



MINUTES OF THE COMMON COUNCIL

TUESDAY, APRIL 20, 2021, 6:00 PM
Virtual Meeting. Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

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

B. ROLL CALL.

C. PLEDGE OF ALLEGIANCE.

D. INVOCATION.

I. The invocation will be led by Alder Mark Steuer, District 10.
Jen Schmohe will provide the invocation tonight.

E. APPROVAL OF MINUTES.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

I. Approval of the minutes from the March 30, 2021 Common Council Meeting.

2. Approval of the minutes from the April 1, 2021 Special Common Council Meeting.

F. APPROVAL OF THE AGENDA.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

G. REPORT BY THE MAYOR.

H. ANNOUNCEMENTS.

I. APPOINTMENTS.

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

I. Reappointments:

Green Bay Area Room Tax Commission

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

Term to Expire: April 1, 2022

Ethics Board

Cheryl Renier-Wigg, 626 S. Jackson St., Green Bay, WI 54301

Term to Expire: April 1, 2024

J. ORDINANCES - SECOND READING FOR ADOPTION.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to suspend the rules and take up both with one roll call vote. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus Dax to adopt.

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Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

1. Zoning Ordinance No. 04-21

An Ordinance rezoning the property located at 120 Bedford Road from Rural Residential (RR) District to Low Density Residential (RI) District.

2. General Ordinance No. 05-21

An ordinance amending Sections 13-303, 13-1606(1) and 13-1714, Green Bay Municipal Code, relating to drive-through Facilities.

K. REPORT OF THE REDEVELOPMENT AUTHORITY (APRIL 13, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Lynn Gerlach to approve, except item 2. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- Mark Steuer, Abstain- None

1. To grant an additional six (6) months of deferred payments on the RDA loan with Quality Inn and Suites Downtown, which would extend the agreement to the end of August 2021, with the following requirements: 1) any proposed sale of the property while there is a balance due on the loan must be approved by the RDA, and 2) the City retains a right of first refusal on the property once the loan is paid back.

2. To approve the Tax Increment District Affordable Housing (TIDAH) Fund Policy and to include the suggestions as discussed.

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

Moved by Brian Johnson, seconded by Randy Scannell to Amend as follows: Developer Requirements--Item one with changes: In circumstances where the developer is unable to meet the 20% equity requirement, supplemental equity may be provided through this program at no more than 10% of the project's value. The terms of this equity position will be negotiated by staff, approved by the RDA and City Council and may include ownership, gap financing, or other types of

uncommitted collateral. Supplemental equity is not a project grant.

Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- John VanderLeest, Abstain- None
Passed

Moved by Brian Johnson, seconded by Randy Scannell to amend as follows: Project Limitations-- Under certain circumstances, project incentives in excess of \$500,000 for large-scale multi-family developments that add additional qualifying units above and beyond the scope of a standard project may be considered and will need RDA and City Council approval.

Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None
Passed

Moved by Barbara Dorff, seconded by Randy Scannell to adopt as amended.

Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None
Passed

6:15 pm Alder Steuer joined the meeting.

3. To approve and recommend to the Common Council the City of Green Bay's 2021 Annual Action Plan for Community Development Block Grant Program (CDBG) and HOME Investment Partnerships Program (HOME) entitlement programs.

L. REPORT OF THE IMPROVEMENT & SERVICES COMMITTEE (APRIL 14, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

I. To hold the request by resident at 1604 Hillcrest Drive to extend the payback period and waive

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the interest for the water assessments associated with the Hillcrest Drive Reconstruction project.

2. To approve the modified revisions to Section 8.11, Green Bay Municipal Code, Noxious Weeds and Maintenance of Vegetation effective June 1, 2021.

3. To approve the request by Green Bay Water Utility to have the City of Green Bay waive the \$30 plumbing fee for the galvanized water service replacement program.

4. To approve the request by Department of Public Works to award the Clerk's Office Conference Room construction contract at a staff level and report the award at the next regular meeting of the Improvement and Services Committee.

5. To approve the request by Department of Public Works to accept the grant from the Environmental Protection Agency (EPA) and enter into a contract with Wisconsin Department of Natural Resources (WDNR) to complete the scope of work and the project at the Tank Farm Marsh.

6. To approve the report of the Purchasing Manager to award US Petroleum Equipment for the replacement of the Fuelmaster system at the Department of Public Works shops for the sum of \$28,215. The Fuelmaster System was competitively bid on Sourcewell Contract #092920-SYS.

7. To approve the award of the following contracts:

A. BRIDGE I-21 (ATKINSON DRIVE OVER CN/WC RAILROAD B-5-225) EXPANSION JOINT REPLACEMENT to the low responsive bidder, Highway Landscapers, Inc., in the amount of \$208,050.

B. RAMPS I-21 MAIN STREET PARKING RAMP FAÇADE REMOVAL to the low responsive bidder, Central Restoration, LLC, in the amount of \$91,593.

C. SOUTH BAY SHORE DIKE REINFORCEMENT - SEGMENTS 20-22 to the low responsive bidder,

Vinton Construction Co., in the amount of \$443,553.75.

8. To receive and place on file the report of award of the following contracts:

A. PAVEMENT 2-21 JACKSON STREET RECONSTRUCTION to the low responsive bidder, Soper Sewer & Water, LLC, in the amount of \$2,316,702.99.

B. PAVEMENT 3-21 S. JACKSON STREET RECONSTRUCTION to the low responsive bidder, Peters Concrete Co., in the amount of \$2,263,864.75.

9. To approve the acquisition of right-of-way for Tax Parcel No. 5-1363 for improvements to Gray Street from Dousman Street to Mather Street.

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

A. Granting of Licenses

1. Sidewalk Builder

- a. E&I Concrete Construction
- b. Evraets Concrete Construction LLC
- c. Fischer Ulman Construction Inc.
- d. Kurowski Construction LLC
- e. N&L Concrete Construction LLP
- f. RG Hendricks & Sons Construction Inc.

2. Tree & Brush Trimmer

- a. A to Z Tree Service

3. Underground Sprinkler System

- a. ADC Maintenance LLC

M. REPORT OF THE PROTECTION & POLICY COMMITTEE (APRIL 12, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No-None, Abstain- None

1. To deny an appeal by Dimas Rodriguez regarding the denial of his application to keep three pets (held from 2021-03-22).

2. To approve an application for an available "Class B" Combination License" by Lisa Berceau at 2056 Main St. with a licensed premises description as "bar with kitchen," with the approval of the proper authorities. (Previously licensed as Berceau's Last Stop until March 2021 when license was surrendered to the City).

3. To hold an application for a "Class A" Liquor and Class "A" Beer at 1698 Main St. with a license premises description as "c-store" (Currently licensed as Main Street Mini Mart, LLC).

4. To receive and place on file the Liquor Violation Report for April 12, 2021.

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

Moved by Ald. Randy Scannell, seconded by Ald. John VanderLeest to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No-None, Abstain- None

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

O. REPORT OF THE PLAN COMMISSION (APRIL 12, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve, except for item 1. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No-None, Abstain- None

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1. To rezone parcel 21-40-6, known as The Woods, from Rural Residential (RR) to Low-Density Residential (RI) on the west side, Conservancy (CON) in the center and Medium-Density Residential (R2) on the east side. (Public Hearing held 04/12/2021)

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve.
Motion carried.

Moved by Barbara Dorff, seconded by Randy Scannell to Open the Floor
Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No-None, Abstain- None
Passed

Patrick and Barbara Ryan, 341 Cross Winds Lane, Green Bay.

