponement is being done to allow the applicant to respond to allegations brought up at the meeting as well as to invite the public to provide relevant information to the City (at least six (6) days prior to said special meeting). Should you have any information (photos, video, etc.) regarding current operations at the subject site that you consider relevant for City Plan Commission consideration, please submit it to me by mail or e-mail no later than December 31, 2020.

The Plan Commission recommendation will be part of the Plan Commission's Report to Council for the virtual meeting of the City Council scheduled for **Tuesday, November 10, 2020, at 6:00 p.m.** Please visit our website at <https://greenbaywi.gov/129/Meetings-Agendas-Minutes> for additional information regarding the virtual Common Council Meeting.

If you have any questions, please do not hesitate to contact me at (920) 448-3411 or David.Buck@greenbaywi.gov.

Sincerely,

David Buck, AICP
Principal Planner

DB:jd

cc: Ald. Randy Scannell, District 7
Ald. Mark Steuer, District 10
President of Mather Heights Neighborhood Association

MEMORANDUM

TO: Mr. David Buck

CC: Ms. Vanessa Chavez

FROM: John Robert Behling and Anders B. Helquist

DATE: December 30, 2020

RE: **January Plan Commission Information – Burrows Midwest LLC’s
Proposed Conditional Use**

We are providing additional information for inclusion in the Plan Commission’s packet ahead of its special January meeting to review and consider Burrows Midwest LLC’s (“Burrows”) proposed conditional use permit (“CUP”) to purchase junk/salvage vehicles at its Velp Avenue location in the City of Green Bay.

October 30, 2020 Memo

Our October 30 memorandum to you (copy attached as Exhibit E) provided multiple reasons why the Plan Commission, and ultimately the City Council can vote to deny Burrows’ proposed CUP in compliance with Act 67. We incorporate that memo here, but for brevity’s sake, will not repeat the same reasons verbatim. We continue to request the City deny the CUP, or at minimum, place the four (4) conditions on the CUP as identified in the October 30 memo.

With that memo in mind, outlined below are additional reasons for the Plan Commission to not recommend approval of the Burrows CUP.

Eric Burrows’ Misleading November 2, 2020 Plan Commission Statement

In response to allegations of automobiles at Burrows’ 1156 Velp Avenue property (“Property”), Eric Burrows testified at the November 2 Plan Commission, but his statement does not appear to reflect the full scope of what occurred or what is occurring on the property. Eric Burrows stated that only two (2) cars were brought onto the Property at one point earlier in the fall of 2020, implied it was apparently a one-time “mistake” or “accident” which Burrows corrected “ASAP,” and implied did not or would not happen again. At the November 2 Plan Commission meeting, Eric Burrows stated, in relevant part:

What happened was that **we picked up a box** from our commercial account 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 asked him why we have cars in the box when it’s supposed to be only like appliances and regular scrap metal. And he says well I thought I could put that in there ‘cause I did with the previous owner. **Well, we don’t with this owner, which is Burrows Midwest.** And immediately, my guy notified 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, ah, legit with a license and everything with the state, and yes he did take care of that, but the cars were [unintelligible] and everything **and we immediately got them off the property** and sent to B&B Metals. Ah, **it was a mistake** and I'm not going to sit here and deny it 'cause I told David Buck about it, but my people took very quick action and as you can see the one picture was loading on a semi truck, **we got 'em off there 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's the best that I can see it. . . We're not trying to hide nothing, there's nothing to hide there. That's what I need to say." (emphasis added).

Mr. Burrows' statement minimizing the amount of cars on the Property, how they arrived, or that the cars were "immediately" removed misleads the Plan Commission. Despite Eric Burrows' statement that a mere two (2) cars were brought onto the Property as an apparent one-time "mistake" or "accident" of accepting a box with cars buried in the bottom of the box and that Burrows "immediately corrected" the so-called mistake, time-stamped photos show this incident of cars arriving in the bottom of a box was not a one-time accident. Photos show automobiles being brought onto the Property in plain sight. More than two (2) cars are shown in piles on the Property.

Attached to this memo are time-stamped photos of both the automobiles being brought onto the Property and multiple automobiles remaining on the Property. The photos include:

- Automobiles being brought onto the Property on October 8, 2020, on an open trailer, not buried in a box. (Exhibit A) (photos taken and provided by Dennis Nelson);
- Different sets of automobiles being brought onto the Property on October 6, 2020 and October 9, 2020 on an open trailer, not buried in a box (photos taken by Luke Stubbs, see Affidavit of Luke Stubbs, attached as Exhibit B, Exhibits 1-2);
- Multiple automobiles in both September and October (more than 2 cars) on the Property, either in piles or being salvaged, scrapped, or loaded for shipment. (Exhibit C) (photos taken and provided by Dennis Nelson); and
- Multiple automobiles on September 29, 2020, September 30, 2020, and October 1, 2020 (more than 2 cars) on the Property, either in piles or being salvaged, scrapped, or loaded for shipment (photos taken by Luke Stubbs, see Affidavit of Luke Stubbs, attached as Exhibit B, Exhibits 3-6).

Prior to the CUP's issuance, one of Act 67 requirements is that Burrows "must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence." Wis. Stat. § 62.23(7)(de)2.b. (emphasis added). After seeing these photos and hearing Eric Burrows' November 2 testimony that only two (2) cars were accidentally brought on site and that they were "immediately" removed, the Plan Commission would be right to question Mr. Burrows' future testimony or new explanations regarding automobiles on the Property.

The Plan Commission would be correct to question the applicant's credibility and whether they carry the burden of being able to show they can meet City requirements through substantial evidence, i.e., facts, not speculation.

Other City Code Noncompliance Concerns

In addition to Burrows needing to meet their burden under Act 67 that, through substantial evidence, Burrows is and will comply with City requirements, the City Code also requires the "conditional use shall, in all other respects, conform to . . . all other applicable city ordinances." (Section 13.205(e)(7), City Code). For the reasons discussed below, we believe meeting this important standard is also difficult for Burrows.

While the Plan Commission reviews the CUP, the Plan Commission may want to ask and consider the following: If the City approves a CUP where an applicant so regularly and openly engages in uses for which it is not authorized under City Code, what message does and will that send to other businesses and individuals regarding the importance or enforceability of the City's Code?

Automobiles Storage at the Property and the City's Permitting Requirements

The September and October photos (Exhibits A-C) make clear there are multiple automobiles being brought onto the Property, not just two (2) cars buried in the bottom of a box.

As Mr. Buck testified at the Plan Commission's October 12 meeting, if cars were being set up for demolition on the site without a permit, that activity would be illegal under the City's Code and not allowed. Engaging in that use without a CUP violates the City's Zoning Code. It is "unlawful to use or improve any structure, land, or water in violation of any of the provisions of [Section 13]." (Section 13.219, City Code). Burrows does not have a CUP for auto salvage and is required to obtain a CUP prior to engaging in that auto salvage use.

Additionally, without having a permit from the City Clerk for auto salvage storage, using the property to store junked automobiles is also against City Code. Section 6.08(2) provides, "No person shall accumulate or store any junked automobile or parts thereof outside of any building on any real estate within the city unless a permit is obtained from the city clerk for such use of the premises." We are unaware of Burrows obtaining this additional permit from the City.

Failure to Report Automobile and Other Scrap Transactions

There is reason to believe Burrows is also not complying with the City Code regarding the reporting requirements of certain scrap metal purchases. If these violations are occurring, they are not only contrary to City Code, but are serious violations of the public trust and are an additional reason to deny the proposed CUP or in the alternative, place conditions on the CUP requiring strict compliance with all applicable federal, state, and local laws and regulations.

State law recognizes the importance of maintaining the integrity of certain scrap metal purchases to ensure such purchases are made from sources who lawfully obtained the scrap metal. The failure to comply with the recordkeeping requirements of certain scrap metal purchases under Wis. Stat. § 134.405(3) and/or failure to provide records when requested by law enforcement under Wis. Stat. § 134.405(4)(c) can result in serious penalties. Each day a scrap dealer knowingly violates

Wis. Stat. § 134.405 constitutes a separate violation. (Wis. Stat. § 134.405(5)(b)). Repeat offenders can be found guilty of a Class I felony. (Wis. Stat. § 134.405(5)(ap)).

The City Code, through its authorization under Wis. Stat. § 134.405(6)(b), enacted an ordinance requiring electronic reporting of certain scrap metal transactions. Under City Code, “junk dealers”, which Burrows is, are required to submit electronic reports of certain scrap transactions to the Green Bay Police Department. Section 6.07(8) of the City Code provides:

Junk dealers **must** submit an electronic report of every regulated property transaction to the police department no later than the business day following the date of purchase, by transferring it from their computer to the web server via modem designated by the city police department. The electronic reports shall include each seller's or deliverer's name, date of birth, identification number, and address, and the number and state of issuance of the license plate on each seller's or deliverer's vehicle. All required records **must be transmitted completely and accurately after the close of business each day** in accordance with standards and procedures established by the police department using procedures that address security concerns of the junk dealer and the police department.

(emphasis added). “Regulated property” means “nonferrous scrap, metal articles, and proprietary articles.” (Section 6.07(1)(c), City Code) (Definitions for those terms are in Wis. Stat. § 134.405(1), which the City incorporates in Section 6.07 of its Code.) According to Burrows’ CUP application, they accept non-ferrous metals. Based on the photos, Burrows has also accepted automobiles to scrap and salvage on the Property.

To our knowledge, Burrows has not reported regulated property transactions to the Green Bay Police Department through the Northeastern Wisconsin Property Reporting System (NEWPRS). Based on a December 14, 2020 conversation between a representative of our client (Patrick Young) and the Green Bay Police Department, we understand there were no electronically-reported transactions from Burrows in Green Bay. No records or reports were provided or disclosed to Mr. Young, but as of December 14, 2020, we understand there were no electronic reports provided by either Burrows Midwest, B&B Metals, Eric Burrows, or Rob Burrows to the Green Bay Police Department regarding scrap metal transactions. (See Affidavit of Patrick Young attached as Exhibit D).

As a long-time scrap dealer with experience in this industry at other locations in eastern Wisconsin, Burrows has no reasonable basis to not know about Wis. Stat. § 134.405, NEWPRS, or to fail to report transactions under NEWPRS to the Green Bay Police Department. In fact, Eric Burrows implied some sort of integrity check with the seller occurred when the two (2) cars were brought to the Property in a box. Burrows checked to see if they were “legit with a license and everything with the state,” but again, there was no record in NEWPRS of Burrows reporting any such transactions with the Green Bay Police Department.

This raises legitimate concerns regarding Burrows’ ability to comply with an important City ordinance to help maintain the integrity of scrap metal purchases. The proverbial “black eye” on

the scrap metal industry can spread to other businesses in the scrap metal sector, including our client's reputation.

As part of the substantial evidence required during this CUP process, we respectfully request the Plan Commission or City Planning Department either: (a) obtain written confirmation from the Green Bay Police Department regarding Burrows' compliance or noncompliance with Section 6.07(8) of the City Code prior to December 14; and/or (b) require Burrows to submit to the Plan Commission all electronic reports they filed prior to December 14 and thereafter with Green Bay, as required by Section 6.07(8).

Conclusion

Thank you again for your review and consideration. For the reasons set forth in this memo and our October 30 memo, we respectfully request the Plan Commission recommend denial of the Burrows CUP, as it has the flexibility to do under Act 67. In the alternative, we request the four conditions identified in the October 30 memo and a condition requiring strict compliance with all applicable local, state, and federal laws, ordinances, and regulations be imposed on the proposed CUP.

Exhibit A





Exhibit B

[Affidavit of Luke Stubbs on following pages]

AFFIDAVIT

STATE OF WISCONSIN)

BROWN COUNTY)

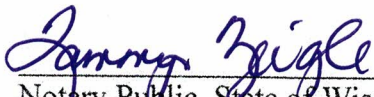
Luke Stubbs, being first duly sworn on oath, states as follows:

1. This Affidavit is being made in support of the memorandum to David Buck from John Robert Behling and Anders B. Helquist ("Memo") regarding property located at 1156 Velp Avenue, Green Bay, Wisconsin ("Property").
2. Affiant is the owner of Beyond Redline Performance LLC, located at 1220 Winford Ave., Green Bay, Wisconsin, which is located across the street from the Property.
3. Affiant took photos of activity on or at the Property on October 6, 2020, Exhibit 1, and October 9, 2020, Exhibit 2, copies of which are attached to the Memo and upon information and belief, show automobiles being brought onto the Property.
4. Affiant took photos of activity on or at the Property on Sept 29, 2020, Exhibit 3, September 30, 2020, Exhibit 4, October 1, 2020, Exhibit 5 and Exhibit 6, copies of which are attached to the Memo and upon information and belief, show automobiles being stored or otherwise scrapped or salvaged on the Property.



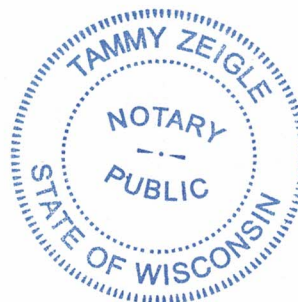
Luke Stubbs

Subscribed and sworn to before me
This 29 day of December, 2020.



Notary Public, State of Wisconsin

My Commission: 4/23/2022



Oct. 6, 2020 10:10 A.M. L. STUBBS Exhibit 1



OCT. 9, 2020
3:01 p.m.

L. STUBBS Exhibit 2



9/29/2020 9:30 A.M. L. STUBBS
Exhibit 3



Sept. 30, 2020
12:12 p.m.

L. STUBBS
Exhibit 4



Oct 1, 2020 1:53 p.m. L. STUBBS
Exhibit 5



Oct. 1, 2020 1:53 p.m. L. STUBBS Exhibit 6



Exhibit C





Sep 29, 2020 at 1:58:21 PM



Oct 13, 2020 at 2:21:28 PM





Oct 13, 2020 at 3:09:14 PM







Exhibit D

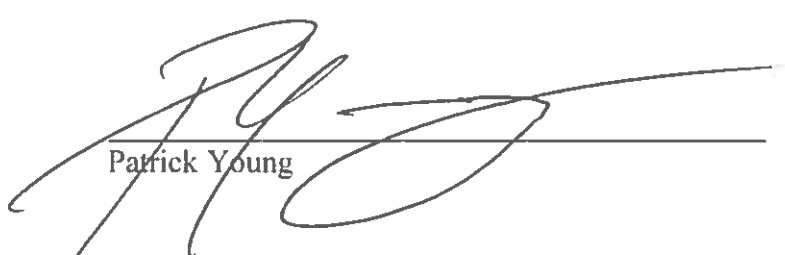
[Affidavit of Patrick Young on following page]

AFFIDAVIT

STATE OF WISCONSIN)
)
BROWN COUNTY)

Patrick Young, being first duly sworn on oath, states as follows:

1. This Affidavit is being made in support of the memorandum to David Buck from John Robert Behling and Anders B. Helquist ("Memo") regarding property located at 1156 Velp Avenue, Green Bay, Wisconsin ("Property").
2. Affiant is an employee at Alter Trading Corporation.
3. On December 14, 2020, Affiant called the Green Bay Police Department.
4. During the December 14, 2020 call with the Green Bay Police Department, Affiant asked whether Burrows Midwest, B&B Metals, Eric Burrows, or Rob Burrows had filed any electronic reports of scrap metal transactions with the City of Green Bay's Police Department through the Northeastern Wisconsin Property Reporting System (NEWPRS).
5. The City of Green Bay did not disclose or provide any records to Affiant, but upon information and belief, the Green Bay Police Department did not find any electronic reports of scrap metal transactions filed by Burrows Midwest, B&B Metals, Eric Burrows, or Rob Burrows with the City of Green Bay's Police Department through NEWPRS.


Patrick Young

Subscribed and sworn to before me
This 30th day of December, 2020.


Notary Public, State of Wisconsin Brown County

My Commission: 09/16/2023

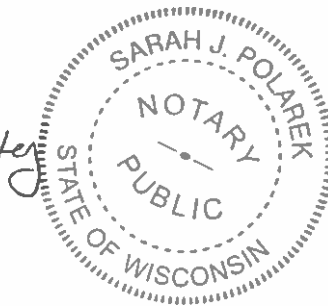


Exhibit E

[October 30, 2020 Memo on following pages]

MEMORANDUM

TO: Mr. David Buck

CC: Ms. Vanessa Chavez

FROM: John Robert Behling and Anders B. Helquist

DATE: October 30, 2020

RE: Act 67 Requirements and Burrows Midwest LLC's Conditional Use Permit

We want to follow-up regarding the potential Act 67-related requirements that may be raised at the November 2 City Plan Commission meeting regarding the proposed conditional use permit ("CUP") for Burrows Midwest LLC ("Burrows"). We kindly request this memorandum be entered into the record at the Plan Commission meeting.

Please know Act 67 does not require the City to "rubber stamp" and approve a proposed CUP. In fact, there is not only a burden on the applicant to show it can comply with the CUP's reasonable conditions, but if the City approves the CUP, there is a burden on the City to have substantial evidence that the applicant can comply with the City's laws and the proposed CUP conditions.

There is insufficient case law interpreting Act 67's requirements, but as discussed further below, based on Act 67's plain language, evidence regarding Burrows, and existing City requirements, we believe Burrows is unable to meet its burden to obtain the CUP. Further, if the City seeks to approve the CUP it will need to compile a sufficient record that the CUP approval is supported by "substantial evidence." Based on the information known to us, we are uncertain how the City can issue a CUP approval under Act 67's requirements.

Burrows Has Burden to Show Conditions and Other Legal Requirements Will be Met

Burrows will likely "agree" to follow proposed permit conditions and as a result of that agreement, Burrows will argue the City is therefore required to issue the CUP as a result. (See Wis. Stat. §62.23(7)(de)2.a.) However, Burrows' so-called "agreement" to follow the City's laws and conditions does not mean the City must eliminate its discretion and "rubber stamp" that agreement by approving the CUP. Automatically approving the CUP due to Burrows' so-called "agreement" to follow City ordinances and conditions would ignore the requirement in Act 67 that Burrows not only agree to follow conditions, but that Burrows must show it is currently satisfying and will satisfy the City's requirements.

Under Act 67, Burrows "must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence." (Wis. Stat. §62.23(7)(de)2.b. (emphasis added). ("Substantial evidence" is defined as "facts and information, other than merely personal

preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.” Wis. Stat. §62.23(7)(de)1.b.)

Again, though Burrows may “agree” to follow City Ordinances and CUP conditions, Burrows must provide substantial evidence to the City that it is currently meeting or will meet all City requirements, i.e., ordinances, at the property. As set forth at the October 12th Plan Commission meeting and information gathered afterwards, there were and are multiple concerns raised about Burrows’ compliance with existing City requirements. This included the following:

- During the Plan Commission meeting and after testimony from a local business owner, a series of questions were asked to Green Bay Staff Member, David Buck, who was providing background information and assisting the Commission. One of Green Bay’s other local business owners, Mr. Gerald Bigelow, commented that he had witnessed on multiple occasions, on Monday and days before, that the property is filled with automobiles, lawn mowers, and appliances. Mr. Bigelow raised both environmental concerns as well as fear that Burrows’ material recovery facility was not acting within the rules set forth by both the City and the State of Wisconsin.
- One of the Plan Commission Members, after hearing Mr. Bigelow’s testimony, asked Mr. Buck a series of questions. The first question was whether it was illegal for a material recovery facility to have cars set up for demolition currently at the site. Mr. Buck’s response was that if that was currently happening it was illegal. The second question pertained to whether lawn mowers would be legal under the City’s Code. Mr. Buck’s response was again that currently it would be illegal. During the Plan Commission Hearing, however, no one asked the Burrows family, who was part of the hearing, as to whether these activities were happening now.
- Photos taken immediately the morning of October 13 show several car bodies and lawn mowers present (Exhibit A). As Mr. Buck had indicated during the Plan Commission Hearing, this activity is not allowed under the current City Code.
- What is perhaps even more concerning is that the very day after the October 12 hearing, during the day a crane was brought in which moved car bodies into an open top trailer and were no longer visible from the public roadway. There was also video taken on October 13, where a crane appears to be moving cars into a hole that had been dug by the crane in the center of a very large scrap pile.

Based on the information presented, Burrows’ disregard for City ordinances are facts, i.e., substantial evidence, that do not support a finding that “all requirements and conditions established by the city relating to the conditional use are or shall be satisfied.” (Wis. Stat. §62.23(7)(de)2.b. (emphasis added). It simply does not “conform to the applicable regulations of the district in which it is located and all other applicable city ordinances.” (Section 13-205(e)(7), City of Green Bay Code of Ordinances).

City Decision to Approve or Deny Must be Supported by Substantial Evidence

Please recall that “the city’s decision to approve or deny the permit must be supported by substantial evidence.” (Wis. Stat. §62.23(7)(de)2.b. (emphasis added)). Based on the evidence provided to the Plan Commission regarding Burrows apparent actions at the site, we believe the City’s denial of the CUP will be supported by substantial evidence, as required under Act 67.

Based on the information presented regarding Burrows’ conduct at the site to date, the City cannot simply disregard that substantial evidence and vote to approve the CUP based on “merely its personal preferences or speculation,” but instead must have facts and information in the record, i.e., substantial evidence, that Burrows is and will comply with City requirements and permit conditions. Therefore, if the City wants to approve this CUP, it is required under Act 67 to have substantial evidence in the record that supports Burrows’ ability to comply with City requirements and conditions. That burden falls on both the City and Burrows to establish that substantial evidence prior to CUP approval. (Wis. Stat. §62.23(7)(de)2.b.)

Conditions

Despite the hurdles to issue the CUP under Act 67’s requirements, if the City is still going to issue this CUP, then we believe the following conditions are necessary and required to not only protect the public’s health, safety, and welfare, but to address the specific evidence raised regarding Burrows to help ensure City ordinances and other laws are followed in Burrows’ operation moving forward. Based on the information provided to the City, the conditions are reasonable and supported by substantial evidence. These conditions include the following:

- Prior to and as a precondition to issuing the CUP, and during the life of their operations, Burrows Midwest LLC shall first obtain and maintain in good standing any and all licenses, permits, or other approvals from local, state, or federal governmental authorities that are required for their operations at the property. These permits, licenses, and approvals may include, but are not limited to: licenses under ch. 218, Wis. Stat., licenses or permits from DATCP and the Department of Transportation, proper stormwater discharge permits, air emissions, PCB handling, scale certifications, radiation detection, fire protection, and other environmental protection measures.
- The City’s zoning office shall be notified within five (5) days of receipt of any Notice of Noncompliance, Notice of Violation, or responsible party/site remediation letter from the Wisconsin Department of Natural Resources or the U.S. EPA, or any other citation, complaint, enforcement action, or conviction against Burrows Midwest LLC or any of its principal officers, from any law enforcement or administrative agency.
- Within five (5) days of its issuance, the City’s zoning office shall be provided a copy of any inspection report or other audit conducted by the Wisconsin Department of Natural Resources, the U.S. EPA, Wisconsin Department of Agriculture, Trade and Consumer Protection, or the Wisconsin Department of Transportation.

- In the event of a discharge (e.g., spill) of a hazardous substance, unless the discharge is specifically exempted under s. NR 706.07, Wis. Admin. Code, owner/operator who caused the discharge to the environment of a hazardous substance or who possess or controls a hazardous substance which is discharged to the environment shall immediately notify the City's zoning office of the discharge. Discharges to the environment may include recent discharges, historic discharges, and discharges caused by the long-term application of a substance.

Thank you in advance for your review and consideration and please do not hesitate to contact us with any questions you have.

Photos from Velp Avenue on Tuesday, October 13, 2020

Exhibit A







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

FEBRUARY 02, 2021

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

That, pursuant to Zoning Petition 20-23 and the recommendation of the Plan Commission on August 31, 2020 and January 21, 2022, the City of Green Bay does authorize a conditional-use permit for a Material Recovery Facility (Auto & Junk Yard Operation) on the following described property located at 1156 Velp Avenue, submitted by Burrows Midwest, LLC/dba Midwest Scrap Metal, property owner:

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

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

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

Parcel subject to easements and restrictions of record.

Tax Parcel No. 18-782-E

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

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

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

Adopted _____

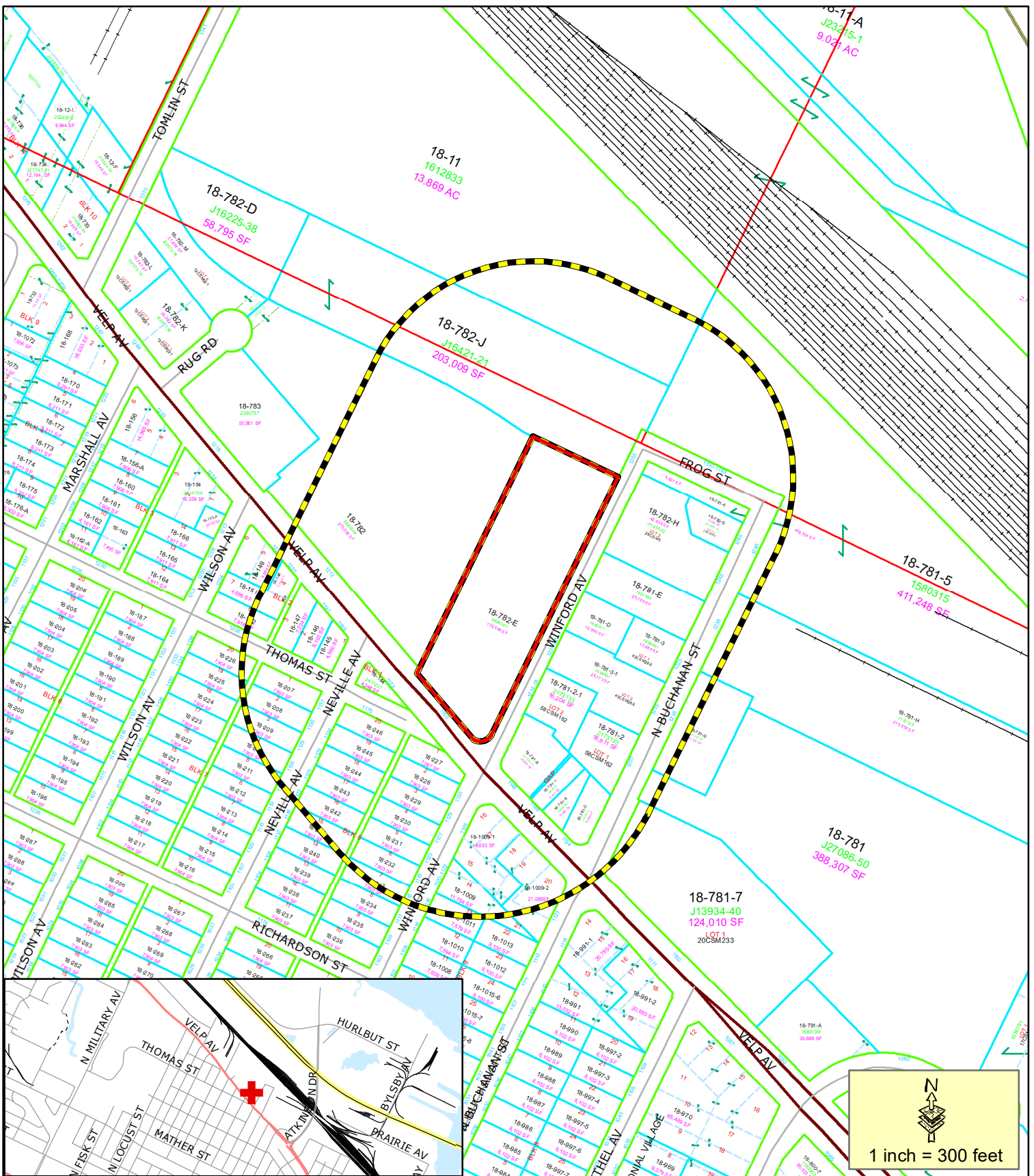
Approved _____

Mayor

Clerk

db

Attachment – Map



- Proposed CUP Site
- 400' Property Owner Notice

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

Zoning Petition (ZP 20-23)

Proposed Conditional Use

Permit (CUP) at

1156 Velp Avenue





Report to the
Personnel Committee
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # O.I

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

a. Building Maintenance Technician - Public Works

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Request to Fill Memo 1.26.2021
2. Building Maintenance Technician - R. Johnson 01.15.21

MEMORANDUM



Human Resources Department

To: Personnel Committee
Joe Faulds, Human Resources Director

From: Sarah Fidler
Human Resources Generalist

Re: Request to Fill Vacant Positions

Date: January 26, 2021

The Human Resources Department is requesting authorization to fill the following replacement positions approved as part of the 2021 budget and all subsequent vacancies resulting from internal transfers. The justification reports are attached.

- Public Works Building Maintenance Technician – Replacement position due to the resignation of Rick Johnson effective January 15, 2021. Salary range: \$20.36 - \$23.96 per hour.

**Position Fill Request
Justification Report
January 8, 2021**

Position Title: Building Maintenance Technician (BMT)
DPW Operations Division/Buildings and Grounds Section

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

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

This position is vacant as a result of the resignation of Rick Johnson effective January 15, 2021.

- 2. Is this position included in the current budget? If not, please list how this position will be funded (grant, internship, etc.). Please list the salary range of the position.**

Yes, this position is currently funded in the DPW operating budget. The current wage range for this position is \$20.36 to \$23.96 per hour (\$42,349 to \$49,837 annually)

- 3. Please list the functions and any special information regarding this position.**

DPW's Building Maintenance Technician staff cleans and maintains all DPW facilities. They provide 24-hour on-site duty coverage on weekdays and 24-hour first-response on-call service on weekends. BMT's serve as DPW's first responders to emergency calls received from the DPW emergency line and Police Department. BMT job duties include but are not limited to building cleaning and maintenance, first-response barricading, supplemental incident traffic control, securing DPW facilities after hours, and crash debris clean-up.

- 4. Does the position generate revenue or reduce expenses? If so, provide an estimated amount.**

This position does not generate revenue for the City. But the use of in-house labor and equipment reduces the need to contract out for those services.

- 5. Please explain why current staff is unable to absorb duties of this position.**

Each of the three (3) BMT's work five (5) 8-hour shifts on-site Monday through Friday. Then they rotate first-response on-call duty for the entire weekend on a three week rotation. If the current BMT staff is reduced then overtime must be expended to maintain proper BMT coverage. This would increase the potential of BMT burnout.

- 6. If duties of position are presently being done, how are they done?**

When a Building Maintenance Technician vacancy occurs, DPW either pays overtime to other BMT staff or modifies the work schedule of DPW Laborers from other sections to fill vacant BMT shifts. Vacant weekday (7:00 a.m. to 3:00 p.m. Monday to Friday) BMT shifts are not filled because the rest of DPW field staff is present for emergency response.

7. What service would be reduced or eliminated if this position is not filled?

DPW will continue to perform all of its core services. However, a reduction in staffing can result in a lower level of service to residents and potentially increase the amount of time required to complete the services. If a BMT position is eliminated, DPW plans to change to an on-call BMT service on weekends. First responder actions will still be performed. But it response will dispatch from the BMT's private residence instead of from a DPW facility.

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

See response to item 7 above

9. Are there union issues?

No

10. Other supporting comments.

None



Report to the
Personnel Committee
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # O.2

To approve the 2021-2023 labor agreement between the City of Green Bay and Local 420, Bus Mechanics.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Bus Mechanics TA - Personnel Committee
2. Bus Mechanics Cost Out 12-2020 - 2% Increase
3. Bus Mechanics TA(1)

TENTATIVE AGREEMENT

August 14, 2018

Between

City of Green Bay, Wisconsin

And

International Union of Operating Engineers, AFL-CIO, Local 420

Green Bay Metro Bus Mechanics

On January 15, 2021 the City and the Bus Mechanics union reached a tentative agreement for a 3-year contract which is set to expire on December 31, 2023. It is recommended that the Personnel Committee recommend approval of the contract. The following is a summary of the terms of the contract.

ISSUE	COST
Term of Agreement: 3 Year (January 1, 2020 – December 31, 2023)	
ECONOMIC ISSUES: <u>Wages:</u> 2021 - Base Salary Cost Increase \$4,202 2% - Effective with the start of the pay period in which October 1, 2021 occurs. \$1,758 - Employee step increases effective December 1, 2021 <u>\$441</u> 2021 COST \$6,401 2022 - Base Salary Cost Increase \$15,314 2% - Effective with the start of the pay period in which October 1, 2022 occurs. \$1,817 - Employee step increases effective December 1, 2022 <u>\$456</u> 2022 COST \$17,587 2023 - Base Salary Cost Increase \$15,720 2% - Effective with the start of the pay period in which October 1, 2023 occurs. \$1,877 - Employee step increases effective December 1, 2023 <u>\$471</u> 2023 TOTAL COST \$18,067	
<u>Clothing Allowance</u> Increase annual work boot allowance from \$120 to \$150	\$900 (over 3 Years)
TOTAL CONTRACT COST	\$42,955

GREEN BAY METRO MECHANIC'S WAGE INCREASE COST OUT

# of Employees	10
Base Payroll	\$523,266
Avg Salary	\$52,327

2% Increase for Each Year of the Contract

2020 Base Wages	\$523,266
2021 Annual Base Wages	\$527,467
Base Salary Cost Increase	\$4,202
2% Increase 10/1/2021	\$1,758
Step Increase 12/1/2021	\$441
\$ Increase over Base	\$6,401
% Increase over Base	1.2%
2021 Cost	\$529,666
2021 Cost	\$529,666
2022 Annual Base Wages	\$544,981
Base Salary Cost Increase	\$15,314
2% Increase 10/1/2022	\$1,817
Step Increase 12/1/2022	\$456
\$ Increase over Base	\$17,587
% Increase over Base	3.3%
2022 Cost	\$547,253
2022 Cost	\$547,253
2023 Annual Base Wages	\$562,973
Base Salary Cost Increase	\$15,720
2% Increase 10/1/2023	\$1,877
Step Increase 12/1/2023	\$471
\$ Increase over Base	\$18,067
% Increase over Base	3.3%
2023 Cost	\$565,320

AGREEMENT

Between

CITY OF GREEN BAY

And

CITY OF GREEN BAY

INTERNATIONAL UNION OF OPERATING ENGINEERS,
AFL-CIO, LOCAL 420

BUS MECHANICS

Tentative Agreement

January 1, 2021 ~~2018~~ through December 31, 2023 ~~2020~~

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AGREEMENT

This Agreement has been made and entered into between the City of Green Bay, hereinafter referred to as the "City" and Local Union No. 420 of Operating Engineers (AFL-CIO), hereinafter referred to as the "Union".

ARTICLE 1 RECOGNITION

- 1.1 The City agrees to recognize representatives of the Union, as the exclusive bargaining agent for all issues specifically addressed in this Agreement for employees of the Bus Garage Department of the City through the level of Mechanic.
- 1.2 Dues Deduction:
 - 1.2.1 Membership in the Union is not compulsory. An employee may voluntarily join the Union and maintain membership therein consistent with its constitution and by-laws. No employee will be denied membership because of race, color, creed, sex, or handicap. This Article is subject to the duty of the Wisconsin Employment Relations Commission to suspend the application of this Article whenever the Commission finds that the Union has denied an employee membership because of race, color, religion, age, marital status, family status, national origin, sexual orientation, creed, sex, or handicap.
 - 1.2.2 The Union will represent all of the employees in the Bargaining Unit, members and non-members, fairly and equally as dictated by state statute and state and federal law.
 - 1.2.3 Upon written authorization, by the employee that they have voluntarily joined the union and voluntarily request a payroll deduction for such dues, the City agrees to deduct the amount of dues certified by the Union and pay the amount deducted to the Union on or before the end of the month in which deduction is made. Payroll deduction of dues will begin with the pay period following receipt of the employee's written authorization, the City will not be responsible for retroactively deducting dues for any time prior to receipt of the written authorization.
 - 1.2.4 The Union agrees to hold harmless the City from any disputes between the Employee and the Union regarding dues.