Moved by Randy Scannell, seconded by Barbara Dorff to close the floor.
Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No-None, Abstain- None
Passed

Moved by Ald. Randy Scannell, seconded by Ald. Veronica Corpus-Dax to approve.
Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No-None, Abstain- None
Passed

2. To authorize a Conditional Use Permit (CUP) for a two-family dwelling located at 1440 Smith Street. (Public Hearing held 04/12/2021)

3. To table the request to authorize a Conditional Use Permit (CUP) for a drive-through facility at 1979 Main Street for further information related to the impact of the Traffic Impact Analysis (TIA) and consideration is given by the applicant regarding the future zoning and land use(s) of the balance of the property. (Public Hearing held 04/13/21).

4. To authorize a Conditional Use Permit (CUP) for a drive-through facility at 1302 E. Mason Street subject to the following conditions:

- a. Approval of the variance by the Board of Appeals regarding the F.A.R.
- b. The drive-through aisle and the direction of traffic flow shall be delineated by signs and pavement markings. Pedestrian cross-walks through the drive aisle shall be clearly marked along the connection to the East Mason Street right-of-way.
- c. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval. (Public Hearing held 04/12/2021)

5. To amend Sections 13.605, 14.302 and 14.303 of the Green Bay Municipal Code related to removal of Area Development Plan (ADP) language. (Public Hearing held 04/12/2021)

6. To remove all Area Development Plans (ADPs) from the City's Official Map.

P. REPORT OF THE FINANCE COMMITTEE (APRIL 13, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to approve, except for item 1.
Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

1. To receive and place on file a request by Ald. Brunette to the Finance Committee which states: "To approve the funding required to have an outside Human Resource Department or consultant review the workplace complaint of the former City Clerk in order to report to the City Council."

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to Receive and Place on File
Motion carried.

Moved by Jesse Brunette, seconded by Chris Wery to Refer to Staff
Motion carried.

Yes- Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, No- Barbara Dorff, Bill Galvin, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, Abstain- None
Failed

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to Receive and Place on File
Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Abstain- None

Passed

2. To approve as amended a resolution in support of a strong state and local partnership and increased state budget funding for the shared revenue program.

Q. REPORT OF THE PARK COMMITTEE (APRIL 14, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to approve. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

1. To direct staff to proceed with negotiations for the purchase of the Woods Golf Course Greenway as directed in closed session.

The Council may convene in closed session pursuant to Sections 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the sale of public properties, investing of public funds or conducting other specified public business as necessary for competitive or bargaining reasons. The Council 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. To receive and place on file the staff update on fat tire biking at He-Nis-Ra Park.

3. To receive and place on file the staff update on Lifeguard recruiting efforts.

R. REPORT OF THE PERSONNEL COMMITTEE (APRIL 13, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Bill Galvin to approve, except item 3. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

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

a. Operator I - Public Works

2. To approve the request to reclassify the Financial Analyst position from a part-time position to a full-time position.

3. To receive and place on file on having an outside Human Resource Department or consultant review the workplace complaint of the former City Clerk and report to the City Council.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to Receive and Place on File
Motion carried.

Moved by Jesse Brunette, seconded by Chris Wery to have an outside consultant review the workplace complaint.

Motion carried.

Yes- Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, No- Barbara Dorff, Bill Galvin, Brian Johnson, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach,
Abstain- None
Failed

Motion to receive and place on file
Passed on voice vote.

4. To approve the request to reclassify (1) one Public Works Building Maintenance Technician position to an HVAC Technician position and approval to fill the position and all subsequent vacancies.

5. To approve the request to reclassify a part-time Casual Worker position to a part-time Cleaner position.

6. To receive and place on file the request to discuss and evaluate the expiration date for the City's Policy on COVID-19 Paid Sick Leave for each employee group as the COVID-19 vaccine becomes available to City employees.

7. To receive and place on file the request by Ald. Brian Johnson to the Personnel Committee for an update on the alderperson orientation program that was submitted approximately two years ago.

S. REPORT OF THE ECONOMIC DEVELOPMENT AUTHORITY (APRIL 5, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

1. To receive and place on file the Commercial Real Estate Market Study.

2. To approve the Shared Corridor Vision Report with the condition the report is sent to the Mayor's Office for consideration of additional funding.

3. To approve the Downtown Area Parklet Grant program with the amendment the allocation of funds from TID #5 be increased from \$20,000 to \$25,000.

T. RECEIVE AND PLACE ON FILE.

Moved by Ald. Randy Scannell, seconded by Ald. Kathy Lefebvre to approve. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

1. Building Permit Report for March 2021

2. Municipal Court Report for March 2021.

U. RESOLUTIONS.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to suspend the rules to take up

resolutions 1 to 5 with a roll call vote.

Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, John VanderLeest, No--None, Abstain- None

Passed

Moved by Randy Scannell, seconded by Veronica Corpus-Dax to adopt.

Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, John VanderLeest, No--None. Abstain- None

Passed

1. Resolution authorizing conditional use permit at 1440 Smith Street.

2. Resolution authorizing conditional use permit at 1302 East Mason Street.

3. Resolution drawing final orders to contractors for April 20, 2021.

4. Resolution in support of a strong state and local partnership and increased state budget funding for the shared revenue program.

5. Resolution approving acquisition of right-of-way for Tax Parcel No. 5-1363.

6. Resolution expressing full confidence in the administration of Green Bay's August and November 2020 Elections (held from the Common Council meeting on March 16, 2021).

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to hold to the next meeting. Motion carried.

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

None, Abstain- None

V. ORDINANCES - FIRST READING.

Moved by Ald. Randy Scannell, seconded by Ald. Barbara Dorff to suspend the rules and take up both with a roll call vote.

Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None
Passed

Moved by Randy Scannell, seconded by Barbara Dorff to advance.

Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None
Passed

1. Zoning Ordinance No. 05-21

An ordinance rezoning the property located along Erie Road (Parcel 21-40-6) from Rural Residential (RR) to Low-Density Residential (R1), Conservancey (CON), and Medium Density Residential (R2).

2. General Ordinance No. 08-21

An ordinance amending Sections 13-605, 14-302, and 14-303, Green Bay Municipal Code relating to Area Development Plan language removal.

3. Planning Ordinance No. 02-21

An ordinance amending the Official Map of the City of Green Bay to remove all Area Development Plans.

4. General Ordinance No. 09-21

An ordinance amending Section 8.11, Green Bay Municipal Code, relating to noxious weeds and maintenance of vegetation.

W. COMMITTEE OF THE WHOLE

Moved by Ald. Barbara Dorff, seconded by Ald. Bill Galvin to hold to the next meeting. Ald. Wery would like included: updates on the status of complaint to WEC and possible testimony before Wisconsin State Legislature. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No-None, Abstain- None

1. Consideration with possible action on allegations pertaining to the 2020 Election, including discussion about recent media reports and the March 10, 2021 Wisconsin Assembly Committee on Campaigns and Elections meeting.

The Common Council may convene in closed session pursuant to Section 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The 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. Consideration with possible action on a Resolution Expressing Full Confidence in the Administration of Green Bay's August and November 2020 Elections.

X. REFERRAL OF PETITIONS & COMMUNICATIONS.

Ald. Wery to I&S-- How can the City of Green Bay achieve an annual 3% replacement rate of its roads? The action plan would include anticipated increased borrowing requests

Ald. Wery to P&P--Request by Brent Phare for the City of Green Bay to support the 2021/22 Wisconsin State Legislature, Bi-Partisan Senate Bill 243 & Assembly Bill 245, Lowering The Threshold From The Current One Hundred Percent (100%) Required For Wisconsin Service-Connected & Rated Disabled Military Veterans To Claim The Veterans And Surviving Spouses Property Tax Credit Under The Individual Income Tax System, to Seventy Percent (70%).

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to refer to the proper authorities. Motion carried.

Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No-None, Abstain- None

Y. ADJOURNMENT.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to adjourn. Motion carried.
Yes- Barbara Dorff, Bill Galvin, Brian Johnson, Chris Wery, Craig Stevens, Jesse Brunette, John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None

Celestine Jeffreys

Green Bay City Clerk

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

VERBATIM MINUTES

- In 21. Clerk.

- [Celestine] Yes, thank you, Mayor. All 11 are present and voting Alder Steuer is excused.

- Thank you. Please now rise for the Pledge of Allegiance, and remain standing for the invocation. I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible with liberty and justice for all. As Clerk Jeffrey said Alder Steuer has been excused tonight, but it was his turn for the invocation, and he has invited Jen Schmoie to offer the invocation for him this evening. So really glad to have Jen with us tonight. By way of introduction, Jen resides in District 10. She presently serves as the community development director for the Green Bay Community Church. And over time, Jen has been integrally involved with issues of poverty, homelessness, job creation and affordable housing in the Green Bay Area, most notably with Circles Green Bay. Along with Alder Steuer, Jen is spearheading the creation of a neighborhood association in the Helen Keller School area. So thanks so much for all that work, Jen, and thanks for being here tonight with us all.

- Thank you, mayor, for that excellent introduction. Let's pray. Dear heavenly Father, for this day, thank you for the opportunity to gather in freedom. Thank you for all of the leadership gathered here today to make decisions that'll bring our community closer. It will build community, and bring us more joy and opportunity to enjoy life. I pray all these things in your precious name. Thank you. Amen.

- Amen.

- Thanks again, Jen.

- Thank you.

- On to approval of the minutes.

- So moved.

- Second.

- We have a motion made it by segment by Alder Stevens and that is to approve the minutes from both the meeting of March 30, 2021 and April 1st, 2021. Any revisions? Seeing none. All in favor will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it. The minutes have been approved. Proof of the agenda.

- We'll still proof the agenda.

- Second.

- Second.

- Alder Scannell makes a motion to approve the agenda that was seconded by Alder Lefebvre. Any changes? Seeing none. All in favor signify by saying aye.

Minutes of the Common Council

- Aye.

- Oppose nay. The ayes have it. The agenda has been approved. Report by the mayor. Just a couple items tonight, one that's on the agenda, and one that's not. I'll start with one that is not. I know many of you oftentimes attend meetings of the RDA. And so just wanted to flag something that was handled at our most recent RDA meeting and that is the acceptance of \$500,000 and 25.5 acres from JBS. I'm very excited about that development. You know, a lot of the details are yet to be worked out, but at a high level, we're hoping to make possible an urban farm, a destination playground, and a mixed use development with an emphasis on housing and hopefully some commercial and community space develop. This one, as I said, flag that because it's not coming directly to the agenda, but if and when we move forward with those park improvements or the infrastructure improvements that will be necessary for that property, of course you will all have a say in how that's doled out and targeted. So I wanted to highlight that for you all because I think it's something worth celebrating, but also to let you know that it will be coming to our common council if and when we need to make those decisions about those park improvements, infrastructure, and the like. Also just wanted to highlight some items from our economic development authority report. We don't oftentimes highlight what's going on at the ADA. But, you know, many times doing good work and I think this is a great example of what's moving through the authority. The first item is commercial real estate market study, nothing too shocking in there, but I think definitely worth review for all of council just to get a handle on what the market looks like in the city of Green Bay and surrounding communities. And then also the following two items are kind of related to one another. There's the shared vision report, and then the allocation of some tid funds for parklets. This is a project that I want to thank Matt Buchanan for his work on first and foremost, did a great job from community and economic development, bringing tool design firm together with on Broadway and Downtown Green Bay to articulate a pretty exciting vision, I think for our Downtown Washington streets and Broadway as well. You know, cars are inevitably part of the equation. You know, when you're talking about transportation and how people move around especially in the city of Green Bay, but when we think about the future of our downtown, I think it really has to be pedestrian first and creating spaces that are open and welcoming and safe for pedestrians and cyclists and people with disabilities and people from the ages of eight to 80 to be able to move around safely is really important and great for economic development. But as we come out of this pandemic, you know, that's certainly the way that I'm gonna look at things with regard to our downtown and excited that the EDA has approved that port as well as some additional funds for our parklets, which I think are a really big piece of that plan. So with that, we'll move on to the remainder of the agenda and announcements from council.

- Mayor?

- Alder Brunette, go ahead.

- Yes. Thank you, mayor. I just wanted to let Clerk Jeffries know that Alder Steuer is attempting to sign into the meetings. So just be on the lookout for him.

- Thank you.

- You're welcome.

- Very good. Thanks, alder. Announcements. All right. Seeing no other announcements, we'll move on to appointments.

- Motion to reappoint.

- Second.

- You have a motion to approve those reappointments made by Alder Scannell, seconded by Alder Dorff, I believe. Any discussion on those reappointments?

- Mr. Mayor?

- Alder Lefebvre, go ahead.

- I just want to say something about Cheryl Renier-Wigg. I think I'm glad that she is staying on, and I think we are lucky to have her. I've known her from other things and she's a very valuable employee. Thank you.

- I agree completely. Thanks, alder, for those comments. Any other discussion? Seeing none, all in favor will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it, and those reappointments are made. Under ordinances second reading for adoption.

- Motion to suspend the rules.

- Second.

- Motion has been made to suspend the rules, and take up these items with one roll call vote, which was made by Alder Scannell and seconded by Alder Lefebvre. All in favor will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it. The rules are suspended.

- To adapt.

- Second.

- Motion to adapt made by Alder Scannell, seconded by Alder Corpus-Dax. Any discussion? All right. We will use the board.

- [Celestine] Your vote has started. Thank you.

- And those are adapted 11-0. Onto the report of the redevelopment authority.

- Motion to approve.

- Second.

- Alder Scannell has made a motion to approve seconded by Alder Gerlach. That's approval of the report of the redevelopment authority from April 13th, 2021. Any items here to be handled separately?

- Two.

- Item two. Any others? All right, item two will be handled separately. Hearing and others all in favor of approving the remainder of that report, please signify by saying aye.

- Aye.

- Oppose nay. The ayes have it. The report has been approved, the exception of item two.

- Motion to approve.

- Motion to approve made Alder Scannell, seconded by Alder Dorff. The item was pulled by Alder Johnson. Alder, you have the floor.

- Thank you, mayor. I have two amendments that I'd like to propose, and I'd like to offer them separately. And just as a heads up, I did communicate with Assistant Director Cheryl Renier-Wigg, and I believe she shared this with Director Neil Stechschulte and we mutually agreed upon this language. So it would just be putting it before council and hopefully securing their support. The first

amendment that I want is under the section developer requirements, item number one. States equity in the form of the value of property, less any mortgages they're on or any other equitable accessible to the RDA, not less than 20% equity available for injection into the project. I would like to add a statement after that that says, in circumstances where the developer is unable to meet the 20% equity requirement, supplemental equity may be provided through this program at no more than 10% of the project's value. The terms of this equity position will be negotiated by staff, approved by the RDA and city council and may include ownership, gap financing, or other types of uncommitted collateral. Supplemental equity is not a project grant. So that is a form of motion to amend that.

- Okay. We have an amendment that's been offered. Is there a second?

- I'll second.

- Second.

- Seconded by Alder Scannell.

- And just some additional clarity, mayor. The purpose of that is in instances where we have a developer or a 20% equity position, we are saying that this program would have the ability to serve as a gap. So this program could provide up to 10% and the city could either do it in the form of a loan, or we could take an equity position in the project and then the terms of how the developer ultimately would be negotiated and put in the form of an agreement before city council. But this gives us the ability to shrink that equity requirement so that if we have, you know, someone who needs that help to bring a project to market, we can do that.