ARTICLE 2 MANAGEMENT RIGHTS

- 2.1 The City retains all rights, powers or authority except as modified by this Agreement. The City reserves the unilateral right to modify and change any past practices, memorandums

of understanding, or policies that are not specifically modified by this Agreement. The City retains the right to determine and schedule working hours and determine assignments.

- 2.2 The City will have the right at all times during the existence of this Agreement, and subject to provisions herein, to conduct its affairs according to its best judgment and the orders of competent authority, including the power of establishing policy to hire all employees, to dismiss and discipline for just cause, to lay off in accordance with section 7.3 and to determine the methods, means and personnel by which City operations are to be conducted.
- 2.3 The City agrees it will not use these rights to interfere with the employee's rights established by law or by this Agreement.

ARTICLE 3 MEMBER RIGHTS

- 3.1 The City agrees not to discharge or discriminate against any member of the Union because of lawful Union activities or to bargain individually with any member of the Union.

ARTICLE 4 EMPLOYMENT STATUS

- 4.1 Upon resignation by an employee, the City will pay all money due the employee, and upon request, may furnish the employee with a letter of recommendation insofar as circumstances permit.
- 4.2 An employee who is physically and mentally able to work but fails to do so for 3 consecutive work days or more, unless on approved leave or due to circumstances beyond the employee's control will be considered to have voluntarily resigned from employment.
- 4.3 New employees who do not possess required licenses or certifications prior to the end of probation may be discharged from employment.
- 4.4 All employees who drive a commercial vehicle at any time must have a Commercial Driver's License and the appropriate endorsements required to operate that equipment. Loss or suspension of license and/or endorsements may subject the employee to disciplinary action up to and including discharge.
- 4.5 The City of Green Bay has implemented a Drug and Alcohol policy in accordance with the requirements of State and Federal regulations. Bus mechanics will be subject to this policy.

ARTICLE 5
UNION COOPERATION

- 5.1 The Union agrees at all times, as far as it is within its power, to further the interest of the City.

ARTICLE 6
LEAVE OF ABSENCE

- 6.1 Leaves of absence will be in accordance with the City's Personnel Policies and Procedures.
- 6.2 Military, Jury Duty and Civil Leave will be in accordance with the City's Personnel Policies and Procedures.

ARTICLE 7
SENIORITY

- 7.1 Seniority Date: Seniority will commence upon an employee's most recent date of hire as a full time regular employee by the City.
- 7.2 Master List: There will be one master seniority list for all employees of the Union. The master seniority list will be maintained and updated on a regular basis, and a copy provided to the Union. Employees starting on the same day will have their starting times varied (as determined by the flip of a coin) so that there will be no ties in terms of seniority.
- 7.3 Lay Off: The City may lay off an employee whenever such action is necessary. In the event of multiple layoffs in the same position/job title within a department, lay off will be based on the inverse order of seniority in that position/job title within the department, as long as the least senior employee does not possess special skills, knowledge and ability for the position.

A laid off employee will have rights to recall to the same position from which the employee was laid off for up to 1-year following the lay off. Recall will be based on seniority in that position/job title within the department.

- 7.4 Probation: New employees will be considered probationary employees for the first 12 months of their employment. Any employee on probation may be terminated at the sole discretion of the City without any reference to recall or rehire. After new employees have completed probation, they will be considered regular employees.
- 7.5 Seasonal Employees: Seasonal employees are those hired for less than 6-months of employment in any calendar year. Seasonal employees are not represented under this Agreement.

ARTICLE 8
GRIEVANCE PROCEDURE

- 8.1 Definition: A grievance is defined as a dispute or misunderstanding regarding the interpretation or application of a specific provision of this Agreement.
- 8.2 Procedure: A regular employee represented under this Agreement, may file a grievance in accordance with the following:
- 8.2.1 Prior to filing a written grievance, employees should discuss any problem or complaint with their immediate supervisor to see if settlement is possible. If the problem is not resolved, then the aggrieved party may file a written grievance with the department head, but not later than 15 work days from the date the grievant first became aware of the condition causing the grievance. The department head will respond in writing no later than 15 work days from the date the grievance was received.
- 8.2.2 If the grievance cannot be settled by the department head or designee, the grievance may be submitted in writing to the Human Resources Director or designee within 15 work days from receiving the department head's decision. The meeting to discuss the grievance will be held at a mutually agreeable time. Following this meeting, the Human Resources Director will respond within 15 work days, in writing.
- 8.2.3 If the grievant is not satisfied with the Human Resources Director's response, the grievant may file an appeal for a hearing before an impartial hearing officer within 15 work days from receiving the Director's response. The appeal must be put in writing and filed with the Human Resources Department. The impartial hearing officer will be selected from a list of 3 hearing officers provided by the WERC. The Union will strike the first name from the list and the City will strike the second name and the remaining individual will serve as the hearing officer. Any costs for the impartial hearing officer's services will be borne equally by the parties.
- 8.2.4 The decision of the hearing officer concerning any matter referred to it will be final and conclusive upon the employees, the Union and the City.
- 8.3 Employee Representation: An employee is entitled to a representative of his/her choice.
- 8.4 Time Limits: All of the time limits set forth in this Article may be extended by mutual agreement of the parties.

ARTICLE 9
DISCIPLINE AND DISCHARGE

- 9.1 The City will not discharge or suspend any employee without just cause. Discharge or

suspension will be in writing with a copy to the Union and to the employee affected.

ARTICLE 10
JOB TRANSFERS

- 10.1 Job transfers will be conducted in accordance with the City's Personnel Policies and Procedures and applicable Department procedures.

ARTICLE 11
HOLIDAYS

- 11.1 The following are recognized paid holidays:
- o New Year's Day
 - o ½ Day Friday Before Easter
 - o Memorial Day
 - o Independence Day
 - o Labor Day
 - o Thanksgiving Day
 - o ½ Christmas Eve Day
 - o Christmas Day
 - o ½ New Year's Eve Day
 - o 1 floating holiday (in lieu of the Day after Thanksgiving)

ARTICLE 12
VACATIONS

- 12.1 In accordance with the following schedule, an eligible employee will accumulate vacation leave with pay to a maximum of 240 hours. Generally vacations will not be permitted during an employee's first 6 months of service with the City unless approved by the Supervisor. Vacations will be scheduled to meet the operating requirements of the City, and, as practical, the preferences of employees. Vacation leaves with pay may be used only with the prior approval of the supervisor.

- | | |
|---|-----------|
| • Start through end of 5 th year | 80 hours |
| • 6 th through end of 10 th year | 120 hours |
| • 11 th through end of 15 th year | 136 hours |
| • 16 th through end of 20 th year | 160 hours |
| • 21 st year plus | 200 hours |

- 12.2 Vacation will be appropriately prorated for employees who work less than a calendar year.
- 12.3 An employee cannot carryover more than 240 hours of vacation at the end of the calendar year. Employees who have December vacations canceled due to emergency call-ins will be

allowed to reschedule such vacation during the first 3 months of the following year or add it to their carryover balance provided that balance remains at or below 240 hours.

- 12.4 Upon separation from City service, an employee will be paid for any unused accumulation of vacation leave.
- 12.5 Employees who are earning more than 200 hours of annual vacation as of March 25, 2011 will be grandfathered and redlined at their current amount of vacation accumulation while employed by the City.
- 12.6 An employee employed prior to March 25, 2011, may during their last three years of employment convert up to 80 hours per year of earned vacation days to an escrow account, said conversion of vacation to be at the current salary at the time of conversion. In addition, at the time an employee separates from City service by eligibility and acceptance to the State Retirement system, the employee may escrow all or a part of their accumulated vacation leave. This provision will not apply to those employees employed after March 25, 2011.
- 12.7 Personal Leave: Regular full time employees will be eligible for 24-hours of personal leave annually. Personal leave must be used during the calendar year earned and may not accumulate from year to year. Personal leave will be scheduled in the same manner as vacation. Personal leave may not be converted to escrow. Personal leave will be appropriately prorated for employees who work less than a calendar year.

ARTICLE 13 SICK LEAVE OR EMERGENCY LEAVE

- 13.1 Accumulation: Each full-time employee of the City will accumulate sick leave at the rate of one day per month for each month of service to a maximum of 1152 hours.
- 13.2 Notification and Verification: Employees who intend to be absent from work due to illness or injury must notify their supervisor prior to the start of the workday. If the absence continues beyond one day, the employee is expected to keep the supervisor informed of his/her condition and anticipated return date. At the employer's discretion, the employee may be required to provide medical verification.

The City reserves the right to have an employee examined by the City's medical professional, at City cost, to determine fitness for duty. The City's right to have employees examined by the City's medical professional does not in any way limit the employee's rights to be treated by a medical professional of their choice.

Nothing in this article will limit the City's right to deem leave taken as leave provided for under the State or Federal Family Medical Leave Acts.

- 13.3 Use: An employee may use accumulated sick leave for absences necessitated by the employee's injury or illness or an immediate family member's serious illness/injury or hospitalization. For purposes of this article, "immediate family" will mean spouse, parents, stepparent, child, stepchild, foster child or sibling who lives at home.
- 13.4 Medical Appointments: Employees, when possible, will schedule medical appointments outside of normal working hours. When medical appointments are scheduled during normal working hours, employees will be charged sick leave for actual time lost for the medical appointment. However, employees will not be charged from sick leave for absences from work necessitated by follow-up doctor visits due to workers compensation related injuries or illnesses.
- 13.5 Escrow Account: Employees employed prior to March 25, 2011 who terminate employment by eligibility and acceptance to the State Retirement system will have accumulated sick leave, up to a maximum of 688 hours, placed in an escrow account and used to pay health insurance premiums. This provision will not apply to those employees employed after March 25, 2011.

ARTICLE 14 WORKER'S COMPENSATION

- 14.1 An employee injured on the job will be made whole for the remainder of the working day in which the injury occurred based on medical verification that the employee is unable to perform available work. The injured employee, at his/her option, can make himself/herself whole for the difference between the payment from Worker's Compensation and the regular rate of pay through use of sick leave or vacation for all subsequent days off due to the work related injury as long as the payment does not exceed the normal rate of pay.

ARTICLE 15 FUNERAL LEAVE

- 15.1 Employees will be allowed up to 3 days off with pay for absences necessitated by a death in the employee's immediate family (including spouse, parent, stepparent, child, stepchild, foster child, sibling, guardian, ward, parent-in-law, grandchild or grandparent). In circumstances which require an employee to attend a funeral of a member of the immediate family at a travel distance in excess of 300 miles from Green Bay, up to 2 additional days may be granted. A request for additional vacation, personal, compensatory time or other leave time must be communicated to the immediate supervisor as soon as practicable. If a funeral is delayed or a service is held at a date beyond the limits of this policy, the employee may attend, but will not be paid for more funeral leave days than outlined in this policy. Funeral leave is not provided for dealing with wills or estates.

Employees will be allowed 1 day off with pay to attend the funeral of the spouse's grandparents or of a son-in-law, daughter-in-law, sister-in-law, brother-in-law, aunt or uncle of the employee or spouse.

- 15.2 In the event of the death of a current co-worker, employees working in the same department and location having a close working relationship and others who worked closely with this individual on a regular basis, in the sole discretion of the department head, may be allowed up to 3 hours of administrative leave for attendance of a local funeral and related event. All others and time beyond this amount will be required to be accounted for by using compensatory time or personal leave or other appropriate accumulated leave with the approval of the Supervisor.

ARTICLE 16
HEALTH AND DENTAL INSURANCE

- 16.1 Selection of any provider for health and dental insurance and determination of coverage and benefit levels will be at the discretion of the City.
- 16.2 Employees will pay 15% and the City will pay 85% of the single or family premium for health care insurance benefits.
- 16.3 Employees will pay 12.5% and the City will pay 87.5% of the single or family premium for Humana dental insurance benefits.
- 16.4 Employees regularly scheduled to work less than 37.5 hours per week will have the City's contribution appropriately prorated.
- 16.5 Employees will be entitled to reduce their health insurance premium contribution by 2.5% per year by successfully participating in the Wellness Incentive Program. All Wellness Incentives must be completed in the prior year to receive the 2.5% reduction in the following year.

To receive the health insurance premium reduction, the spouse of an employee must participate in the Wellness Incentive Program. The spouse of an employee will not be required to participate in the Wellness Incentive Program if the spouse has a health risk assessment screening conducted at the spouse's employer, however, the spouse must comply with the age-specific requirements. If the spouse of an employee or an employee with family coverage does not participate in the Wellness Incentive Program, the health insurance premium reduction will be 1.25%.

- 16.6 Life Insurance: The City will provide and carry, at no cost to the employee, life insurance for each regular full-time employee in an amount equal to the employee's base salary for all employees regularly scheduled to work a minimum of 37.5 hours per week. Employees will have the option to purchase supplemental life insurance for self, spouse and eligible dependent(s). Employees will pay all premium costs for the optional supplemental life insurance through payroll deductions. (This provision will be effective starting with the pay period following approval of the contract by both parties).

ARTICLE 17
RETIREMENT CONTRIBUTION

- 17.1 Employees are subject to a retirement contribution in an amount equal to one-half of all actuarially required contributions approved by WRS.

ARTICLE 18
WAGES AND RATES

- 18.1 Attached hereto and marked Schedule A and Schedule B are schedules showing the classifications and wage rates of the employees covered by this Agreement. It is mutually agreed that said Schedules and the contents hereof will constitute a part of this Agreement.
- 18.2 All members of the bargaining unit will be subject to mandatory direct deposit of their paychecks.
- 18.3 An employee that is called in for work outside of the regular work day will be paid for a minimum of 2-hours pay.

ARTICLE 19
HOURS OF WORK

- 19.1 The City will establish the hours of work for employees in the bargaining unit, and agrees to provide notice to the Union and an opportunity to meet and discuss schedule changes prior to implementation when administratively feasible.
- 19.2 The City will endeavor to schedule work hours consisting of consecutive work days and no split shifts unless mutually agreed upon by the City and the Union.
- 19.3 In accordance with the Fair Labor Standards Act (FLSA), non-exempt employees will receive overtime at the rate of 1½ times the employee's regular hourly rate and will be paid for all hours actually worked in excess of 40 hours per week. Vacation, personal days, compensatory time, holiday time, funeral leave, jury duty leave and paid military leave will be considered actual hours worked for the purpose of determining eligibility for overtime. Overtime hours must be approved by the Supervisor.
- 19.3.1 Overtime shall be assigned by seniority unless the work falls within 2 hours prior to a qualified employee's regular shift or within 2 hours following the employee's regular shift.
- 19.4 Overtime hours are subject to prior supervisory approval.
- 19.5 Employees working holiday hours, in accordance with Article 11, will be eligible to receive double time pay.
- 19.6 Per calendar year, employees may bank up to 80 hours of overtime earned in a

compensatory time bank. Employees may request the use of compensatory time off at the rate at which such time is earned.

- 19.7 In the event that compensatory time is not used prior to the end of the calendar year in which it is earned, the employee's compensatory time will be paid out at the employee's current rate of pay.
- 19.8 All benefits covered by this Agreement will be appropriately prorated for employees who work less than fulltime.

ARTICLE 20 CLOTHING ALLOWANCE

- 20.1 The City will annually pay each employee ~~\$150~~ ~~\$120~~ in the last payroll in January for the purchase of approved leather work shoes or safety shoes required by the City. The allowance will be appropriately prorated for a new employee.
- 20.2 The City will provide back supports as required for lifting.
- 20.3 The City shall provide the initial complement of clothing, which shall include:
- up to 12 shirts (long or short sleeve)
 - up to 6 trousers
 - 1 insulated coverall (for mechanics, fueler, janitor/groundskeeper)
 - 1 jacket
 - 1 winter parka
 - 1 Sweater or vest (for Bus Cleaner & Parts Room Asst)

The City will provide an annual allowance of \$35 effective January 1st of each year to each member for work-related clothing not covered by the above.

Clothing will be replaced by the City as needed. Clothing which has been replaced will be turned in to the City. No employee will wear any part of the uniform for any reason other than performing their duties as City employees. The City will outfit probationary employees as it deems necessary.

- 20.4 Where required by the City, employees will be provided with 1 pair of safety glasses per year including prescription glasses. (This does not include the cost of the examination. Glass will be in "regular frames" i.e. W.O.S.) City will replace or repair required safety glasses broken or damaged on the job. Other employees can participate at their own expense.

- 20.5 Each member of the bargaining unit will be offered a rental uniform. A supply of 2 weeks clothing and once a week laundry service will be provided. Uniforms will be provided to members as soon as the procurement process is completed.
- 20.6 The City will, upon submission of a receipt, pay the difference between a regular driver's license and a CDL (including required endorsements) where required by the City.

ARTICLE 21

SEPARABILITY AND SAVINGS CLAUSE

- 21.1 If any Article or Section of this Agreement or of any Rider thereto should be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any Article or Section should be restrained by such tribunal pending a final determination to its validity, the remainder of this Agreement and of any Rider hereto, or the application of such Article or Section to persons or circumstances other than those as to which it has been held invalid or as to which compliance with or enforcement of has been restrained, will not be affected thereby.
- 21.2 In the event that any Article or Section is held invalid or enforcement of or compliance with which has been restrained, as above set forth, the parties affected thereby will enter into immediate collective bargaining negotiations, upon the request of the Union, for the purpose of arriving at a mutually satisfactory replacement. Either party will be permitted all legal or economic recourse in support of its demands, notwithstanding any provision in this Agreement to the contrary.
- 21.3 It is understood and agreed that if any Article or portion of this Agreement is in conflict with the Statutes of the State of Wisconsin governing municipalities, such Article or portion will be declared invalid and negotiations will be instituted to adjust such Article or portion.

ARTICLE 22

DURATION OF AGREEMENT

- 22.1 This Agreement will become effective as of the date of signature, and will remain in force and effect to and including December 31, ~~2023, 2020.~~

This Agreement was approved by both parties on:

For the Union

City of Green Bay

Alex Tetzlaff, Business Manager

Mayor ~~Eric C. Genrich James J. Schmitt~~

Ronald LaPlante, Union Steward

Melanie Falk, HR Operations Manager
Attest:

City Clerk

APPENDIX A – Wages

~~NEW~~ PAY SCHEDULE

~~Effective the first day of the pay period in which January 1, 2018 occurs.~~

Placement on a step of the ~~new~~ pay plan is in accordance with the procedures approved by the City Council, ~~for placing employees on a step of the new City Pay Plan.~~

CLASSIFICATIONS IN ACCORDANCE WITH CITY PAY PLAN January 1, 2018	
Pay Grade H ✦ Mechanic	Pay Grade F ✦ Maintenance Technician
Pay Grade E ✦ Maintenance Clerk	Pay Grade D *(Effective September 11, 2018) ✦ Fueler
Pay Grade C *(January 1, 2018 September 11, 2018) ✦ Fueler ✦	Pay Grade B ✦ <u>Bus Cleaner</u>

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WAGES IN ACCORDANCE WITH CITY PAY PLAN

Effective October 1, 2021 (2% Increase)

10/1/21 Pay Grades & Pay Schedules									
Pay Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Performance Range	
H	\$25.23	\$25.96	\$26.69	\$27.45	\$28.18	\$28.93	\$29.67	\$29.68	\$34.12
F	\$20.77	\$21.39	\$21.99	\$22.61	\$23.23	\$23.84	\$24.44	\$24.45	\$28.11
E	\$19.10	\$19.67	\$20.23	\$20.79	\$21.35	\$21.92	\$22.48	\$22.49	\$25.87
D	\$18.00	\$18.53	\$19.05	\$19.58	\$20.11	\$20.64	\$21.18	\$21.19	\$24.35
B	\$15.43	\$15.88	\$16.33	\$16.79	\$17.25	\$17.70	\$18.16	\$18.17	\$20.88

Effective October 1, 2022 (2% Increase)

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	10/1/22	Pay Grades & Pay Schedules								Form
	Pay Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Performance Range	
	H	\$25.73	\$26.48	\$27.22	\$28.00	\$28.74	\$29.51	\$30.26	\$30.27	\$34.80
	F	\$21.19	\$21.82	\$22.43	\$23.06	\$23.69	\$24.32	\$24.93	\$24.94	\$28.67
	E	\$19.48	\$20.06	\$20.63	\$21.21	\$21.78	\$22.36	\$22.93	\$22.94	\$26.39
	D	\$18.36	\$18.90	\$19.43	\$19.97	\$20.51	\$21.05	\$21.60	\$21.61	\$24.84
	B	\$15.74	\$16.20	\$16.66	\$17.13	\$17.60	\$18.05	\$18.52	\$18.53	\$21.30

Effective October 1, 2023 (2% Increase)

10/1/23		Pay Grades & Pay Schedules							
Pay Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Performance Range	
H	\$26.24	\$27.01	\$27.76	\$28.56	\$29.31	\$30.10	\$30.87	\$30.88	\$35.50
F	\$21.61	\$22.26	\$22.88	\$23.52	\$24.16	\$24.81	\$25.43	\$25.44	\$29.24
E	\$19.87	\$20.46	\$21.04	\$21.63	\$22.22	\$22.81	\$23.39	\$23.40	\$26.92
D	\$18.73	\$19.28	\$19.82	\$20.37	\$20.92	\$21.47	\$22.03	\$22.04	\$25.34
B	\$16.05	\$16.52	\$16.99	\$17.47	\$17.95	\$18.41	\$18.89	\$18.90	\$21.73

~~Reclassify Fuelers from Pay Grade C (\$19.96/hour) to pay grade D (\$20.56/hour). New wage rate will be effective upon ratification of the contract (September 11, 2018).~~

The 2% wage increases in ~~2021, 2022 and 2023~~ 2018, 2019 and 2020 will occur on the first date of the pay period in which October 1 occurs.

Employee step increases will be subject to satisfactory performance in accordance with procedures approved by the City Council. implemented on December 1, 2018. ~~Employee step increases will be effective December 1, 2019 and December 1, 2020 for those with satisfactory performance.~~

- a. In addition to the employee's regular wage rate, a shift premium will be paid for work performed in the job classification. The shift premium rates will be:

Evening Shift	25 cents per hour
Night Shift	30 cents per hour
Day Shift	None

- b. The Day Shift is that shift in which 50% or more of the regularly scheduled work hours fall between 7:00 a.m. and 3:00 p.m.
- c. The Evening Shift is that shift in which 50% or more of the regularly scheduled work hours fall between 3:00 p.m. and 11:00 p.m.
- d. The Night Shift is that shift in which 50% or more of the regularly scheduled work hours fall between 11:00 p.m. and 7:00 a.m.
- e. Employees who work additional hours outside of their regularly scheduled shift will receive the applicable shift premium in addition to any applicable overtime premium pay on the base rate.
- f. Shift premium will be paid only for the time actually worked.

APPENDIX B

Health 1265

Members of the International Union of Operating Engineers, AFL-CIO, Local 420 who carry City sponsored insurance may participate in the City's Health 1265 program for the following periods and will be eligible to receive a reduced premium contribution of 11.5% for the following calendar year if they achieve 1265 points under the City's program.

- ~~November-December~~ 1, 20~~2018~~ - October 31, 20~~2119~~ – 11.5% reduced premium contribution for the 20~~2220~~ calendar year if the employee achieves 1265 points under the program.
- ~~November~~ 1, 20~~2119~~ - October 31, 20~~2220~~ – 11.5% reduced premium contribution for the 20~~231~~ calendar year if the employee achieves 1265 points under the program.

Upon enrollment in myInertia as part of the Health 1265 program, eligible employees will receive \$55 toward the cost of a fitness tracker and be eligible for the incentives under the program.



Report to the
Personnel Committee
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

AGENDA ITEM # O.3

To refer to staff for additional content on the alderperson orientation program and to schedule a demo program in April.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Public Arts Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Laura Schley, Staff, Stephanie Schmutzer,
Staff

AGENDA ITEM # P.1

To approve the GBPAC budget, for Fiscal Year Beginning January 1, 2021.

BACKGROUND

The attached proposed budget covers staff recommendations for the various funding sources for the GBPAC. Continued funding of previous year projects are included. If new projects are proposed in 2021, they will be brought to the Commission for review and approval.

RECOMMENDATION

Staff is recommending approval of the GBPAC budget for Fiscal Year Beginning January 1, 2021.

FISCAL IMPACT

ATTACHMENTS

- I. Green Bay Public Arts Commission Proposed Budget 1_1_2021

Green Bay Public Arts Commission
Proposed Budget
1/1/2021

	Beginning Balance	Revenue	Expenses	Balance
CDBG*	\$88,176.08			\$88,176.08
Rotating Art Grants	\$4,100.00			\$4,100.00
Donations - Restricted	\$19,800.00			\$19,800.00
Friends Account - GGBCF	\$19,496.61			\$19,496.61
Friends Account - Bank	\$2,000.00			\$2,000.00
	<u>\$133,572.69</u>	0	0	<u>\$133,572.69</u>

* Note: CDBG fund amounts have been estimated from last year's allocations and expenses. Final allocations from HUD have not been received yet but will be updated once those fund allocations are finalized.

CDBG Funding Budget	\$88,176.08	
Coordinator Position	\$48,900.00	
Danz Park Benches	\$6,624.00	
Alley Art	\$13,500.00	
	<u>\$19,152.08</u>	Unallocated

Rotating Art Funding Budget	\$4,100.00
Artist payments	-
Insurance	\$1,000.00
	<u>\$3,100.00</u>

Donations Budget - Restricted	\$19,800.00
Embark Maintenance	\$19,800.00
	<u>\$19,800.00</u>

Friends Account - GGBCF Budget	\$19,496.61
Administrative Fees	\$ -
	<u>\$19,496.61</u>

Friends Account - Bank	\$2,000.00
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Report to the
Public Arts Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Laura Schley, Staff

AGENDA ITEM # P.2

To refer back to staff for additional information regarding insurance and hold harmless agreements to revive and update the Rotating Art Program.

BACKGROUND

During the August 28, 2019, regular meeting of the GBPAC it was briefly discussed about developing updates to the Rotating Art Program. The program consists of six concrete footings located throughout the City to display sculptures loaned out for a year term. Each footing currently operates independently of one another.

Staff has made updates to the program recommending all six footings operate on the same schedule so that promotion and management of the program can be unified.

Attached for consideration is the Updated Guidelines and Application. Which establishes a program schedule along with increasing the requested information submitted in the artist application.

RECOMMENDATION

Staff is recommending approval of reviving the Rotating Art Program with the proposed program updates.

FISCAL IMPACT

ATTACHMENTS

1. DRAFT Rotating Art Program Application Updated 1.2021
2. DRAFT Rotating Art Program Guidelines Updated 1.2021

ROTATING ART PROGRAM APPLICATION

Green Bay Public Arts Commission
City of Green Bay
Dept. of Community and Economic
Development
100 North Jefferson Street - Rm 608
Green Bay, WI 54301-5026
Phone: (920).448.3142
Fax: (920).448.3426
<http://greenbaywi.gov/pac>

GBPAC

GREEN BAY
PUBLIC ARTS
COMMISSION

APPLICANT / ARTIST NAME: _____

ARTIST WEBSITE: _____

STREET ADDRESS: _____

MAILING ADDRESS (IF DIFFERENT): _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE (DAYS): _____

E-MAIL ADDRESS: _____

SCULPTURE TITLE: _____

SCULPTURE DIMENSIONS (specify feet and/or inches): Height _____ Width _____ Depth _____

SCULPTURE DESCRIPTION: (Please answer the following questions in the box below)

What does the piece depict? What materials are used? How will this be installed? How is it fastened to the ground?
Any other pertinent information the Commission should know about this piece, etc.)

Large empty box for sculpture description, overlaid with a large diagonal "DRAFT" watermark.

EXPERIENCE: (Please answer in the box below. If attaching an artist resume, please note below.)
What is your experience with exhibiting public art? List any key dates, installation locations, education, or other details the Commission should know.

WILL THIS PIECE BE FOR SALE? (Please circle one.)

YES

NO

IF FOR SALE, WHAT IS THE SALE PRICE? IF NOT FOR SALE LIST - nfs: _____

DO YOU HAVE THE NECESSARY INSURANCE? (Please circle one.)

YES

NO

REMINDER: PLEASE ATTACH THE FOLLOWING WITH THIS APPLICATION WHEN SUBMITTING

- **A. 1-4 EXAMPLES OF PREVIOUS WORK** Please label images with the following naming concept. LastNameSampleA1; LastNameSampleA2; LastNameSampleA3, etc. Ex.) **SmithSampleA1**
- **B. 3 - 6 REPRESENTATIVE PHOTOS, SKETCHES, OR SCALE MAQUETTE OF PROPOSED WORK** Please label images with the following naming concept: LastNameProposedWorkTitleB1; LastNameProposedWorkTitleB2; LastNameProposedWorkTitleB3, etc. Ex. **SmithTheThinkerB1**
- **C. ARTIST RESUME Optional** If you wish to attach a resume listing your artistic accomplishments rather than write in your experience above, you may do so. Please note you must either attach a resume or write in your experience above to be considered for the program.

WHEN YOU HAVE COMPLETED THIS FORM, EMAIL FORM AND REQUIRED ATTACHMENTS
TO LAURA.SCHLEY@GREENBAYWI.GOV

FOR ANY QUESTIONS EMAIL LAURA.SCHLEY@GREENBAYWI.GOV OR CALL: 920-448-3142

ROTATING ART PROGRAM

Green Bay Public Arts Commission
City of Green Bay
Dept. of Community and Economic
Development
100 North Jefferson Street - Rm 608
Green Bay, WI 54301-5026
Phone: (920).448.3142
Fax: (920).448.3426
<http://greenbaywi.gov/pac>



GREEN BAY
PUBLIC ARTS
COMMISSION

DEADLINE

Application materials must be
submitted by **5:00 PM**
March 12, 2021.

WHAT IS THE GREEN BAY PUBLIC ARTS COMMISSION?

The Green Bay Public Arts Commission's (GBPAC) mission is to promote the arts, culture, and creative identity of Green Bay through awareness efforts, provisions, and exhibitions. The GBPAC exists to fund artistic activities and support cultural programs that integrate and advance arts and culture as an essential part of life in Green Bay. The GBPAC is a five-member commission appointed by the Mayor to advise the City about matters of arts and culture.

WHAT IS THE ROTATING ART PROGRAM?

The Rotating Art Program was created in order to beautify our community, promote our cultural identity, and to encourage artistic engagement. The Green Bay Public Arts Commission (GBPAC) invites artists to offer their creative talents to the City of Green Bay. The Rotating Art Program (RAP) is an opportunity for temporary works of art to sprout up throughout the community. Six concrete pads have been installed throughout the city to serve as platforms for temporarily installed sculptures. Accepted artists will be given \$1,500 to help facilitate the installation and deaccession of the work. The art will be on display for one year. During the eighth month of the display period, the sculptures will have the option of being put up for sale at an 8% commission fee to the GBPAC.

The objectives of the Rotating Art Program include broadening the role of the artists in the community by:

- Developing public artworks that have strong, inherent aesthetic quality and represent diverse communities and a wide range of artistic styles and disciplines.
- Encouraging collaboration among artists, architects, engineers, and others.
- Encouraging public dialogue about and understanding of works of art, issues raised by public art, and the various roles artists can undertake.
- Providing opportunities for artists to advance their art forms.
- Dispersing temporary public art through the City of Green Bay to really build a voice for the creative community within the city.

GUIDELINES

Artists may submit existing art or propose sculptures created specifically for this call. Art quality should be high in regard to design, materials, craftsmanship, assembly, and appropriateness to theme and character designated by the Green Bay Public Arts Commission. Proposed work will be reviewed based on:

ARTISTIC MERIT:

- Idea to be conveyed
- Visual impact, including color, form, and composition
- Original and innovative design

FEASIBILITY:

- Public Safety
- Quality materials and craftsmanship

ABILITY TO SUCCESSFULLY COMPLETE THE PROJECT:

- Training and experience
- Ability to meet key project deadlines
- Technical competence and craft experience

PROJECT TIMELINE

Below is an outline of key project dates. Staff reserves the right to adjust project dates as necessary.

- **January 28, 2021** -Call for 2021 Rotating Art Program opens
- **March 12, 2021** -Call Closes
- **March 24, 2021** -Public Arts Commission to review all submissions
- **March 31, 2021** -Selected artists notified
- **May 1 - May 27, 2021** -Artwork will be installed (specific date will be determined between artist and Public Arts Coordinator)
- **May 28, 2021** -Unveiling Celebration
- **May 2022** -Artwork must be removed (specific date will be determined between artist and Public Arts Coordinator)

BEFORE YOU APPLY

How does your piece fit the Rotating Art Program? We are looking for projects that are: high quality, unique, safe, and appropriate for public display.

ELIGIBLE WORK MUST:

- Ready for installation
- Be original work by the submitting artist
- Fit within the boundaries of the 6ft. diameter footing (larger pieces will be individually reviewed)
- Be able to be securely anchored to the concrete platform
- Be safe to the public
- Be weatherproof and resilient for northeast Wisconsin's climate
- Weigh no more than 2,500 pounds.
- Be installed by the artist/artist team (if assistance is needed with the fastening system, please contact the Public Arts Coordinator)
- Be maintained by the artist throughout the display year
- All repairs to the piece will be made by the artist
- Any vandalism will be re-mediated by the artist
- Be deaccessioned by the artist/artist team at the conclusion of the display year

Final placement of the work will be determined by the Commission.

Expect that you will be responsible for all costs associated with the project, including the costs of fabrication, installation, maintenance, permits, fees, deaccession, etc.

Remember if the GBPAC approves your application, your project will become a part of the Rotating Art Program. Your project and all promotional materials will need to display our logo and/or credit language. You are not receiving a grant for your project. You are providing a temporary public art piece that you may sell at an 8% commission fee to the GBPAC. Your piece will be on display for an 8 month minimum from the installation date, with an end date to be set at one year from installation unless otherwise determined between the artist and the Public Arts Coordinator.

SUBMISSION

THE APPLICATION CAN BE FOUND ON THE CITY WEBSITE:
[HTTP://GREENBAYWI.GOV/581/ROTATING-ART-PROGRAM](http://greenbaywi.gov/581/rotating-art-program)

APPLICATION WILL REQUEST:

- First and Last Name
- Address
- Phone Number
- Email
- Project Title
- Project Description
- Will the piece be for sale?
- What is the sale price? (if any)
- 3-6 representative photos, sketches, or a scale maquette of your proposed sculpture
- Dimensions of sculpture
- Evidence of prior work
 - Photos of prior work
- Do you have insurance?

THE PUBLIC ARTS COORDINATOR WILL CONTACT YOU TO CONFIRM RECEIPT OF ALL APPLICATION MATERIALS ONCE SUBMITTED.

REVIEW PROCESS

1. You've submitted your application. Yay!
2. The Public Arts Coordinator will contact you within 24 hours of submission to confirm receipt of all application materials. Please allow additional time for a response if submitting late Friday/on the weekend.
3. The Public Arts Coordinator will share your submission materials with the Public Arts Commission for review.
4. Full Commission review of all submissions at the next scheduled public meeting will include a comparison of project grading along with an opportunity for artists to comment on their submission if they wish.
5. Following the public meeting, you will be notified of program acceptance/denial.

FUNDING CREDIT

All publicity, press releases, and promotional material must acknowledge that the project is a Rotating Art Program temporary public art piece funded by the Green Bay Public Arts Commission.

PAYMENT

Accepted applicants will receive \$1,500 to help facilitate the installation and deaccession of the work. \$750 will be provided during installation followed by \$750 after successful deaccession of the work by the artist.

QUESTIONS

QUESTIONS MAY BE SENT TO LAURA SCHLEY, PUBLIC ARTS COORDINATOR AT LAURA.SCHLEY@GREENBAYWI.GOV OR 920-574-7473



Green Bay Police Department

Operations Division



Lieutenant M. Sobieck

Email: Mike.Sobieck@greenbaywi.gov

920-448-3200 ext 0921

Fourth quarter crashes

Main St / Pecan St October 2nd, 2020 20-209489

On October 2nd at 12:17pm officers were dispatched to a two vehicle accident at Main St and Pecan St. One vehicle was driving southbound on Main St and the other was northbound on Main St and making left turn into Walmart parking lot. Both vehicles had a green light and the driver of the vehicle turning into Walmart failed to yield to the right of way while making a left turn. The vehicles collided with major damage to each vehicle. The drivers of both vehicles were transported to the hospital with injuries. Unfortunately, the driver of the vehicle that failed to yield to the right of way, a 91 year old female driver passed away from complications from the accident on 10-03-20. She was a resident of Bellevue.