- Very good discussion. Alder Dorff.

- Hi. I just would like to ask Director Stechschulte for his opinion on this and I'm at night. I think it's a positive opinion, but I'd like to hear why.

- Yeah. Obviously, all our first steps first position on this was trying to make that 20% consistent with other financial policies and programs that we have at the city. So that's where the 20% does come

from in terms of evaluating the project specifically. You know, we certainly were wanting to try to hold this as a position where this is not meant to be to be the full financing of a project. We want the developer obviously to have as much skin in the game as possible. So we presented a more specific, a little bit, just a tougher standard than what Alder Johnson has amended. But the difference is, you know, staff is certainly acceptable with that, but we wanted to make sure that that was something that could be approved by council. So anything within that 20% and underneath, it was essentially been approved as part of this policy, but that we were acceptable. It's going for that. If it was positioned that simply could be presented to the RDA and city council for approval. So with that extra control of having you guys essentially as the approving entity beyond the 20% or in case, you know, change that, staff is comfortable with the amendment.

- Thanks, director. Alder Dorff.

- And I'm not uncomfortable with it, but I am wondering if it should go to RDA first, or is this time-sensitive? I feel a little uncomfortable about not having had this at RDA. Or Alder Johnson, did you talk about it then? I can't remember.

- I did not talk about it at the time 'cause I hadn't had an opportunity to thoroughly review the agreement, but this has been before RDA and this is the recommendation. You know, this document was recommended to full city council and it's now incumbent on city council to adopt RDA's recommendation or amend it as necessary. I think very similarly to what we do with other documents.

- Thank you.

- Director Stechschulte.

- And again, I think I'll learn that. I think the main point is that obviously we're comfortable is that the control is still over. In order to basically enact that provision, it would require still RDA and council review. So I think, and that's why staff was coming before with the amendment.

- I'll stick with it then. Thank you.

- Thank you both for the comments on the amendment. Alder Galvin.

- Thank you, mayor. I just want to make sure I'm understanding this exactly right. So when the developer comes to the city of Green Bay with a project, if we approve this without changes, they would require to have 20% equity into the project before we would give approval. With this change, someone could come to us and say, I can get 10% equity, and I've got a piece of property down the road that's valued at this and I've got this much equity in that and I can put that up against that. Is that what's going on here or they might not understand?

- Alder Johnson.

- Sure. Essentially, the intent, Alder Galvin, is for a developer that's not able to secure 20%. We are providing an opportunity to close that gap by utilizing the funds in this program. The reason I want to do this is because 20% is pretty standard of any project. But if our objective and goal is to put shovels in the ground, I think we ought to be trying to change the standard because the standard isn't working, right? We have an incredible housing shortage right now. And so this is really trying to say in those rare, and it's probably really is in those rare circumstances where a developer can't close that gap, this gives us a tool to help close that gap to get a shovel in the ground.

- Okay. That explains a little bit better. And again, I guess as I am playing devil's advocate. I look at the project out on University Avenue. There was an apartment complex that was supposed to happen. It got started and it's been dead in the water for about a year and a half, going on two years. What would happen to the city? What would be the impact on the city in this program if we had given them 10% equity in that, and we own 10% of the equity in that? Would it make it easier for us to make the project move forward or to take it over, or would we end up suffering a loss here?

- Mayor, if I could on that.

- Yeah, no problem.

- I think the details of that agreement to date by city council have only been discussed in closed session. And so I would recommend that we not go into drawing those examples. Now that said in this particular instance and I would speak just to this particular program, I think it can either be by way of a loan or we can actually be recover property, and there could be other options as well. But I

think it makes it easy for us because we would likely take second position in any type of agreement, depending on what else is involved in that capital stack. But we're not just gonna give 10% without having the ability to stick our claws into something. I mean, that's just kind of standard due diligence.

- All right. I appreciate you reminding me about the closed session before I misspoken, got myself in a jam. And I appreciate you and I have had this kickstart more developed in this community, and it would serve not only the taxpayers but the citizens and everything else, a lot that they have more development going on. So I guess I'm just... So you feel, and I guess I would ask our director if he feels that if we were to do this, it would indeed then give us more control and allow us to maybe bail out some of these or get some of these programs that may stole to get them going and reach an end date where they can open up and start being productive. Is that right?

- Mayor, if I can? Absolutely, alder. I think the idea is certainly not all, I think Alder Johnson is saying. So in exchange for allowing some additional consideration for that equity position, the city would pretty much require additional qualifications for that project to essentially, you know, move forward with our additional participation financially in that case. Like, so whether that's a right of first refusal on the property, whether that's an option to purchase for a certain amount of time, whether that's an additional collateralized position somehow, personal guarantees. Any tool that we have would have available to us to essentially enhance and protect the city's position would be justified in my opinion by us moving the needle and providing that additional investment to this program. So this isn't just someone coming in and saying, hey, I can't make the 20%. I can do 10%. Can I just do 10%? And we just say okay. We would probably require additional security in order to kind of compensate for that flexibility.

- All right. Thank you and I appreciate your patience with my questions. Thanks so much.

- Good question, sir. Thank you.

- Thanks, alder.

- Mayor?

- Alder Vander Leest, go ahead.

- 20% is not... Most loans, if you're looking to get a loan from a bank, they want to see 20% that you have some skin in the game. I understand what you're trying to do, but does the city have a lot of extra funds available that they can be? You know, 10% is a pretty light amount. As far as if you're gonna start a project, 10% is very light. You know, if you want to have somebody that's got good financial backing, you better have the money. In other words, the way cost overrun today, you know, housing, any type of development, it's probably jumped up 10 or 15% of what it was from, I would say 20%, it's jumped up from the last two years on construction costs. So I think that, you know, you'd have to very look very closely at your developer in the bag if they, you know, you get into a project. I'd like to know where the money's gonna come from. In other words, if we're down on 10% of the project, where would the money come from?

- The funds would be allocated, alder, from this, the housing fund that we're talking about in terms of the additional tid funds. But it does by obviously contributing additional funds for a particular project, prevents that money from obviously going to other projects. So there's certainly a limited amount of funds in the affordable housing fund that's been created from this. I would see, you know, going beyond the 20% being a rare request, and then the occasion when we actually do get that request, certainly being I think we're in a higher level of essentially documentation and justification as to why that would be okay in terms of whether it's a sound business plan, whether that's additional options to refinance later on to do something different with that. That's also why we really are requiring that, you know, anything underneath that, that's essentially an approval either by staff or through RDA. That's also why we feel. If we feel we've got a good enough project that has made the case for us, that that needs to go back through our, not just staff but also RDA and council to say, look, this is why we want to move this project forward just at only 10%. Here's our justification why.

- So we haven't had any projects. In other words, in the works right now, as far as it have come forward, is it necessary to jump into this right now, or do we want to wait and see and bring it back later as far as this request, as far as, you know, change in the agreement dependent tier?

- I think, well, certainly, there's always, anytime we've had discussions and obviously this has been on the agenda, we have had inquiries about the fund and what might be available. Again, this is not our only funding source that we have available to do that. We regularly use TIF funds, we use CDBG funds, we use a variety of funding to kind of help these sorts of projects, alder. So it's a matter of, you know, I think the 20% is still the standard in this. Even with the amendment, I think 20% is still a standard that we're looking for in most projects. So I think again, if it's someone will have to make a pretty strong case to get a staff recommendation to go different from that 20%, and then we also would still require that process again, from both the RDA and from council. So there's a lot of folks who would need to be comfortable with it to go below 20%. So again, with those extra review steps that are in place, alder, I think staff is okay with that, with the amendment.

- Thank you for your information.

- Thanks, alder. Any further discussion on that amendment? We do have a second. So I see no other comments. And people will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it. The amendment is adapted. Alder Johnson, you had another amendment?

- And this is under the section titled project limitations. It is the last bullet point that says \$500,000, meaning that that would be the maximum incentive available at that sentence. I would add this additional amendment. Under certain circumstances, project incentives in excess of \$500,000 for large multi-family developments that add additional qualifying units above and beyond the scope of a standard project may be considered and will need RDA and city council approval. And that is a formal amendment proposal.

- Second.

- Amendment has been offered by Alder Johnson and seconded by Alder Scannell.

- A quick explanation if I could on that, mayor?

- Yup.

- You know, I think obviously the whole point of this program is to build units. We all know that. Five, Alder Manderly's alluded to this, you know, project costs right now are 10, 15, 20%. I would even argue they're more like 30, 40%. And so when you start to look at \$500,000, sadly in today's building climate, it's not a lot. In average, cost to construct a normal unit on some of these buildings that are going up probably around two and a quarter, \$230,000. So if you want to get a unit that's at

say 75% of the average rental rate, you're going to need to provide an incentive and developers need to close that gap. And so if they're going to create let's say a hundred unit development, you need more than \$500,000 to close that gap if we're going to get to the low-income qualifying units that we're looking for that are requirements of this tid extension. So this gives us the ability to grant more than 500,000 for larger scale developments.

- All right. We do have an amendment and a second. Any questions or comments on that amendment?

- [Cheryl] Yeah.

- Yes, Assistant Director Renier-Wigg.

- I would just like to add in our discussions, Alder Johnson as well. We were, I think the intent, let me back up. Usually these large scale affordable housing projects are part of a tax credit project as well, right? Low-income housing tax credits. So there's a layer of financing that happens with these larger projects. I think the intent for this in excess of \$500,000 was really meant if we get a very large development. Let's say 250 units, 300 units, 500 units, then we may be talking about a larger need for that gap increase in there. I know you, I mentioned, Alder Johnson, a hundred units. I don't think I would look at a hundred units 'cause usually they can fill that gap with a half a million. But I think if you're talking large, large scale units, that's when we would look at maybe upping that 500,000. And that would be, of course, we'd have to take that to RDA and council for a large project like that.

- Yeah, and I think my intent is not to define it and leave that ability between staff and the developer to negotiate that. But I think at the end of the day, it's about when you look at this fund, how can we create the most number of units possible? Right? I mean, that's the goal. And I think staff is certainly more than capable of figuring out what that number looks like.

- Great. Any further discussion?

- Could we use the board on that, mayor?

- Yep. We have a request to use the board and we will do so. This is on Alder Johnson's second amendment.

- There we go.

- [Mark] Mayor, mayor?

- Yes please, Steuer.

- All those stories, I finally got into the meeting. I'll vote yes.

- Okay. Thanks, alder. And that is 11 to one. So that amendment is adopted. I'll entertain a motion to adopt as amended.

- A move to adopt is amended.

- [Scannell] Second.

- Motion has been made by Alder Dorff, seconded by Alder Scannell adopt as amended. Any final discussion?

- Just one comment, mayor. I'd really like to commend staff. This was a communication that I had put in when we first passed this and staff did a really great job. Those are just a couple of things that obviously I wanted to see modified, but that means that 99% of what they put together was exactly as I envisioned it. So kudos to staff. Wonderful job.

- Absolutely. It's an important policy. Alder Gerlach.

- And I was just going to say that I really appreciate the creative thinking of Alder Johnson. I really appreciate he looks at these things carefully and thinks creatively. So good job to the whole team, including Alder Johnson.

- Thank you, alder. Any other comments? All right. All in favor will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it, that item has been approved. On to INS.

- Motion to approve.

- Second.

- Motion to approve has been made Alder Scannell, seconded by Alder Corpus-Dax. And that is to approve the report of the improvement services committee from April 14, 2021. Any items under this report to handle separately? Hearing none. All in favor of approving that report, please signify by saying aye.

- Aye.

- Oppose nay. The ayes have it. The report has been approved. Protection and policy.

- Motion to approve.

- Second.

- Second.

- Motion to approve made by Alder Scannell, seconded by Alder Stevens, and that is to approve the report of the protection policy committee from April 12th, 2021. Any items here to be handled separately? Seeing none. All in favor will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it. Report has been adopted. Granting operator licenses.

- Motion to approve.

- [John] Second.

- Motion to approve made by Alder Scannell, seconded by Alder Vander Leest. Any names here to be handled separately or any abstentions? Seeing none. All in favor will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it. That report has been approved. Plan commission.

- Motion to approve.

- [Veronica] Second.

- Motion to approve made by Alder Scannell, seconded by Alder Corpus-Dax. And that is for the record of the planning commission from April 12th. Any items here to be handled separately?

- Item one.

- Item one.

- Alder Corpus-Dax, does your cat want hold any items?

- Right. No, I think it's good.

- Okay. Item one, any others? All right. Item one will be handled separately. Hearing on others all in favor of approving the remainder of that report, please signify by saying aye.

- Aye.

- Nay. The ayes have it. The report has been approved with the exception of item one. Your wish is here.

- Motion to approve.

- I would... Oh.

- Motion to approve made by Alder Scannell.

- Second.

- Seconded by Alder Corpus-Dax. The item was pulled by Alder Dorff. Alder, you have the other floor.

- I would like to open the floor for one of my constituents who would like to speak to this item. So this time I make a motion to open the floor.

- Second.

- Second.

- The motion has been made to open the floor by Alder Dorff, seconded by Alder Scannell. All in favor will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it. The floor is open. So just please state your name and address, and then move forward with your testimony.

- Certainly. We are Patrick and Barbara Ryan. We live at 341 Crosswinds Lane. Our backyard is on the west side of this development that which is proposed to be resolved from rural residential to residential one. We have documented our opposition to this development in letters dated earlier to the plan commission, February 22nd and March 18th, and we still stand by those statements. We moved to this address two years ago after living and paying taxes for 40 years on the East side of Green Bay at other addresses. We have found this to be an idyllic setting with the what's 12th fairway in our backyard. We enjoyed the green space, the wildlife, the Panorama, and have set no trees, all of which change as the seasons change. And in the winter, there are always parades of kids and parents going to a sledding hill just off the 11th fairway. This address was supposed to be our retirement residence. And this proposed development has changed all of this. We realized that the woods is private property, and we have enjoyed the story it provides, what our property and others and cross changed forever. No green space, no wildlife, trees, and the loss of recreational resources for all ages. We have suggested in meetings called by the woods and with the plan commission that an aesthetic barrier, or at least a few trees to be placed between the properties on Crosswinds Lane in

this development but there's no avail. There are also stormwater drainage issues, which now affect the properties, several properties along Crosswinds Lane. We currently are uncertain as to how this situation will change in the future with this development. We don't look forward to the dirt and noise, heavy construction traffic over the next few years on these residential street, like kids on bikes and by dog walkers. The closest recreational alternative will now be Makala Park, nearly a mile away and across a very busy Huron Road. Thanks for the opportunity.

- Thank you, sir. Any other members of the public? I'll entertain a motion.

- I close the floor.

- [Barbara] Second.

- Motion to close the floor made by Alder Scannell, seconded by Alder Dorff. All in favor, signify by saying aye.

- Aye.

- The ayes have it. The floor is closed. Alder Dorff.