W Mason St Frontage Rd near Packerland Dr October 24th, 2020 20-210248

On October 24th at approximately 7:39pm officers were dispatched to a pedestrian vs vehicle accident on the W Mason Frontage Rd near Packerland Dr. The driver of the vehicle was traveling west on the frontage road between Hobart Dr and Packerland Av. The pedestrian was walking south from W Mason St down the slope onto the frontage rd. The pedestrian walked into traffic in front of the driver. The pedestrian was struck by the vehicle and the driver stopped. The pedestrian was transported to the hospital. On October 28th the pedestrian passed away at the hospital from injuries sustained from the accident.

615 S Norwood Av October 29th, 2020 20-210409

On October 29th at approximately 10:33pm officers were dispatched to a car vs house accident where one male was ejected from the vehicle. The vehicle was traveling west on W. Mason St and was driving recklessly. The passenger in the vehicle was concerned about the driving and fastened their seatbelt just prior to the car losing control and leaving the roadway and crashing into the home at 615 Norwood. The driver was ejected from the vehicle, was transported to an area hospital for treatment. The driver passed away on November 3rd from injuries sustained during the crash. Alcohol appears to be a factor in this crash; however, the toxicology report is not yet complete.



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.2

To refer to staff the request to remove the stop signs on Oakdale Avenue at the intersection of Huth Street to convert an ineffective three-way stop to a single-stop intersection.

BACKGROUND

Based on neighborhood reports, motorists have been rolling through the STOP signs at the intersection. The two intersecting roads are local residential streets. It is likely that since traffic volumes are so low, motorists may be trying to make up for lost time since they rarely experience side street traffic upon approaching the STOP condition. Multi-way STOP conditions are intended to control motorist rights-of-way at intersections or correct other issues such as intersection sight distance or crashes.

RECOMMENDATION

Refer to staff for an intersection control evaluation study of the intersection of Huth Street and Oakdale Avenue.

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.3

To direct staff to open a dialogue with Brown County and the Port Authority regarding the request by Ald. Scannell to move the truck route from North Broadway to McDonald Street between Mather and Alexander Streets.

BACKGROUND

N Broadway in this segment is on the city's heavy truck route system. The road segment is also part of Brown County's and the Port of Green Bay's Oversize/Overweight (OSOW) truck routes to connect to the Wisconsin Department of Transportation's (DOT) truck routes to ensure OSOW loads can be transported to and from the Port as development occurs. Lastly, the road is part of the OSOW High Clearance Truck Load Routes to and from the Port of Green Bay's North Terminal.

Removing trucks from this segment of N Broadway would not only need City approval but would require its removal from the two OSOW county routes noted. Since the County vetted their route system thoroughly in 2018, it is presumed that their OSOW route cannot be relocated to Mather, McDonald, and Alexander Sts for either height, weight, or width reasons.

Outside of the County-related issues on the request, it is not advised to move trucks to streets that have not been evaluated for their ability to withstand increased and perpetual truck loadings. Introducing multiple turns and stop conditions to a truck route is not advisable with heavy trucks not only for traffic safety concerns but also environmental concerns with increased emissions from stopping/starting, additional length added to a truck's route, and the associated noise from this activity.

Moving the truck route onto the proposed streets would send heavy truck traffic past the NEW Community Shelter, which generates both vehicle and pedestrian trips. Relocating the truck route past the shelter could introduce safety issues for its staff and transitional living occupants.

Past studies have evaluated removing Broadway from the truck route system and have failed for many of the mentioned reasons and more. These issues are as relevant today as they were in the past.

RECOMMENDATION

Deny the request to move the truck route from North Broadway to McDonald Street between Mather and Alexander Streets.

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.4

To direct staff to conduct a speed study on Hillcrest Drive from West Point Road to West Mason Street.

BACKGROUND

Hillcrest Dr was reconstructed during the summer of 2020. Due to the new roadway surface, some residents have complained of motorists speeding. The speed limit south of West Point Rd is 25 mph while the speed limit north of it is 35 mph. Per state statute, any modification of speed zone requires that a speed study be conducted.

RECOMMENDATION

Refer to staff for a speed study of Hillcrest Drive from West Point Road to West Mason Street.

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.5

To deny the request to establish a 4-WAY STOP condition on Parkwood Drive at Fawn Lane.

BACKGROUND

Report is attached.

RECOMMENDATION

To deny the request to establish a 4-WAY STOP condition at Parkwood Drive and Fawn Lane and to maintain the existing uncontrolled intersection.

FISCAL IMPACT

ATTACHMENTS

- I. M awsc warrants Parkwood-Fawn 2020.djah

MEMORANDUM



Department of Public Works | Traffic Division

To: Traffic, Bicycle, and Pedestrian (TB&P) Commission
Public Works Director Steven Grenier, P.E.

From: Traffic Engineer David J.A. Hansen, P.E., PTOE

Re: **All-Way Stop Control Warrant Analysis, Parkwood Drive at Fawn Ln Drive**

Date: Tuesday, December 8, 2020

This memorandum serves as my response to the TB&P motion to refer to staff the request by Ald. Vander Leest to establish a 4-WAY STOP condition at Parkwood Drive and Fawn Lane. (Ald. Vander Leest – District 11).

This memo will be presented at the Mon Jan 18, 2021 TBPC meeting.

Existing Site Conditions

The intersection of Parkwood Dr and Fawn Ln is located on the west side of the City of Green Bay, in Aldermanic District 11 (Ald. Vander Leest). See Figure 1 for General Location, Figures 2a-2c for Neighborhood Views and Figure 3 for an Intersection View.

Figure 1 – General Location

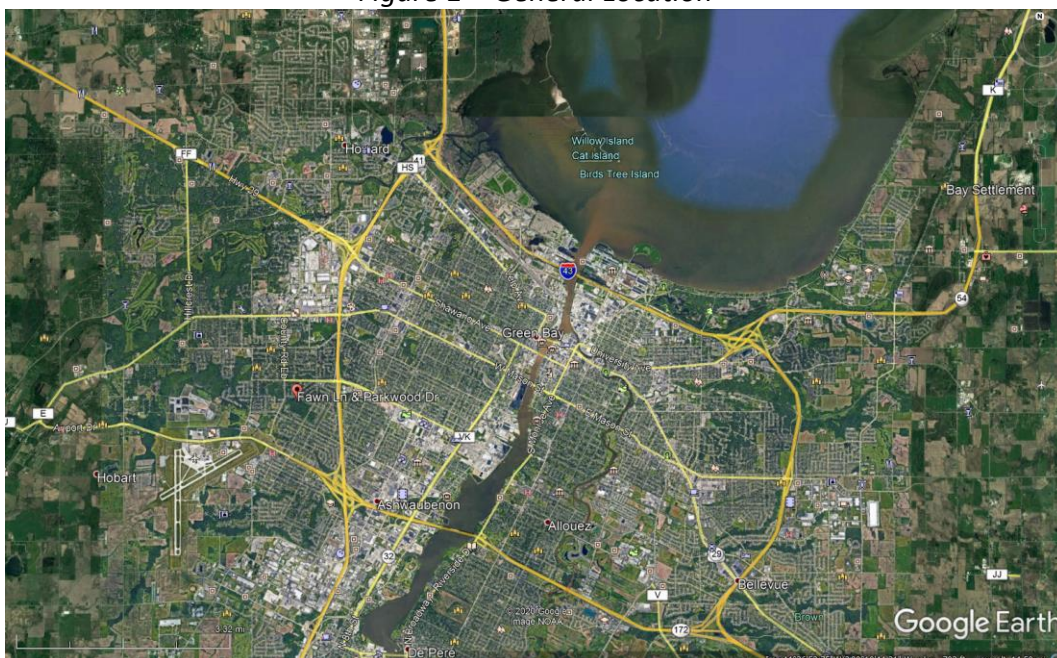


Figure 2a – Neighborhood View

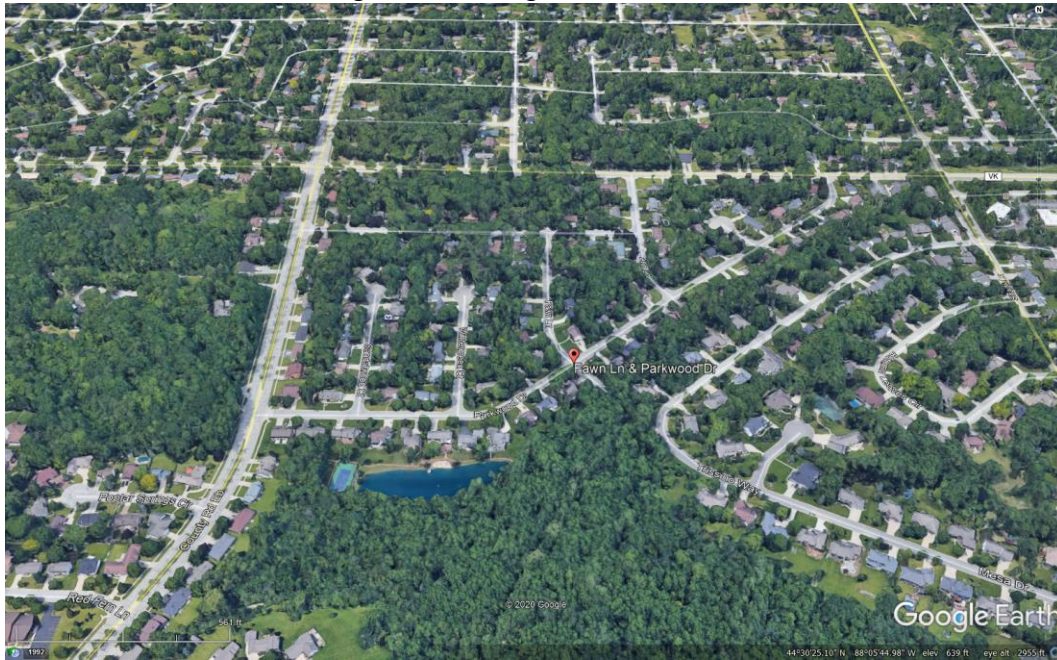


Figure 2b – Neighborhood View

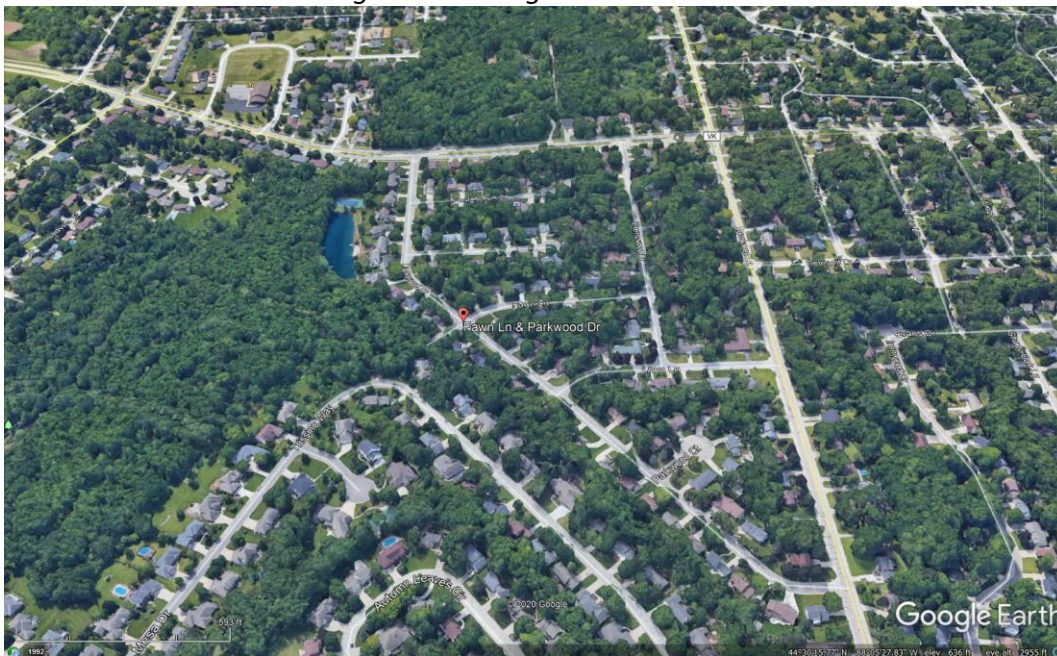


Figure 2c – Neighborhood View

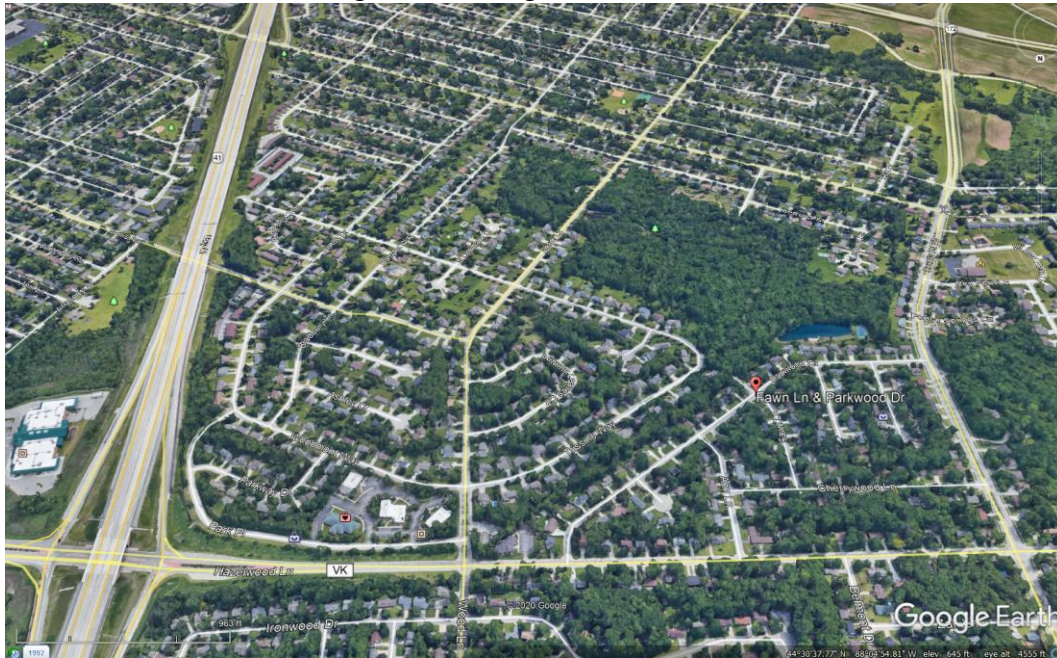
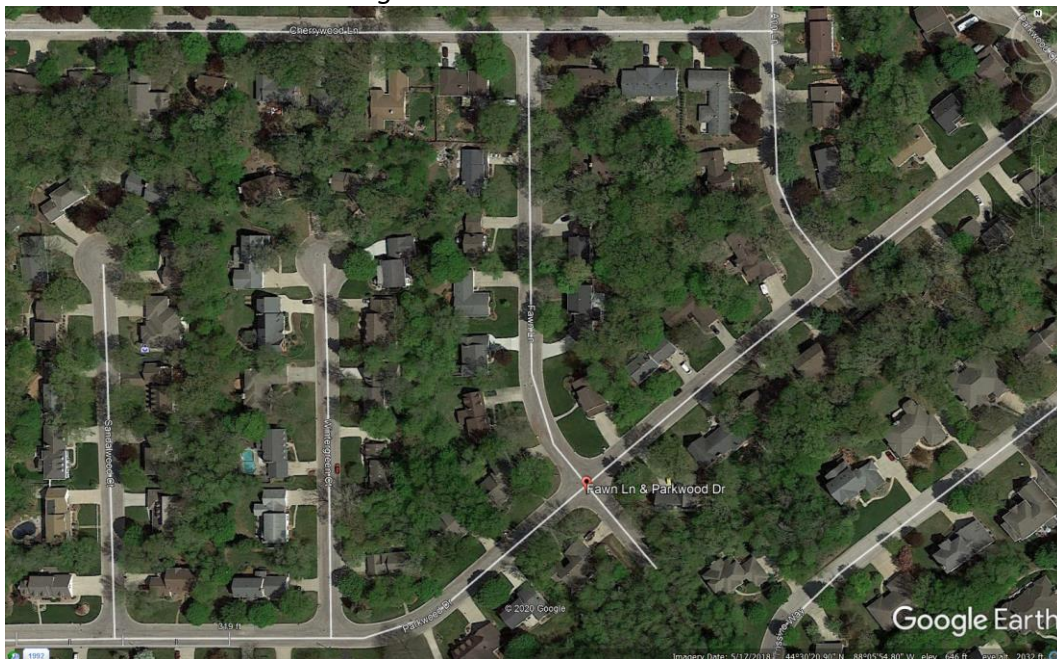


Figure 3 – Intersection View



The intersection of Parkwood Dr and Fawn Ln does not have any intersection control, i.e., no YIELD or STOP signs are present. Furthermore, no intersections within the neighborhood surrounded by Packerland-Parkwood-Hazelwood have intersection control. Parkwood-Fawn is a four-approach intersection which functions like a “T-intersection” since the south leg is a short cul-de-sac that serves 1 residence and is a trailhead to the Sherwood Forest. Parkwood Dr terminates at both Packerland Dr (west, a.k.a., County Highway EB) and Hazelwood Ln (east, a.k.a., County Highway VK) and is under 1-WAY STOP control (Parkwood Dr traffic stops) at both intersections.

Parkwood Dr is a suburban local street which functions as a neighborhood collector to mostly cul-de-sacs. Single family residential homes abut the roadway. Parkwood Dr has an asphaltic surface and consists of 1 travel lane in each direction and parking lanes on both sides of the street. Roadway width is 36 ft wide. Parking is not restricted or regulated. The posted speed limit is 25 mph. No sidewalk exists along both sides of Parkwood Dr. No centerline or lane line markings exist. Street lighting exists along Parkwood Dr. No marked crosswalks exist except at Hazelwood Ln. The roadway slopes downhill from Ann Ln to Fawn Ln.