- Thank you. I have heard from the concerns of the neighbors and I do understand how they're feeling about losing something that was aesthetically very pleasing to them. And I also understand that this is private property and in our plan development, it was always going to become residential at some point. And at this point, the operator of the woods can no longer afford to have an 18-hole golf course. I believe it's gonna be 12 or 13 holes. I'm not sure exactly. So he did sell this portion that was in our plan, our city plan. And so this is going to happen, and I do empathize with the loss of the aesthetics and the enjoyment that they had, and I'm hoping perhaps the wildlife will not all go away, and I know that the city is talking about possibly a conservancy later on in the agenda as part of the property. So that may be helpful. Thank you.

- Thanks, alder. Other comments from council? Alder Lefebvre.

- Thank you, Alder Dorff, for bringing that up about a conservancy which I think would help somewhat actually, you know, the woods will part of the golf course. It sounds like will still be there. So just a portion. So then I think that'd be a good discussion to start talking about a conservancy and making some concessions to the neighbors. Thank you.

- Thanks, alder. Any other comments? All right, hearing none. We have a motion to approve on the floor. All in favor will signify by saying aye.

- Aye, aye.

- Oppose nay. The ayes have it. And that item has been approved. Finance committee.

- Motion to approve.

- Second.

- Motion to approve made by Alder Scannell, seconded by Alder Dorff, and that is on a final report of the finance committee from April 13, 2021. Any items here to be handled separately?

- Item one, please.

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

- Aye. Oppose nay. The ayes have it. The report has been approved with the exception of item one.

- A motion to proof.
- Second.
- This is received in place on file item.
- Oh, motion to achieve by far.
- Made by Alder Scannell.
- Second.
- Seconded by Alder Dorff. Brunette, you have the floor.
- Yes. Question please. I just want to make a motion to refer to staff to determine the cost of conducting an outside investigation by an outside human resource department.
- [Chris] Second.
- That motion has been made to refer to staff by Alder Brunette, I think it was seconded by Alder Wery.
- [Chris] Yep.
- Any further discussion on that, Alder Brunette?

- No, I think it's self-explanatory. I don't think a city should conduct an investigation on itself. So I would like to determine how much the cost would be for an outside investigation and go from there.

- Thank you, alder. Alder Gerlach.

- Just a question. Does that then amend to this from receiving place on file to refer to staff? Is that what happened? What is it? That is an amendment?

- Yeah.

- Okay.

- Yeah. That's a good question. I mean, I think it's a motion to refer the item back to committee. So it's not an amendment.

- Okay.

- It's actually referred to staff. So it'd be superseding motion.

- Oh, thank you.

- Alder Dorff.

- And then I would be opposed to it as I was in finance committee that there's really nothing to refer to staff finance. Committee had a thorough discussion of this and I'm sure we'll take this up in personnel committee as well. And I would be against the motion to refer this and have staff work on

something for which it has not been established that there's even a need for an investigation. So I'm going to be voting no on this.

- It's all there. Further discussion?

- I just want a board vote, mayor.

- Thank you.

- Alder Vander Leest, was that your request as well?

- It was Alder Brunette's request.

- Okay. Yeah. I saw your box light up. So I didn't know if you were trying to say something as well.

- [Chris] I do have one question, Mr. Mayor.

- Alder Wery.

- Thank you. If the have, or if the dare person would have the answer, if this was just a great length, what is the estimate for such an outside investigation?

- What was that question?

- I heard that it was discussed at great length. So what was the estimate? What was the expected cost for an outside investigation?

- I think Alder Dorff was referring to committee discussion. But Alder Dorff.

- Yeah.

- Yeah. Of course we moved to receive a place in file and not have staff get into this. This was a communication that was to finance. We discussed it in finance.

- Okay. So we don't know. Okay. So we don't know. Thank you.

- That's why he was probably asking for that motion. Right, we don't know.

- Okay. That'd be good to know. Thank you.

- Thanks, alder. Any further discussion? All right. The motion is to refer this item to staff to determine the cost. A request has been made to use the board and we will do that.

- [Celestine] Thank you, mayor. You may vote, alders.

- [Mark] Mayor, this is Alder Steuer.

- Alder Steuer, go ahead.

- [Mark] I vote yes.

- And that vote is six to six, and I'm staying from this item. So that fails. So the motion on the floor is received in place on file. All in favor will signify by saying... Alder Wery.

- Thank you, Mr. Mayor. Yeah, I'll be voting against that. We used to vote that down and then vote approve it. I've given the magnitude of this issue that's been looked at around the city and around the state. I think an outside investigation is more than warranted. So I think we should vote no on this, and then yes for the investigation.

- Any further comments? All right. The motion is to receive in place on file.

- If we could board it, please.

- The request has been made to use the board.

- [Mark] Mayor, I vote no, Alder Steuer.

- [Celestine] Thank you, alder. Alders may vote.

- Celestine, you could switch. I thought I hit the wrong button too quickly. So I am a no.

- Wery, it's too late.

- [Celestine] Thank you, Alder Wery. I did do that.

- Thank you. East meets West.

- And that item is approved seven to five, or rather received and placed on file. We're on to park committee

- Motion to approve

- Motion to approve made by Alder Scannell.

- Second.

- Seconded by Alder Wery. And that is to prove our committee from April 14, 2021. Any items here to be handled separately? Hearing none. All in favor of approving that report please signify by saying aye.

- Aye.

- Aye.

- Oppose nay. The ayes have it. That report has been approved. Personnel.

- Motion to approve.

- Second.

- Motion to approve made by Alder Scannell, seconded by Alder Galvin. Any items here to be handled separately?

- Number three, please.

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

- Aye.

- Aye.

- Oppose nay. The ayes have it. The report has been approved with the exception of item three.

- Motion three received and placed on file.

- Second

- Motion three received and placed on file made by Alder Scannell, seconded about Alder Lefebvre. The item was pulled by Alder Brunette You have the floor.

- Yeah. Thank you, mayor. I guess a question for Director Faulds or Attorney Chavez. Can you tell us has there ever been a situation where the city of Green Bay had an outside human resource department or professional investigate something in regards to personnel of the city of Green Bay?

- Yeah, that's occurred before. It's typically done prior to a final report being given out.

- Could you explain the circumstances of those past cases?

- Typically, it's just individuals feel like there's a conflict of interest or maybe they thought there was potential bias. So they asked the staff to have an outsider look at it. Usually, all the ones I've been involved with staff has been involved to a certain extent with picking the attorney to investigate and also give assistance where it was needed.

- In your tenure as human resource director, has that happened?

- Yes.

- Who would request that? Would it be a city council member? Would it be the current or past city employee who felt that an outside investigation would be warranted? How can that be triggered?

- It can be traded, I think from staff. It could be traded from the HR departments, to the attorneys department, employee, an outside entity. It could be a council member. There's multiple people who could ask for it, and it's not always granted, but I think it's typically, it's just, I guess, a number of people could ask for it.

- So my request is not out of line considering the past history of the city.

- No. The only, I mean, concern I have is that, you know, this was discussed at a council meeting and, you know, out of closed session, there was a 12-0 vote to move forward. So at this point, what you're asking for is for what we'd recommend would be an attorney to do an independent review and then give a an attorney client report to the common council that would not be public information but would review the city's liability going forward versus maybe what was, I think some people have asked like a independent investigation. I'm providing the results to the public that would not occur. This would be looking at the city's liability and that would be presented to the common council but it really wouldn't change the outcome of what has already been put out in my report.

- You offered a lot of information that I wasn't asking for. So I don't mean that in a disrespectful way, but I didn't ask for that information. I guess I was just asking for was what I was requesting out of line based on past city experiences. I'll ask you a couple more questions, but specific the last, give me an example of one or two times where the city did consult with an outside attorney or human resource department. Can you give a little more detail as to why that was determined to be a valid request?

- Well, because it's a personnel issue and I guess I'm not gonna get into the weeds of those because I think it's between the employee and the organization that I wouldn't feel comfortable disclosing why that would happen.