Fawn Ln is a suburban local street. Single family residential homes abut the roadway. Fawn Ln has an asphaltic surface and consists of 1 travel lane in each direction and parking lanes on both sides of the street. Roadway width is 36 ft. Parking is not restricted or regulated north of Parkwood Dr but is restricted south of Parkwood Dr on both sides of the street, presumably because trail walkers may have parked vehicles in the cul-de-sac prior to restricting the on-street parking. The speed limit is 25 mph. No sidewalk exists along both sides of Fawn Ln. No centerline or lane line markings exist. Street lighting exists along Fawn Ln and at its intersection with Parkwood Dr. No marked crosswalks exist. The roadway slopes downhill from Cherrywood Ln to Parkwood Dr.

Stopping sight distance (SSD) for both streets is 155 ft based on the posted speed limit of 25 mph. In-field observed SSD is significantly longer than 155 ft, more than the minimum required. No Green Bay Metro Transit bus routes or stops exist near the intersection. Since no STOP or YIELD conditions exist at Parkwood-Fawn, no intersection control advance warning signs exist approaching the intersection. See Figures 4a through 4d for photos of the intersection.

Figure 4a – Northbound Fawn Ln at Parkwood Dr looking East



Figure 4b – Northbound Fawn Ln at Parkwood Dr looking West



Figure 4c – Southbound Fawn Ln at Parkwood Dr looking East



Figure 4d – Southbound Fawn Ln at Parkwood Dr looking West



Crash History

No crashes have occurred at the intersection in the past 5 years.

Vehicle and Pedestrian Traffic

Weekday vehicle volumes are summarized in Table 1. No pedestrian or bike counts were collected as part of this study.

Table 1 –Weekday Vehicle Volume Summary, Parkwood Dr at Fawn Ln

Major Street: Parkwood Dr
Minor Street: Fawn Ln

Eastbound & Westbound
Northbound & Southbound

Start Date: 26-Oct-20

End Date: 6-Nov-20

TIME		NB	SB	EB	WB	Major	Minor	TOTAL
FROM	TO					EB + WB	NB + SB	
12:00 AM	1:00 AM	-	-	-	-	-	-	-
1:00 AM	2:00 AM	-	-	-	-	-	-	-
2:00 AM	3:00 AM	-	-	-	-	-	-	-
3:00 AM	4:00 AM	-	-	-	-	-	-	-
4:00 AM	5:00 AM	-	-	-	-	-	-	-
5:00 AM	6:00 AM	-	-	-	-	-	-	-
6:00 AM	7:00 AM	0	1	2	1	3	1	4
7:00 AM	8:00 AM	0	1	5	3	8	1	9
8:00 AM	9:00 AM	0	1	11	3	14	1	15
9:00 AM	10:00 AM	1	1	5	6	11	2	13
10:00 AM	11:00 AM	1	1	8	8	16	2	18
11:00 AM	12:00 PM	0	2	10	9	19	2	21
12:00 PM	1:00 PM	1	1	11	13	24	2	26
1:00 PM	2:00 PM	1	2	10	10	20	3	23
2:00 PM	3:00 PM	1	2	9	10	19	3	22
3:00 PM	4:00 PM	2	2	9	11	20	4	24
4:00 PM	5:00 PM	0	2	13	13	26	2	28
5:00 PM	6:00 PM	1	3	12	12	24	4	28
6:00 PM	7:00 PM	0	1	8	13	21	1	22
7:00 PM	8:00 PM	1	1	6	8	14	2	16
8:00 PM	9:00 PM	0	0	4	7	11	0	11
9:00 PM	10:00 PM	0	0	2	3	5	0	5
10:00 PM	11:00 PM	0	1	3	3	6	1	7
11:00 PM	12:00 AM	-	-	-	-	-	-	-
TOTAL		9	22	128	133	261	31	292

Multi-Way Stop Application Warrant Analysis

A multi-way STOP application study for the intersection can be found in Table 2. All warrants as defined in the current editions of the Federal and State Manual on Uniform Traffic Control Devices (MUTCD) were evaluated.

Table 2 - Multi-Way Stop Application Warrant Analysis

ASWC Warrant Criteria											
MUTCD No											
MUTCD											
Met?	Criteria										
No	A. Is a signal justified?	No									
No	B. # of crashes in a 12 month period that can be corrected by multi-way stop control:	0									
No	C. Minimum Volumes	1. Major road approach volume (total of both) at least 300 vph for min 8 hours? 2. Combined ped, bike, and veh volume on minor approach (total of both) at least 200 units per hour for the same 8 hours as criteria C-1? 3. If the 85th percentile speed on the major road exceeds 40 mph, may use 70% of the values in C-1 and C-2 Major Street 85th percentile mph: 33.35									
		Time Period	From	To	Major Road: Both App.	Minor Road: Both App. (VPH)	C-1	C-2	Both Met?	D (80%)	Both Met?
		1	6:00	7:00	3	1	No	No	No	No	No
		2	7:00	8:00	8	1	No	No	No	No	No
		3	8:00	9:00	14	1	No	No	No	No	No
		4	9:00	10:00	11	2	No	No	No	No	No
		5	10:00	11:00	16	2	No	No	No	No	No
		6	11:00	12:00	19	2	No	No	No	No	No
		7	12:00	13:00	24	2	No	No	No	No	No
		8	13:00	14:00	20	3	No	No	No	No	No
		9	14:00	15:00	19	3	No	No	No	No	No
		10	15:00	16:00	20	4	No	No	No	No	No
		11	16:00	17:00	26	2	No	No	No	No	No
		12	17:00	18:00	24	4	No	No	No	No	No
		13	18:00	19:00	21	1	No	No	No	No	No
		14	19:00	20:00	14	2	No	No	No	No	No
		15	20:00	21:00	11	0	No	No	No	No	No
		16	21:00	22:00	5	0	No	No	No	No	No
No	D. Use when previous criteria have not been met:	If 80% minimum values of Criteria B, C-1, and C-2 (C-3 excluded) are satisfied, warrant is met.									

Other criteria considered included:

- A. The need to control left-turn conflicts: NO
- B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes: NO
- C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop: NO
- D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection: NO

Discussion

In review of the 5-year crash history, having no crashes at the intersection point to a safe traffic environment existing currently. Adding a STOP condition on Parkwood Dr may add crashes, specifically rear-end crashes, especially in the westbound and southbound directions which have downgrades toward the Parkwood-Fawn intersection.

MUTCD Section 2B.04, Right-of-Way at Intersections, states that “YIELD or STOP signs should not be used for speed control”. If concerned residents are requesting the STOP condition on Parkwood Dr to reduce motorist speed, DPW maintains the position of the FHWA and WisDOT by not recommending installing STOP signs for speed control.

Referring to a comprehensive study conducted by W. Martin Bretherton Jr., P.E. (Georgia), a member of the Institute of Transportation Engineers (ITE), entitled “Multi-Way Stops - The Research Shows the MUTCD is Correct!” which concluded that:

1. Multi-way stops do not control speeds
2. Stop compliance is poor at unwarranted multi-way stop signs
3. Before-After studies show multi-way stop signs do not reduce speeds on residential streets
4. Unwarranted multi-way stops increased speed some distance from intersections (the studies hypothesizing that motorists are making up the time they lost at the "unnecessary" stop sign)
5. Multi-way stop signs have high operating costs based on vehicle operating costs, vehicular travel times, fuel consumption and increased vehicle emissions
6. Safety of pedestrians is decreased at unwarranted multi-way stops, especially small children (it seems that pedestrians expect vehicles to stop at the stop signs but many motorists have gotten in the habit of running the "unnecessary" stop sign)
7. Stop signs increase noise in the vicinity of an intersection. The noise is created by the vehicle braking noise at the intersection and the cars accelerating up to speed.

Conclusions

No multi-way stop warrants were met. No other traffic issues or concerns were found during the field observations. The warrant study resulted in a recommendation to continue operating the intersection as an uncontrolled intersection.

Recommendations

To deny the request to establish a 4-WAY STOP condition at Parkwood Drive and Fawn Lane and to maintain the existing uncontrolled intersection.



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.6

To establish and adopt by ordinance a NO PARKING zone on the south side of Fern Lane from a point 80 feet west of Bader Street to Bader Street.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.7

To remove the NO PARKING MONDAY THROUGH FRIDAY zone on the west side of Irwin Avenue from a point 200 feet north of Cass Street to a point 130 feet south of Mason Street.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.8

To remove the NO PARKING zone on the north side of Mills Street from a point 80 feet west of Henry Street to Henry Street.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.9

To establish and adopt by ordinance a NO PARKING 15-MINUTE LOADING zone on the north side of Mills Street from a point 80 feet west of Henry Street to Henry Street.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.10

To establish and adopt by ordinance a I-WAY YIELD condition on Ricky Drive at August Street.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Traffic, Bicycle and Pedestrian Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

PREPARED BY

Dave Hansen, Traffic Engineer

AGENDA ITEM # Q.11

To establish and adopt by ordinance a NO PARKING zone on both sides of Hillcrest Drive from Haven Place to West Mason Street.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Sustainability Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

AGENDA ITEM # R.I

To refer staff to discuss the feasibility of developing a city-wide urban tree canopy goal.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Sustainability Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

AGENDA ITEM # R.2

To approve as amended proposed code amendments to Sec. 8.11 Noxious Weeds and Maintenance of Vegetation and to refer comments and recommendations to Improvement and Services Committee for further consideration.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Sec 8.11 Summary of Comments

Section 8.11 Summary of Comments

Summary of Comments provided by Sustainability Committee members and Staff regarding proposed amendments to section 8.11 Noxious Weeds and Maintenance of Vegetation

8.11 (1)

- Comment to consider a separate Sec. for the establishment of natural gardens and to have this Sec. relate to only the maintenance.
- Recommendation to remove "...which may exceed the height of typical gardens."

8.11 (2)

- Findings - Recommendation to include language for supporting a healthy and diverse pollinator community.
- Recommendation to remove "...harboring of debris or trash."
- Would read as:
Findings. The City finds that it is in the public interest to ensure the proper maintenance of vegetation in order to prevent the growth of unmanaged vegetation which can lead to nuisance conditions or the emergence of rank growth or conditions, which may adversely affect public health and safety. The City further finds it is in the public interests to encourage a diversity of landscape treatments throughout the City, particularly those landscape elements that support the preservation, restoration, and management of native plant communities, which support a healthy pollinator community, and soil and water conservation.

8.11 (3) (a)

- Definition of *Destroy*: Recommendation to replace the word **weed** with the term vegetation.
- Recommendation to further define the term **weed** in the list of definitions, since it is used in several areas of the code.

8.11 (3)(d) Definition of *Noxious weeds or grasses* - Comment & recommendation to include the word *invasive* and have it read **Noxious or Invasive weeds or grasses** and also include Chapter NR 40 Invasive species rule. Justification for this is that in 8.11 (6)(b)4 we refer to this invasive terminology and when people are looking up noxious or invasive weeds or grasses, the WDNR invasive weeds website is the authority they most likely will be looking to.

- Recommendation include list Chapter NR40 and 66.0407(1)(b), Wis stat 66.0407 in the definition

8.11 (3)(i) Definition of *Unmanaged vegetation growth*- recommendation to include turf grass. Definition would read:

Unmanaged vegetation growth means an unmaintained area of in which any grass, turf grass, hay, weeds, brush or other vegetation has grown to a height of over eight inches as a result of the absence of active cutting, mowing, or other maintenance. This definition shall not include

vegetation located on agricultural land; vegetation found on shoreland within 35 feet of the ordinary high-water mark; Vegetation found within environmentally sensitive areas such as steep slopes, drainage ways, wetlands, and protective buffer areas.

8.11 (3)(f) Definition of *Planned natural landscaping area*

- Comments received regarding height of vegetation

Planned natural landscaping area means a planned, intentional and maintained planting area in which all or some of the selected vegetation may exceed eight inches (8") in height at maturity, and which may include without limitation trees, native plants as defined in this section, or plantings associated with a rain garden.

8.11 (4)(a) *Unmanaged vegetation growth prohibited*

- Question raised on if this only applies in residential areas.
- MS: This part of the ordinance mainly applies to residential areas. It would also apply to non-residential land adjoining or adjacent to residential use lots.

A person owning, occupying, or controlling any lot in residential use, or any lot or property adjacent to or adjoining a lot in residential use, shall mow, cut, or otherwise control and remove any unmanaged vegetation growth on the land.

8.11 (6)(a) Planned natural landscaping areas

- Three comments were received that disagreed with "300 SF or 5% of the gross area of the lot, whichever is greater". Two reviewers misinterpreted the meaning of this requirement and MS followed up with those members with clarification.
- One comment was received that opposed the required registration.
- One comment asked about the role of the Weed Commissioner and his/hers level of landscaping plan approval.
 - MS: Weed Commissioner role is involved in enforcement of code; not plan approval.
- Two comments asked about how and why a plan would potentially be denied.
 - MS: A plan not meeting the requirements outlined in 8.11(a)i-iv and 8.11(b)i-iv; would potentially be denied. City Staff would review plan and work with applicant on understanding plan requirements.
- One comment sees value in having residents submit plans in order to inventory planned natural landscapes to make the monitoring function of the weed commissioner more efficient and to have the ability to document via GIS the number and location of pollinator gardens, rain gardens, etc. in the city.

8.11 (6)(b)(ii) Planned natural landscaping areas

- Comment/question regarding fencing height in the case of property having a privacy fence. Would a 3' feet fence for an edging requirement apply in that situation? See MS rewrite suggestion.

Edging required. A Planned Natural Landscaping Area must have a distinct and clearly defined border. The border may be any combination of mowed grass, fencing of up to 3' in height, **a permitted fence installed along a property line,** or natural materials neatly arranged to create appearance of an edge to contain the Planned Natural Landscaping Area.

8.11 (6)(b)(iv) Location and Dimensions of the Natural Planting Area

- MS: Language recommendation to accommodate property having fences along a property line
- 2. Natural Planting Areas shall be no closer than three feet (3') to any property line. Where the planned natural landscaping abuts a permitted fence along a side or rear property line, no setback shall be required.

General Comments from City Staff Proposed amendments of sec 8.11 were discussed at Development Team meeting, sent to departments for staff review, and conversations were held with individual staff members. The comments below are from individual staff and are not a consensus of all that participated in providing feedback.

1. How will the City address noxious weeds and invasive species on city-owned parcels?
2. Not in favor of required registration for planned natural landscape plans.
3. Right of Way ordinance must be looked at to determine if plantings would be permitted in street terrace.
4. Procedures have been made clearer with the amendments.
5. Could language be added for areas with rat abatement issues?
6. Could a plan be denied for only using one species of native plant? Should language be added to specify a diversity of native vegetation in a plan?
7. The problems usually creep in when parcel ownership takes over.
8. Add incentives for those who implement naturalized landscapes with tax credit, etc.



Report to the
Sustainability Commission
of the City of Green Bay

MEETING DATE

February 2, 2021

AGENDA ITEM # R.3

Approve as amended draft World Water Day resolution and to forward resolution with changes made as discussed to Law Dept. for approval and to forward for Council's approval.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. _ Water Resolution Draft Language

Resolution to Value and Protect Water Resources

Rationale:

- The city of Green Bay is rich with water resources and is well-suited to take advantage of grant and other funding opportunities to improve the quality of local water.
- A resolution recognizing the value of local water resources has the potential to both make the city more competitive in grant funding and to set a tone of mindful use of water resources.
- The City of Green Bay sits at the mouth of the largest freshwater estuary in the world.
- For thousands of years, the Fox River and bay of Green Bay sustained Native Americans with its abundant fish, waterfowl, and wild rice.
- The river and bay's natural resources fueled European settlement as a source of water, food, jobs and recreation.
- Today, the bay of Green Bay is home to more than half of Lake Michigan's remaining coastal wetlands, is a critical migratory bird stopover and supports a recreational sports fishery that contributes over \$264.3 million dollars to the regional economy.
- For more than a century, sewage, agricultural and industrial wastes polluted the river and bay, starving the water of oxygen and contaminating river sediments with polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons (PAHs), and heavy metals. In 1987, the Lower Fox River and bay of Green Bay were designated an Area of Concern by the International Joint Commission for contaminated river sediments, habitat loss and excessive nutrient pollution.
- Over six million tons of contaminated sediment have been removed from the Fox River and bay of Green Bay since 2004 through the largest PCB clean-up in the world.
- Clean-up of these pollutants has greatly improved the quality of our waters, but big challenges remain.
- Efforts are underway to address the environmental problems in the Fox River and bay of Green bay, including the world's largest PCB cleanup, multiple habitat restoration projects, and watershed projects to address runoff pollution.
- While clean-up of these pollutants has greatly improved the quality of the bay, big challenges remain.
- Agricultural and urban runoff pollution and changing climate conditions in the region are now the biggest threats to the health of the river and bay. More intense and frequent storm events are increasing runoff and contributing an excessive amount of nutrients and sediment to the river and bay which fuel potential harmful blue-green algae blooms and put public health at risk.
- Lake Michigan's Lower Green Bay (south of a line from Longtail Point to Point au Sable) comprises less than 2% of Green Bay's 4,210 km² surface area, yet it

receives as much as 70% of the bay's incoming pollutants, mainly from the expansive Fox River watershed.