- Okay. So again, I'm not gonna disclose anything we discussed in closed session obviously. But that closed session discussion, the report of the former clerk was council four hours before the council meeting. Many of us had just, you know, read it an hour before the meeting or during the meeting perhaps. I don't know if that's true. But it's certainly possible. At the committee meeting, I said let's remove the personalities. Let's remove the people who hold the positions, but the positions themselves. You basically have an outgoing city clerk who had an accusation in her words of a hostile work environment, and it included the position of the mayor. You were that human resource and pardon me for saying that. The human resource department director conducted the investigation, but that position reports directly to the mayor's office. Could you see how that would be determined to be a conflict of interest?

- Alder Brunette, I guess it's difficult for me to answer that question because a lot of that was discussed in closed session. And the rationale that I can give kind of puts me in a bind because it's a personnel matter and there's also, you know, potentially pending litigation from the former employees. So I explained kind of the rationale behind, you know, what happened. You know, I feel comfortable with my report and how that came about. So I can't really give that information or give any more detail because there's like I said, and it's pending litigation. So I apologize, but in open session, I just, I can't really disclose why I feel comfortable that there is not a conflict of interest in this situation.

- And Director Faulds, I understand. And again, as I said in the committee in my private correspondence with you, it's not meant to be any disrespect to you. That's to protect and preserve the good governance of the city that we prevent our city employees of being in a position of a conflict of interest, if we can avoid it. And I think in this situation, we certainly can't avoid it. I'd like to make a motion to have the human resource department consult with an outside human resource department or attorney to conduct an independent investigation.

- [Chris] Second.

- Motion has been made and seconded by Alder Wery, made by Brunette, seconded by Alder Wery. Alder Dorff.

- Yes. I'd like to point out that this very basically two and three quarter page report was even prior to city council and was thoroughly discussed in closed session. We made a determination at that time, a 12-0 determination that we accepted the report, the word complaint was never used. Any with that, I'm not revealing anything we talked about in closed session since the complaint was never made. So it would make absolutely no sense to me that we would look at something that we've already said months ago. We were satisfied with it. We approved it. We moved on. It's time for us to, again move on and not keep bringing in the same things over and over again to see if we can get the answer that we want. And I don't mean that disrespectfully. But this is to me what seems to be happening. Thank you.

- Thanks, alder. Further comments? Alder Lefebvre.

- Also I think you gotta think about the former clerk. He wants more Dre down on this too. I think you gotta think of her too. I think she's moved on. She's gotten another good position, and we haven't heard anything. And I think, yeah, as Alder Dorff mentioned, let's move on. Thank you.

- Thanks, alder. Alder Wery.

- Thank you, Mr. Mayor. Yeah, I don't think anyone should speculate on what the former clerk wants or does not want and just leave it at that. We should not be guessing at what Chris Teskey might want. This is a hot button issue obviously, as well as everything that's swirling around it. I think we should remove any appearance of any impropriety of investigating ourselves. If there's nothing wrong, and I'm sure the outside counsel is gonna just confirm that when we can show the public, see, it's been double-checked. So I really don't see why we're afraid of doing this. Thank you.

- Thanks, alder. Alder Scannell.

- It's not a matter of fear. It's a matter of good governance and expeditions and finance or money. I really am confused about the others that are pushing this. When we discussed this in closed session, and went ahead 12-0, that would have been the time to bring up these objections and concerns. We can't really discuss them openly now, but to my satisfaction, what we discussed in closed session, I don't know why all those are now seen there's a concern. Where? What? Of course we can't talk about it, but exactly when we were in closed session, that should have happened and it didn't. And so now you're talking about, I just find that all very confusing because outside agencies and people have

created this big bladder over nothing. We got to react to that. No, no way. I'm quite satisfied with what we've discussed and decided to do in closed session, and now it's time to put it all to bed. Thank you.

- Thanks, alder. Alder Dorff for a second time.

- Thank you. I would just like to say that I think what the citizens of this city need is a city council that makes it clear that we stand behind our employees and that we stand behind the actions that we take as a city council that we have taken as a city council. And we aren't constantly trying to undermine and certainly be disrespectful to some of our employees. So in response to what the city needs, that's what I think the city needs. Thank you.

- Thanks, alder. Alder Brunette for a second time.

- Yeah, Thank you, mayor. That's a loaded comment, Alder Dorff, because the city needs our city employees to be able to conduct the duties of their positions without possible interference. I'm not saying that's what happened here, but there are indications that may have happened. In the same way, we wouldn't expect, you know, certain city officials to get too deeply involved in the office of police chief or office of fire chief. We certainly don't want the position of a city official to get too deeply involved with a city clerk position carrying out their duties of her position. The open records request no matter if they're pleasant or not pleasant to some people, they are out there and it may indicate that there were situations where the outgoing city clerk felt very uncomfortable while carrying out the duties of her position. All I'm asserting here is that it is not appropriate for the human resource director position to conduct the investigation if that person and between the office of mayor. So it's true. We need our city employees to know that the city council and the city of Green Bay government has their back in good times and in bad times. There was a situation where a city employee felt very uncomfortable while carrying out their duties, dependently elected body of city government. The city council has a duty to make sure that any investigations and through such claims are done properly without any conflict of interests, whether actual or perceived. I would argue that this is an actual conflict of interest at the very minimum, a perceived conflict of interest. So I agree with you, Alder Dorff. We need our city employees to know we have confidence in them. That includes doing what needs to be done when things don't always go as planned. So I'm very comfortable with what I'm bringing forward. There was a long history why the previous city clerk left the office, left the position. I did engage the human resource department and the city attorney's office at length about this very, very obvious conflict of interest. I don't think I was given the proper responses in my opinion. I attempted to get an outside attorney client privilege opinion. I couldn't say the exact reasons why because I wanted to protect the city of liability, and I wanted to respect our city employees. The city committee and then the city council voted me down on that. It's like I started all of that. We have to do what's in the best interest of our government and our employees. That's why my motion is completely appropriate, and I'm willing to defend that at length if you want

me to. If you want me to write my own report, I will certainly do that. I have enough to believe that an outside investigation should be conducted. That's all I say. Thanks you.

- Thanks, alder. Alder Scannell for a second time.

- Yeah. Again, I'm tired of seeing this and being ignored. Yes, our former clerk felt uncomfortable. That's a given. That's obvious. We know why that's said in closed session, and in closed session, everyone understood that, everyone agreed with it, and everyone voted 12-0 to go on. And I have no idea why this is happening now with all this taking this position. You flip flap and you haven't explained yourselves. You haven't explained that why it was okay would before, we all go to 12-0, and we all heard in closed session the reasons and accepted that. It makes no sense to me. I keep asking. I've asked that at least four or five times now, maybe six and a half. I don't know. But it just keeps getting snowballed over. You say you've got... Well, that's enough. I'm done.

- Thanks, alder. Any final comments? All right. We do have a motion. Motion been made by Alder Brunette, seconded by Alder Wery to pursue an outside review here and a request has been made to use the board. So we will do that.

- [Celestine] You may vote, alders.

- Celestine, I pushed the wrong button. It's to receive way but we're voting on?

- The motion is by Alder Brunette to pursue an outside review.

- Okay. Then I did it right, yeah. Okay, thank you.

- [Celestine] Alder Steuer.

- [Mark] I am a yes.

- [Celestine] Thank you.

- And that motion fails seven-five. We do have a motion on the floor to receive and place on file. All in favor will signify by saying aye.

- Aye.

- Aye.

- Oppose nay.

- No.

- The ayes have it. And that item has been received and placed on file. EDA.

- Motion to approve.