- As a community, we are committed to swimmable, drinkable and fishable waters.
- Addressing these problems will make our waters cleaner and safer for swimming, fishing and other recreational opportunities.
- Benefits of clean wetlands, streams, aquifers, rivers and bay:
 - Safe swimming waters and less frequent harmful algae blooms
 - Edible fish and waterfowl
 - Clean and beautiful public parks, trails and beaches
 - Reduced costs for routine navigational dredging
 - Abundant fishing, hunting and wildlife viewing opportunities
 - Thriving local business and tourism

Resolution to Value and Protect Local Water Resources

Whereas the City of Green Bay acknowledges the hard work our local wetlands, streams, aquifers, rivers, and bay have done for the residents of and visitors to our area;

Whereas the City of Green Bay acknowledges the hard work that's been done to clean up the Fox River;

Whereas the City of Green Bay recognizes the partnership created by Brown,

The City of Green Bay affirms its commitment to clean swimming in the Bay of Green Bay, to safe fishing in the Fox River, East River, and Bay of Green Bay, to clean drinking water for our population, and to high quality and sustainable management of our water resources;

Furthermore, The City of Green Bay hereby resolves to work to protect water resources for the present and future: manage stormwater with high quality engineering and green infrastructure, provide access to clean and safe drinking water, work to reduce water pollution, and protect people and property from natural water-related hazards including flooding.

GENERAL ORDINANCE NO. 03-21

**AN ORDINANCE AMENDING
GENERAL ORDINANCE NO. 41-20
RELATING TO REQUIRED FACE COVERINGS**

SECTION 1. Section 2 of General Ordinance No. 41-20 is hereby amended as follows:

Section 2. Sunset Provision. This ordinance is hereby repealed ~~effective February 2, 2021~~ **effective March 31, 2021.**

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

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2021.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

2/2/2021

8.17 **FACE COVERINGS REQUIRED**

(1) **DEFINITIONS.** In this section:

- (a) *Face covering* means a manufactured or homemade cloth covering that fully covers an individual's nose and mouth and that is secured with ear straps or otherwise tied so as to prevent slipping, and/or a face shield which covers the mouth and nose, covers the side of the face, and is secured on the head.
- (b) *Indoor area accessible to the public* means any interior area of any structure or premises licensed by the City of Green Bay or used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or other use by the public, to which the public customarily has access.
- (c) *Qualifying vehicle* means a paratransit vehicle, a taxi, a private car service vehicle, a ride-sharing vehicle, or any other for-hire vehicle.

(2) **Face Coverings Required.** Every individual age five (5) and older who is present in the City of Green Bay shall wear a face covering that covers their nose and mouth in indoor areas accessible to the public and while driving or riding public transportation or a qualifying vehicle, unless exempted under this section.

(3) **Exemptions.** This section does not apply to:

- (a) Any individual who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove their own face covering without assistance.
- (b) Any individual who falls within the CDC's guidance for those who should not wear face coverings due to a medical condition, mental health condition, or disability that prevents them from wearing a face covering.
- (c) Any individual who is communicating with an individual who is deaf or hard of hearing and communication cannot be achieved through other means.
- (d) Individuals for whom wearing a face covering would create a risk to the person related to their work, as determined by government safety guidelines.
- (e) Individuals in settings where it is not practical or feasible to wear face coverings when obtaining or rendering goods or services to the extent necessary to obtain or render such goods and services including but not limited to the receipt of dental services or medical treatments or consuming food or beverages.
- (f) Individuals speaking to an audience, whether in person or through broadcast, as long as the speaker remains six feet or more away from other individuals.

(g) Any individual actually engaged in exercising in a gym or other similar indoor facility, so long as physical separation of not less than six (6) feet is maintained and the individual wears a face covering at all times when not actually engaged in exercising.

(h) Whenever federal, state, or local law otherwise prohibit wearing a face covering or where it is necessary to evaluate or verify an individual's identity.

(i) Places of Worship.

(4) Enforcement.

(a) Any individual who fails to comply with this section shall be asked to leave by an authorized representative of the business or organization. If the individual refuses to leave or continues to refuse to comply with this section, the individual shall be subject to a municipal forfeiture in the amount of \$10.00, or any other law the individual may violate. Businesses and organizations may rely on an individual's statements if they claim to be exempt from this section for the reasons permitted herein.

FINAL PAYMENTS RESOLUTION
February 2, 2021

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

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

**1. MONROE AVENUE RETAINING WALL – 2020
HIGHWAY LANDSCAPERS, INC.**

TOTAL AMOUNT EARNED:	\$ 47,147.40
LESS AMOUNT RETAINED:	\$ 0.00
	<u>\$ 47,147.40</u>
LESS AMOUNT PREVIOUSLY PAID:	\$ 45,982.22
AMOUNT DUE THIS PAYMENT:	\$ 1,165.18

ACCOUNT NUMBERS

401500-55390-64070: \$1,165.18

PO #2000147

Adopted _____, 2020

Approved _____, 2020

Mayor

ATTEST:

City Clerk

MAM

**PRELIMINARY RESOLUTION DECLARING INTENT
TO EXERCISE SPECIAL ASSESSMENT POWERS
UNDER SECTION 66.0703, WISCONSIN STATUTES
February 2, 2021**

ASPHALT PAVEMENT

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

1. The Common Council hereby declares its intention to exercise its police powers under Section 66.0703, Wisconsin Statutes, and levy special assessments upon property fronting or abutting the streets hereinafter enumerated for the installation of ASPHALT PAVEMENT on said streets:

**S. JACKSON STREET – Bodart Street to E. Mason Street
S. JACKSON STREET – E. Mason Street to south City limits**

2. Said public improvement shall include the grading of these streets to the grade established therefore by City ordinance as recorded in the Office of the City Clerk, installation of gravel base and ASPHALT pavement with curb and gutter on both sides of the street in accordance with the City of Green Bay Standard Specifications and Construction Standards for Public Works Construction.
3. The total amount assessed against all parcels in the project shall not exceed the total cost of the improvement.
4. The assessments against any parcel may be paid in cash within thirty (30) days of the date of billing, or in five (5) annual installments with interest thereon at two and nine tenths percent (2.90%) per annum.
5. The improvements contemplated in this resolution shall constitute an exercise of the police powers of the Common Council under Section 66.0703(5)(d), Wisconsin Statutes.
6. The Director of Public Works is directed to prepare a report in accordance with Section 66.0703(5), Wisconsin Statutes.
7. Upon receiving the report, the City Clerk shall give to the property owners notice of a public hearing on such report as specified in Section 66.0703(7)(a), Wisconsin Statutes, to be held before the Improvement & Service Committee in the City Hall at such times as set by the City Clerk.

Adopted _____, 2021

Approved _____, 2021

Mayor

ATTEST:

City Clerk

**COMMON COUNCIL
OF THE
CITY OF GREEN BAY, WISCONSIN**

February 2, 2021

Resolution No. ____

**A Resolution Authorizing and Providing for the Sale and Issuance of
\$5,275,000 General Obligation Refunding Bonds, Series 2021A,
and All Related Details**

RECITALS

The Common Council (the “**Governing Body**”) of the City of Green Bay, Wisconsin (the “**Issuer**”) makes the following findings and determinations:

1. The Issuer needs funds to finance the current refunding of the callable maturities of the Issuer’s (i) \$4,750,000 City of Green Bay, Wisconsin General Obligation Corporate Purpose Bonds, Series 2011A, dated July 12, 2011, and (ii) \$4,395,000 City of Green Bay, Wisconsin General Obligation Corporate Purpose Bonds, Series 2012E, dated August 7, 2012 (the “**Refunding**”).

2. On January 19, 2021, the Governing Body adopted an initial resolution authorizing the sale and issuance of general obligation refunding bonds of the Issuer in the principal amount of not to exceed \$5,300,000 for the purpose of the Refunding.

3. The Finance Director of the Issuer, together with the Issuer’s placement agent, Robert W. Baird & Co. Incorporated (the “**Placement Agent**”), caused an indicative term sheet to be distributed to financial institutions to solicit proposals to purchase the \$5,275,000 City of Green Bay, Wisconsin General Obligation Refunding Bonds, Series 2021A (the “**Obligations**”).

4. Written proposals for the purchase of the Obligations were received and delivered to the Placement Agent on January 25, 2021.

5. The Governing Body has determined it is in the best interests of the Issuer to accept the proposal of ZMFU II, Inc. (the “**Purchaser**”), to purchase the Obligations. The Purchaser offered to pay the price of \$5,275,000 for the entire issue of Obligations (the “**Purchase Price**”), plus any accrued interest, and specified that the Obligations maturing on April 1 in the years shown below will bear interest at the respective interest rates shown below:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2022	\$916,000	0.77%
2023	932,000	0.88
2024	948,000	0.96
2025	978,000	1.01
2026	996,000	1.09
2027	505,000	1.20

6. The Issuer has taken all actions required by law and has the power to sell and issue the Obligations.

7. The Governing Body is adopting this resolution to sell the Obligations and provide for their issuance upon the terms and conditions set forth in this resolution.

RESOLUTIONS

The Governing Body resolves as follows:

Section 1. Definitions.

In addition to the terms defined above, capitalized terms not otherwise defined herein shall have the meanings set forth below, unless the context clearly requires another meaning.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Debt Service Fund**” means the fund created by the Issuer pursuant to Section 67.11 of the Wisconsin Statutes to provide for the payment of debt service on its general obligations.

“**Debt Service Fund Account**” has the meaning set forth in Section 15 hereof.

“**Fiscal Agent**” means Associated Trust Company, National Association, or any successor fiscal agent appointed by the Issuer to act as authentication agent, paying agent, and registrar for the Obligations pursuant to Section 67.10 (2) of the Wisconsin Statutes.

“**Governing Body**” has the meaning set forth in the recitals to this resolution.

“**Initial Resolution**” has the meaning set forth in the recitals to this resolution.

“**Issuer**” means the City of Green Bay, Wisconsin.

“**Municipal Officers**” means the Mayor and the Clerk of the Issuer. These are the officers required by law to execute general obligations on the Issuer’s behalf.

“Obligations” means the \$5,275,000 City of Green Bay, Wisconsin General Obligation Refunding Bonds, Series 2021A, which will be issued pursuant to this resolution.

“Original Issue Date” means March 9, 2021.

“Purchase Agreement” means the term sheet signed and presented by the Purchaser to evidence the purchase of the Obligations.

“Purchase Price” has the meaning given in the recitals to this resolution.

“Purchaser” has the meaning given in the recitals to this resolution.

“Record Date” means the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date for the Obligations.

“Recording Officer” means the Issuer’s Clerk.

“Redemption Date” means April 1, 2021.

“Refunded Bonds” means the 2011A Callable Maturities and the 2012E Callable Maturities.

“Refunding” means the refunding of the Refunded Bonds.

“Register” means the register maintained by the Fiscal Agent, in which the Fiscal Agent records:

- (i) The name and address of the registered owner of each Obligation.
- (ii) All transfers of each Obligation.

“2011A Bonds” means the Issuer’s \$4,750,000 City of Green Bay, Wisconsin General Obligation Corporate Purpose Bonds, Series 2011A, dated July 12, 2011.

“2011A Callable Maturities” means the 2022 through 2026 maturities of the 2011A Bonds.

“2012E Bonds” means the Issuer’s \$4,395,000 City of Green Bay, Wisconsin General Obligation Corporate Purpose Bonds, Series 2012E, dated August 7, 2012.

“2012E Callable Maturities” means the 2022 through 2027 maturities of the 2012E Bonds.

“Treasurer” means the Issuer’s Treasurer.

Section 2. Exhibits.

The attached exhibits are also a part of this resolution as though they were fully written out in this resolution:

- (i) *Exhibit A* — Form of Obligation.
- (ii) *Exhibit B* — Notice to Electors of Sale.

Section 3. Purposes of Borrowing; Issuance of Obligations.

The Governing Body authorizes the Obligations and orders that they be prepared, executed, and issued. The Obligations will be fully registered, negotiable, general obligation refunding bonds of the Issuer in the principal amount of \$5,275,000. The Obligations will be issued pursuant to the provisions of Chapter 67 of the Wisconsin Statutes to pay the costs of the Refunding and issuing the Obligations (including printing costs and fees for underwriting, financial consultants, bond counsel, fiscal agent, rating agencies, bond insurance, and registration, as applicable).

Section 4. Terms of Obligations.

The Obligations will be named “City of Green Bay, Wisconsin General Obligation Refunding Bonds, Series 2021A.” The Obligations will be dated the Original Issue Date, even if they are actually issued or executed on another date. Each Obligation will also be dated the date on which it is authenticated by the Fiscal Agent. That date is its registration date.

The face amount of each Obligation will be \$100,000 or any multiple of \$1,000 in excess thereof up to the principal amount authorized for that maturity.

The Obligations will bear interest from the Original Issue Date. Interest will be payable semiannually on each April 1 and October 1, beginning on October 1, 2021, until the principal of the Obligations has been paid. Interest on each Obligation will be (i) computed on the basis of a 360-day year of twelve 30-day months and (ii) payable to the entity or person in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date. The Issuer and the Fiscal Agent may treat the entity or person in whose name any Obligation is registered on the Register as the absolute owner of the Obligation for all purposes whatsoever under this resolution. The Obligations will be numbered consecutively as may be required to comply with any applicable rules or customs or as determined by the Municipal Officers executing the Obligations. The following table shows when the Obligations will mature and the rate of interest each maturity will bear:

<u>Maturity Date</u> <u>(April 1)</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2022	\$916,000	0.77%
2023	932,000	0.88
2024	948,000	0.96
2025	978,000	1.01
2026	996,000	1.09
2027	505,000	1.20

The principal of, and interest on, the Obligations will be payable in lawful money of the United States of America.

Section 5. Refunding of Refunded Bonds.

To provide for the redemption of the Refunded Bonds on the Redemption Date, the Treasurer is directed to transfer proceeds of the Obligations to the debt service fund accounts for the Refunded Bonds. The transfer shall be made on or prior to the Redemption Date. The amount transferred to each account shall be sufficient, together with all other funds then on deposit in such account, to pay the amount due on the related Refunded Bonds on the Redemption Date.

Section 6. Redemption of Refunded Bonds.

Subject to the delivery of the Obligations and the receipt of the Purchase Price for the Obligations from the Purchaser, the Issuer irrevocably directs that the principal amount of the Refunded Bonds be redeemed and paid in full in advance of their stated maturity dates on the Redemption Date. The appropriate officers of the Issuer are directed to instruct the fiscal agent for the Refunded Bonds to take all actions required to call the Refunded Bonds for redemption on the Redemption Date, including giving notice in the manner required by the governing documents for the Refunded Bonds. The Issuer ratifies and approves any action that has been taken in connection with the Refunding and the redemption of the Refunded Bonds prior to the date of this resolution.

Section 7. Fiscal Agent.

The Issuer appoints the Fiscal Agent to act as authentication agent, paying agent, and registrar for the Obligations. The appropriate officers of the Issuer are directed to enter into a fiscal agency agreement with the Fiscal Agent on behalf of the Issuer. The fiscal agency agreement may provide for the Issuer to pay the reasonable and customary charges of the Fiscal Agent for those services. The fiscal agency agreement shall require the Fiscal Agent to comply with all applicable federal and state regulations. Among other things, the Fiscal Agent shall maintain the Register.

Section 8. Redemption.

The Obligations are subject to redemption before their stated maturity dates, at the Issuer's option, in whole or in part, in the order of maturity selected by the Issuer, on any date. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all outstanding Obligations of a specific maturity are redeemed, then such Obligations will be redeemed in multiples of \$5,000 pursuant to Section 9 hereof.

If less than all the Obligations of a particular maturity are to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If an Obligation has been called for redemption but less than the entire principal amount thereof is redeemed, then on or after the redemption date, upon surrender of the Obligation to the Fiscal Agent, the Issuer will issue a new Obligation in the principal amount outstanding after the redemption.

Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date to the registered owners of the Obligations to be redeemed at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice by first class mail, not less than 15 days prior to the proposed optional redemption date to the registered owners of the Obligations which have been called for optional redemption.

Section 9. Manner of Payment/Transfers.

The Fiscal Agent will pay the principal of each Obligation upon its presentation and surrender on or after its maturity or earlier redemption date at the designated office of the Fiscal Agent, and the Fiscal Agent will pay, on each interest payment date, the interest on each Obligation by wire or other electronic money transfer, or by check of the Fiscal Agent sent by first class mail, to the entity or person in whose name the Obligation is registered on the Register at the end of the day on the applicable Record Date.

Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$100,000 or any multiple of \$1,000 in excess thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar day period before the date of the sending of notice of any proposed

redemption of the Obligations, or (ii) with respect to any particular Obligation, after the Obligation has been called for redemption.

Section 10. Form of Obligations.

The Obligations shall be in substantially the form shown in Exhibit A. Omissions, insertions, or variations are permitted if they are deemed necessary or desirable and are consistent with this resolution or any supplemental resolution. The Issuer may cause the approving opinion of bond counsel to be printed or reproduced on the Obligations.

Section 11. Execution of Obligations.

The Obligations shall be signed by the persons who are the Municipal Officers on the date on which the Obligations are signed. The Obligations shall be sealed with the Issuer's corporate seal (or a facsimile), if the Issuer has one, and they shall also be authenticated by the manual signature of an authorized representative of the Fiscal Agent.

The Obligations will be valid and binding even if before they are delivered any person whose signature appears on the Obligations is no longer living or is no longer the person authorized to sign the Obligations. In that event, the Obligations will have the same effect as if the person were living or were still the person authorized to sign the Obligations.

A facsimile signature may be used as long as at least one signature of a Municipal Officer is a manual signature or the Fiscal Agent's certificate of authentication has a manual signature. If a facsimile signature is used, then it will be treated as the officer's own signature.

Section 12. Continuing Disclosure.

The Obligations are exempt from the requirement that a participating underwriter obtain the Issuer's undertaking to provide continuing disclosure.

Section 13. Sale of Obligations.

The Issuer awards the sale of the Obligations to the Purchaser at the Purchase Price, plus any accrued interest from the Original Issue Date to the date of delivery of the Obligations. The Issuer approves and accepts the Purchase Agreement. The Municipal Officers are directed (i) to sign the Purchase Agreement in the Issuer's name and (ii) to take any additional actions needed to complete the sale of the Obligations, including arranging for a specific date, time, and location of closing of the sale.

The Municipal Officers are directed to sign the Obligations and to arrange for delivery of the Obligations to the Purchaser in accordance with the Purchase Agreement and this resolution. The Obligations may be delivered to the Purchaser upon payment by the Purchaser of the Purchase Price, plus any accrued interest, as required by this resolution.