- [Craig] Second

- Motion panel seconded Alder Stevens, and that is on the report of the economic development authority from April 5th, 2021. Any items here to be handled separately? Hearing none. All in favor of approving that report, please signify by saying aye.

- Aye.

- Oppose nay. The ayes have it. That report has been approved. Receiving place on file.
- To receiving any place on file.
- Second.
- The motion has been made by Alder Scannell, seconded by Alder Lefebvre, to receiving place on file. The building permit report for March, 2021 and the municipal court report for March, 2021. Any discussion? All in favor signify by saying aye.
- Aye.
- Nay. The ayes have it. That has been received in place on file. We are onto resolutions.
- Motion to suspend the rules.
- And I'm imagining we will...
- Yeah. For one through five.
- All right. Motion made to suspend the rules and take up items one through five with one roll call vote. A motion was made by Alder Scannell, and it was seconded by Alder Dorff. All in favor signify by saying aye.
- Aye.

- Oppose nay. The ayes have it. The rules are suspended.
- Motion to adapt.
- Second.
- Motion to those resolutions made by Alder Scannell, seconded by Alder Corpus-Dax. Any discussion? We will use the board.
- [Celestine] You all good, you may vote.
- [Mark] May Alder Steuer run. I'm an aye, yes.
- Thanks, alder. And those are adopted I I to one. Alder Vander Leest, you want it to be opposed there, just to confirm?
- No I don't. Not on that one, I'm sorry.
- Okay. So that was then unanimous. Clerk Jeffries.
- For one through five.
- Yep.
- Yeah, that's correct.

- Okay.

- Thank you mayor and alder. I will change that.

- Okay. Thank you, clerk. And then before we get into U6, just to kind of read the tea leaves based on, you know, some thoughts of alders. We just wanted to hold this resolution over, given the lateness of the report that Attorney Chavez put together for us and for good reason, you know, it was not produced until this morning. But I was wondering if alders wanted to hold that over so that the full council and members of the public had the opportunity to go through the report.

- All motion to hold.

- [Barbara] Yeah. Second.

- Okay. I believe Alder Scannell made the motion to hold this item over to learn, and that was seconded by Alder Dorff. All in favor will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it, and that item has been. Ordinances first reading.

- Motion to suspend the rules.

- Second.

- Motion has been made to suspend the rules. Take up these items with one roll call vote, or that motion rather. All say Dorff. All in favor will signify by saying aye.

- Aye.

- Oppose nay. You ayes have it. The rules are suspended.

- Motion to advance.

- [Barbara] Second.

- Motion to advance made by Alder Scannell and Dorff. Any discussion? All in favor will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it, and those ordinances have been advanced to a second reading. Committee as a whole, we do have a couple items here. I would make the same suggestion to council again, given the timing of our report.

- And that we hold the committee of the whole items until the fourth meeting.

- [Bill] Second.

- Motion has been made to hold this report over until the next council Dorff, seconded by Alder Galvin. Any discussion?

- Yep, I do have question.

- Alder Wery, go ahead.

- Thank you, Mr. Mayor. Yeah, I think it's wise to hold it so that we can all digest the report. And if we could please include the status of testifying before the state legislature when we expect that and who will be testifying. And then secondly, the status of the recent Wisconsin election commission complaint that was filed by several Green Bay citizens. I think that could also be discussed at the same time. Thank you.

- Thank you, alder. Any other comments? Alder Brunette?

- Yeah, I think the motion to hold to the public has a chance to review it as the section though from a procedural standpoint. If just have questions. Does the city attorney prefer to have us email the questions or ask the questions during open session at our next council meeting? Attorney Chavez.

- [Vanessa] That's entirely up to the council's preference. You could always send me messages and I'm more than happy to respond, but it's also within your right to ask questions during council meetings. That's what those are for.

- Yeah, sure. Thank you for that. The latter I knew the former the reason I asked that is if we do have questions, if there's a common theme of questions who Attorney Chavez just write up a quick response to that to add to the public record before we discuss at our next meeting.

- [Vanessa] I can definitely try to. I would say that at this point, the report is complete though. And so I don't know what else. I mean, I'm happy to respond to any request that you have, but as far as the report goes, the report is considered final. That's why it's released at this point.

- Okay. I guess one quick question that the roesers, I believe their names are pronounced roeser, but it's spelled R-O-E-S-E-R. Did you or someone from the city attorney's office reach out to them for comment, or was it just the comments that are in your report? Is that just what you ascertained from discussing with witnesses other than them?

- [Vanessa] Oh, for that portion of it, we reviewed the testimony that they provided, and then I spoke to the employees who had interactions with them.

- Okay. Thank you.

- Thanks, alder. All right. We do have a motion and a second.

- Mayor?

- Alder Johnson.

- Thank you, mayor. This is a question for Attorney Chavez. And for the record, I do support the hold as well, and I appreciate and understand why. Of course we received this today and I'm only about halfway through the report, so definitely support the hold. But one question I did have because it's not apparent to me this far, was Michael Spitzer Rubinstein, was he in it for the purposes of this report?

- [Vanessa] Yes.

- Okay. So his opinions and observations are reflected within it?

- [Vanessa] Correct.

- Okay, thank you.

- Thanks, alder.

- [Vanessa] And I will tell you that anybody that I spoke to externally before I included any information from them, I also spoke to our employees to confirm their version of events coincided.

- Thanks, Brian and Chavez. Anything final? Seeing none. All in favor of holding this report over will signify by saying aye.

- Aye.

- Oppose nay.

- The ayes have it. The report is held. Petitions and communications.

- [Chris] I have two.

- All right. Alder Wery, go ahead.

- Thank you, Mr. Mayor. I have two. The first one is protection and policy request by Brent Foley for the city of Green Bay to support via resolution the 2021-22 Wisconsin state legislature, Bipartisan Senate Bill 243 and Assembly Bill 245 basically lowers the threshold for disabled veterans to claim a credit on their property taxes. And a second one, improvement in service committee. How can the city of Green Bay achieve an annual 3% replacement rate of its roads? The actual plan would include anticipated increased borrowing request.

- Thanks, alder. Any others? Seeing no others. Alder Stevens.

- Yes. There's little housekeeping we need to do. Many of them, you know that our chief is retiring on May 3rd and actually tonight is his last common council meeting with us. I know he was on here earlier, I don't know if he's still on. That is one to give a shout-out to him is to tell him thank you for

his five years of service to the city of Green Bay. The three years that I've dealt with him, it's been great. So thank you, chief.

- Thank you, chief.

- Thank you, chief.

- Thank you, chief.

- Thank you, chief.

- Thank you.

- There's Commander Warych. He'll maybe let the chief know.

- She had to step out. So I'll make sure he knows all that and to support in the well wishes going forward.

- Appreciate that, Commander Warych.

- Thank you, Walder Stevens for the comments. So if you have us had the opportunity to do a little bit of a sendoff on Monday where the chief attended his final swearing in of some new officers. But we are absolutely gonna miss Chief Smith. He's accomplished some amazing things in his five years here and I think all of us owe him a huge debt of gratitude for his service to our community. So appreciate you, Alder Stevens, for calling that out. I will entertain a motion to refer.

- Motion to refer.

- Second.

- I second you.

- Second.

- Motion to refer those communications made by Alder Scannell, seconded by Alder Steuer. All in favor will signify by saying aye.

- Aye.

- Oppose nay. The ayes have it. Those communications are referred.

- Adjournment.

- Motion to adjourn.

- [Craig] Second.

- Motion to adjourn made by Alder Scannell, seconded by Alder Stevens. All in favor, signify by saying aye.

- Aye.

- Oppose nay.
- The ayes have it. We're out of here. Thanks everybody.
- Thank you.
- Thank you.
- Hey, Christina.