Unless waived by the Purchaser, the delivery of the Obligations is conditioned upon the Issuer furnishing the following items to the Purchaser:

- (i) The Obligations, together with the written, unqualified approving opinion of the law firm of Foley & Lardner LLP, bond counsel, evidencing the legality of the Obligations and that interest on the Obligations will be excluded from gross income for federal income tax purposes.
- (ii) A transcript of the proceedings relating to the issuance of the Obligations.
- (iii) A certificate showing that no litigation has been threatened or is pending that would affect the legality of the Obligations or the right of the Issuer to issue them at the time of their delivery.

Section 14. General Obligation Pledge; Tax Levy.

For the prompt payment of the principal of, and interest on, the Obligations, the Issuer irrevocably pledges its full faith and credit. The Issuer hereby levies upon all taxable property in its territory a direct, annual, and irrepealable tax in an amount sufficient to pay, and for the express purpose of paying, the interest on the Obligations as it falls due and also to pay and discharge the principal of the Obligations at maturity.

This tax shall be carried from year to year into the Issuer's tax roll. It shall be collected in addition to all other taxes and in the same manner and at the same time as all other taxes. The amount of this tax that is carried into the Issuer's tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account available to pay debt service on the Obligations for such year. The tax for each year the levy is made will be in the following amounts:

<u>Levy Year</u>	<u>Debt Service Amount Due in Following Year</u>
2021	\$ 963,623.20
2022	971,995.80
2023	979,344.60
2024	999,855.30
2025	1,007,488.20
2026	508,030.00

Taking into account any accrued interest received on the date of delivery of the Obligations and any premium paid to the Issuer by the Purchaser in excess of the stated principal amount of the Obligations that has been deposited into the Debt Service Fund Account as provided in Section 15 hereof, the Issuer hereby appropriates from its tax levy made in the year 2020 an amount sufficient to pay the remaining amount, if any, needed for the interest payment coming due on

the Obligations on October 1, 2021. As a result of the foregoing, the Issuer does not need to levy a tax for the interest payment on the Obligations to be made October 1, 2021.

Section 15. Debt Service Fund Account.

The Issuer shall create a separate account within the Debt Service Fund solely for the Obligations (the “**Debt Service Fund Account**”), which shall be maintained and administered as provided in Section 67.11 of the Wisconsin Statutes. The Treasurer is directed to keep the proceeds of the taxes levied under this resolution, when they are collected, in the Debt Service Fund Account. Any accrued interest received on the date of delivery of the Obligations, and the premium, if any, paid to the Issuer by the Purchaser in excess of the stated principal amount of the Obligations shall be deposited into the Debt Service Fund Account and used to pay interest on the Obligations. If the money in the Debt Service Fund Account is insufficient to make a payment of principal of, or interest on, the Obligations on a date on which such a payment is due, then the Issuer will promptly provide the necessary funds to make the payment from other available sources.

Section 16. Borrowed Money Fund.

The sale proceeds of the Obligations (not including any accrued interest or premium received) shall be deposited and kept by the Treasurer in a separate fund. The fund shall be designated with both the name of the Obligations and the name Borrowed Money Fund (the “**Borrowed Money Fund**”). Money in the Borrowed Money Fund, including any earnings, shall be (a) used to pay the costs of the Refunding, the costs of issuing the Obligations, and the costs of investing amounts in the Borrowed Money Fund, or (b) transferred to the Debt Service Fund Account as provided by law.

Section 17. Publication of Notice.

The Recording Officer is directed to publish notice that the Issuer has agreed to sell the Obligations. The notice shall be published in the Issuer’s official newspaper as a class 1 notice under Chapter 985 of the Wisconsin Statutes promptly after the execution of the Purchase Agreement. The notice shall be in substantially the form shown in Exhibit B. The Recording Officer shall obtain proof, in affidavit form, of the publication, and shall compare the notice as published with the attached form to make sure that no mistake was made in publication.

Section 18. Authorization of Officers.

The appropriate officers of the Issuer are directed to prepare and furnish the following items to the Purchaser and the attorneys approving the legality of the Obligations:

- (i) Certified copies of proceedings and records of the Issuer relating to the Obligations and to the financial condition and affairs of the Issuer.
- (ii) Other affidavits, certificates, and information that may be required to show the facts about the legality of the Obligations, as such facts appear on the books and records under the officer’s custody or control or as are otherwise known to the officer.

All certified copies, affidavits, certificates, and information furnished for such purpose will be representations of the Issuer as to the facts they present.

Section 19. Tax Law Covenants.

The Issuer covenants that it will comply with all requirements of the Code, and the Treasury Regulations promulgated thereunder, that must be satisfied so that interest on the Obligations will be excluded from gross income for federal income tax purposes.

Section 20. Further Authorization.

The Issuer authorizes its officers, attorneys, and other agents or employees to do all acts required of them to carry out the purposes of this resolution.

Section 21. Conflict with Prior Acts.

In case any part of a prior action of the Governing Body conflicts with this resolution, that part of the prior action is hereby rescinded.

Section 22. Severability of Invalid Provisions.

If a court holds any provision of this resolution to be illegal or invalid, then the illegality or invalidity shall not affect any other provision of this resolution.

Section 23. Effective Date.

This resolution takes effect upon its adoption and approval in the manner provided by law.

* * * * *

Adopted: February 2, 2021

Approved: February __, 2021

Mayor

Clerk

EXHIBIT A
FORM OF OBLIGATION

STATE OF WISCONSIN
CITY OF GREEN BAY

No. R-_____ Registered
\$ _____

GENERAL OBLIGATION REFUNDING BOND, SERIES 2021A

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Issue Date</u>	<u>CUSIP</u>
_____%	April 1, 20__	March 9, 2021	[392641 ____]

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

THE CITY OF GREEN BAY, WISCONSIN (herein called the “**Issuer**”), hereby acknowledges itself to owe, and for value received promises to pay the Principal Amount to the Registered Owner on the Maturity Date, and to pay interest on the Principal Amount from the Original Issue Date at the annual rate of the Interest Rate. Interest is due semiannually on each April 1 and October 1, beginning on October 1, 2021, until the Principal Amount has been paid. Interest is computed on the basis of a 360-day year of twelve 30-day months.

This Obligation is one of a duly authorized issue of bonds (the “**Obligations**”) of the Issuer of an aggregate principal amount of \$5,275,000, all of like tenor, except as to denomination, interest rate, maturity date, and redemption provisions, issued by the Issuer pursuant to the provisions of Chapter 67 of the Wisconsin Statutes, and is authorized by (1) an initial resolution adopted by the governing body of the Issuer on January 19, 2021, and (2) the resolution duly adopted by the governing body of the Issuer on February 2, 2021, entitled: “A Resolution Authorizing and Providing for the Sale and Issuance of \$5,275,000 General Obligation Refunding Bonds, Series 2021A , and All Related Details” (the “**Resolution**”). The Obligations are issuable only in the form of fully registered bonds.

The principal of this Obligation will be paid by Associated Trust Company, National Association, or any successor fiscal agent appointed by the Issuer under Section

67.10 (2) of the Wisconsin Statutes (the “**Fiscal Agent**”), which will act as authentication agent, paying agent, and registrar for the Obligations, upon its presentation and surrender on or after its maturity date or earlier redemption date at the designated office of the Fiscal Agent, and the interest on this Obligation will be paid by the Fiscal Agent, on each interest payment date, by wire or other electronic money transfer, or by check of the Fiscal Agent sent by first class mail, to the entity or person in whose name this Obligation is registered on the register (the “**Register**”) maintained by the Fiscal Agent at the end of the day on the 15th day (whether or not a business day) of the calendar month just before each regularly scheduled interest payment date (the “**Record Date**”). The Issuer and the Fiscal Agent may treat the entity or person in whose name this Obligation is registered on the Register as the absolute owner of this Obligation for all purposes.

The principal of, and interest on, this Obligation is payable in lawful money of the United States of America. For the prompt payment of the principal of and interest on this Obligation, the Issuer has irrevocably pledged its full faith and credit. The Issuer has levied upon all taxable property in its territory a direct, annual, and irrevocable tax sufficient in amount to pay, and for the express purpose of paying, the interest on this Obligation as it falls due and the principal of this Obligation on the Maturity Date.

The Obligations are subject to redemption before their stated maturity dates, at the Issuer’s option, in whole or in part, in the order of maturity selected by the Issuer, on any date. The redemption price will be 100% of the principal amount redeemed, plus accrued interest to the redemption date, and no premium will be paid. If payment of an Obligation called for redemption has been made or provided for, then interest on the Obligation stops accruing on the stated redemption date. If less than all outstanding Obligations of a specific maturity are redeemed, then such Obligations will be redeemed in multiples of \$1,000 as set forth below.

If less than all the Obligations of a particular maturity are to be redeemed, then the Issuer or the Fiscal Agent will randomly select the Obligations to be redeemed. If an Obligation has been called for redemption but less than the entire principal amount thereof is redeemed, then on or after the redemption date, upon surrender of the Obligation to the Fiscal Agent, the Issuer will issue a new Obligation in the principal amount outstanding after the redemption.

Notice of the redemption of any of the Obligations shall be sent by first class mail, not less than 30, and not more than 60, days before the redemption date to the registered owners of any Obligations to be redeemed, at the respective addresses set forth in the Register. A notice of optional redemption may be revoked by sending a notice by first class mail, not less than 15 days prior to the proposed optional redemption date, to the registered owners of the Obligations which have been called for optional redemption.

Each Obligation is transferable, only upon the Register, for a like aggregate principal amount of the same maturity and interest rate in denominations of \$100,000 or multiples of \$1,000 in excess thereof. A transfer may be requested by the registered owner in person or by a person with a written power of attorney. The Obligation shall be surrendered to the Fiscal Agent, together with a written instrument of transfer satisfactory to the Fiscal Agent signed by the registered owner or by the person with the written power of attorney. The Issuer will issue one or more new fully registered Obligations, in the same aggregate principal amount to the transferee or transferees, as applicable, in exchange for the surrendered Obligations and upon the payment of a charge sufficient to reimburse the Issuer or the Fiscal Agent for any tax, fee, or other governmental charge required to be paid with respect to such registration.

The Fiscal Agent will not be required to make any transfer of the Obligations (i) during the 15 calendar day period before the date of the sending of notice of any proposed redemption of the Obligations, or (ii) with respect to any particular Obligation, after such Obligation has been called for redemption.

The Issuer certifies, recites, and declares that all acts, conditions, and procedures required by law to exist, to have happened, and to be performed, leading up to and in the issuing of this Obligation and of the issue of which it is a part, do exist, have happened, and have been performed in regular and due form, time, and manner as required by law; that the indebtedness of the Issuer, including this Obligation and the issue of which it is a part, does not exceed any limitation, general or special, imposed by law; and that a valid, direct, annual and irrevocable tax has been levied by the Issuer sufficient to pay the interest on this Obligation when it falls due and also to pay and discharge the principal of this Obligation at its maturity.

IN WITNESS WHEREOF, the Issuer, by its governing body, has caused this Obligation to be executed in its name and on its behalf by the manual or facsimile signatures of its Mayor and Clerk and to be sealed with its corporate seal (or a facsimile thereof), if any, all as of the Original Issue Date.

CITY OF GREEN BAY, WISCONSIN

By: _____
Mayor

[SEAL]

And: _____
Clerk

Certificate of Authentication

Dated: March ____, 2021

This Obligation is one of the Obligations
described in the Resolution.

ASSOCIATED TRUST COMPANY, NATIONAL ASSOCIATION,
as Fiscal Agent

By: _____
Authorized Signatory

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

PLEASE INSERT SOCIAL SECURITY OR

OTHER IDENTIFYING NUMBER OF ASSIGNEE

(Please Print or Type Name and Address of Assignee)

the within-mentioned Obligation and all rights thereunder and does hereby irrevocably constitute and appoint _____ attorney-in-fact, to transfer the same on the books of the registry in the office of the Fiscal Agent, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signatures must be guaranteed by an “eligible guarantor institution” meeting the requirements of the Fiscal Agent. Those requirements include membership or participation in the Securities Transfer Association Medallion Program (“STAMP”) or such other “signature guarantee program” as may be determined by the Fiscal Agent in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

Note: The signature to this assignment must correspond with the name as written on the face of the within Obligation in every particular, without any alteration or change. When assignment is made by a guardian, trustee, executor or administrator, an officer of a corporation, or anyone in a representative capacity, proof of the person’s authority to act must accompany this Obligation.

EXHIBIT B

NOTICE TO THE ELECTORS OF THE
CITY OF GREEN BAY, WISCONSIN
RELATING TO BOND SALE

On February 2, 2021, pursuant to Chapter 67 of the Wisconsin Statutes, a resolution was offered, read, approved, and adopted whereby the City of Green Bay, Wisconsin, authorized the borrowing of money and entered into a contract to sell general obligation refunding bonds in the principal amount of \$5,275,000. It is anticipated that the closing of this bond financing will be held on or about March 9, 2021. A copy of all proceedings had to date with respect to the authorization and sale of said bonds is on file and may be examined in the office of the City Clerk, at 100 North Jefferson Street, Green Bay, Wisconsin between the hours of 9:00 a.m. and 4:30 p.m. on weekdays.

This notice is given pursuant to Section 893.77 of the Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such financing, for other than constitutional reasons, shall be commenced within 30 days after the date of publication of this notice.

Publication Date: February __, 2021

/s/ Celestine Jeffreys

City Clerk

CERTIFICATIONS BY CLERK

I, Celestine Jeffreys, certify that I am the duly qualified and acting Clerk of the City of Green Bay, Wisconsin (the “**Municipality**”), and as such I have in my possession, or have access to, the complete corporate records of the Municipality and of its Common Council (the “**Governing Body**”), and that attached to this certification is a true, correct, and complete copy of the resolution (the “**Resolution**”) entitled:

A Resolution Authorizing and Providing for the Sale and Issuance of \$5,275,000 General Obligation Refunding Bonds, Series 2021A , and All Related Details

I further certify as follows:

1. **Meeting Date.** On February 2, 2021, a meeting of the Governing Body was held beginning at _____ p.m.
2. **Posting.** On January __, 2021 (and not less than 24 hours prior to the meeting), I posted, or caused to be posted, at the Municipality’s offices in Green Bay, Wisconsin a notice setting forth the date, time, location, and subject matter of said meeting. The notice specifically referred to the Resolution.
3. **Notification of Media.** On January __, 2021 (and not less than 24 hours prior to the meeting), I communicated or caused to be communicated, the date, time, location, and subject matter of said meeting to those news media that have filed a written request for such notice and to the official newspaper of the Municipality, if any. The communication specifically referred to the Resolution.
4. **Open Meeting Law Compliance.** The meeting was a regular meeting of the Governing Body that was held in open session in compliance with Subchapter V of Chapter 19 of the Wisconsin Statutes and any other applicable local rules and state statutes.
5. **Members Present.** The meeting was duly called to order by the Mayor (the “**Presiding Officer**”), who chaired the meeting. Upon roll call, I noted and recorded that there were __ members of the Governing Body present at the meeting, such number being a quorum of the Governing Body.
6. **Consideration of and Roll Call Vote on Resolution.** Various matters and business were taken up during the course of the meeting without intervention of any closed session. One of the matters taken up was the Resolution. A proper quorum of the Governing Body was present for the consideration of the Resolution, and each member of the Governing Body had received a copy of the Resolution. All rules of the Governing Body that interfered with the consideration of the Resolution, if any, were suspended by a two-thirds vote of the Governing Body. The Resolution was then introduced, moved, and seconded, ____ of the Governing Body members voted Aye, ____ voted Nay, and ____ Abstained.

7. **Adoption of Resolution**. The Resolution was supported by the affirmative vote of a majority of a quorum of the members of the Governing Body in attendance. The Presiding Officer then declared that the Resolution was adopted, and I recorded the adoption of the Resolution.

8. **Approval of Presiding Officer**. The Resolution was approved by the Presiding Officer on February __, 2021, and I have recorded the approval. The approval is evidenced by the signature of the Presiding Officer on the copy of the Resolution to which this certificate is attached.

9. **Publication of Notice**. I have caused the Notice to Electors, in the form of Exhibit B to the Resolution, to be published in the place specified in the Resolution.

IN WITNESS WHEREOF, I have signed my name and affixed the seal of the Municipality, if any, on this certificate as of February __, 2021.

Clerk

[SEAL]

GENERAL ORDINANCE NO. 01-21

**AN ORDINANCE
AMENDING SECTION 29.208,
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKING REGULATIONS**

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

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended to remove the following NO PARKING zone:

MILLS STREET, north side, from a point 80 feet west of Henry Street to Henry Street.

IRWIN AVENUE, west side, from a point 200 feet north of Cass Street to a point 130 feet south of Mason Street (Monday through Friday).

SECTION 2. Section 29.208, Green Bay Municipal Code, is hereby amended to establish the following NO PARKING zones:

FERN LANE, south side, from a point 80 feet west of Bader Street to Bader Street.

HILLCREST DRIVE, both sides, from Haven Place to West Mason Street.

SECTION 3. Section 29.208, Green Bay Municipal Code, is hereby amended to establish the following NO PARKING 15-MINUTE LOADING zones:

MILLS STREET, north side, from a point 80 feet west of Henry Street to Henry Street.

SECTION 4. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 5. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

DJAH

GENERAL ORDINANCE NO. 02-21

**AN ORDINANCE
AMENDING SECTION 29.307,
GREEN BAY MUNICIPAL CODE,
RELATING TO TRAFFIC REGULATIONS**

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

SECTION 1. Section 29.307, Green Bay Municipal Code, is hereby amended to establish the following 1-WAY YIELD condition:

RICKY DRIVE, at August Street (northbound)

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

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

DJAH

GENERAL ORDINANCE NO. 03-21

**AN ORDINANCE AMENDING
GENERAL ORDINANCE NO. 41-20
RELATING TO REQUIRED FACE COVERINGS**

SECTION 1. Section 2 of General Ordinance No. 41-20 is hereby amended as follows:

Section 2. Sunset Provision. This ordinance is hereby repealed ~~effective February 2, 2021~~ **effective March 31, 2021.**

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

SECTION 3. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2021.

APPROVED:

Mayor

ATTEST:

Clerk

ljm

2/2/2021