



# **MINUTES OF THE COMMON COUNCIL**

**TUESDAY, SEPTEMBER 21, 2021, 6:00 PM**

**In person at City Hall Room 200.**

**Virtual attendance also available via Zoom.**

## **A. ZOOM MEETING INFORMATION.**

I. This item contains information and instructions for the Zoom Virtual 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 September 7, 2021 Common Council Meeting.

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

Motion Passed.

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.

## **F. APPROVAL OF THE AGENDA.**

Moved by Ald. Randy Scannell, seconded by Ald. Brian Johnson to approve.

Motion Passed.

Yes- John VanderLeest, Barbara Dorff, Mark Steuer, Bill Galvin, Randy Scannell, Brian Johnson, Veronica Corpus-Dax, Kathy Lefebvre, Chris Wery, Lynn Gerlach, Craig Stevens, Jesse Brunette,

John VanderLeest, Mark Steuer, Randy Scannell, Veronica Corpus-Dax, Kathy Lefebvre, Lynn Gerlach, No- None, Abstain- None.

## **G. REPORT BY THE MAYOR.**

## **H. ANNOUNCEMENTS.**

## **I. APPOINTMENTS.**

### **I. New Appointments:**

#### Green Bay Sustainability Commission

Amy Kox, 153 Joan Ave., Green Bay, WI 54302

Term to expire: November 1, 2022

Moved by Ald. Randy Scannell, seconded by Ald. Lynn Gerlach to approve.

Motion Passed.

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.

## **J. PUBLIC HEARINGS.**

### **I. Miscellaneous Ordinance No. 03-21**

An Ordinance Adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to property located in the 1420 Block of South Huron Road.

no one appeared.

## **K. ORDINANCES - SECOND READING FOR ADOPTION.**

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to suspend the rules and take up items 2, 3 and 5 with one roll call vote.

Motion Passed.

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. Chris Wery to adopt items 2, 3, 5.

Motion Passed.

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. Miscellaneous Ordinance No. 03-21**

An Ordinance Adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to property located in the 1420 Block of South Huron Road.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to hold until November 2, 2021.  
Motion Passed.

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.

2. Zoning Ordinance No. 08-21

An ordinance rezoning the property located at 1414 Shawano Avenue from Low Density Residential (RI) District to Public Institutional (PI) District.

3. Zoning Ordinance No. 09-21

An ordinance rezoning the property located at 215 Elizabeth Street from General Commercial (CI) to Highway Commercial (C2) and Low Density Residential (RI).

4. Zoning Ordinance No. 10-21

An ordinance rezoning property located at the 1420 Block of South Huron Road from Rural Residential (RR) to Varied Density Residential (R3) and Conservancy (C).

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to hold until November 2, 2021.  
Motion Passed.

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.

5. General Ordinance 20-21

An ordinance amending Section 40-34, Green Bay Municipal Code, relating to parking regulations.

**L. REPORT OF THE REDEVELOPMENT AUTHORITY (SEPTEMBER 14, 2021).**

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

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 proposed changes to the development agreement with Toonen Properties for an expanded project at 2540 University Avenue, subject to final review by the City Attorney, and prepare a formal revised development agreement for consideration by the City Council.

Moved by Ald. Randy Scannell, seconded by Ald. Bill Galvin to approve.  
Motion Passed.

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.

2. To approve the allocation of CDBG-CV2 funds in the amount of \$253,062.34 from the State of Wisconsin to provide public broadband and wireless access to low-moderate income persons at

designated neighborhood parks under the Essential Frontline Employee Relief Program.

Moved by Ald. Randy Scannell, seconded by Ald. Bill Galvin to approve.

Motion Passed.

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

3. To execute the Pipeline Access and Abandonment Agreement with West Shore Pipeline Company to abandon an existing petroleum gas pipeline at 420 S. Broadway.

#### **M. REPORT OF THE IMPROVEMENT & SERVICES COMMITTEE (SEPTEMBER 15, 2021).**

Moved by Ald. Randy Scannell, seconded by Ald. Lynn Gerlach to approve.

Motion Passed.

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 5 additional overnight on-street parking occurrences for the remainder of 2021 from a request by Gary Baranowski for additional at 1239 Shadow Lane.

2. To receive and place on file the request to correct erosion issues on the 1000 block of Lacount Road (held at the August 25, 2021 Improvement and Services Committee meeting). (Ald. Brunette)

3. To deny all bids for GBMFD 2-21 STATION NO. 1 AIR CONDITIONING; to approve the award of GBPD 1-21 BOILER REPLACEMENT to Reeke Marold for \$84,500.00; to approve the award of RAMPS 3-21 PINE STREET RAMP PT REPAIRS to Western Construction Group in the amount of \$39,630.00.

A. GBMFD 2-21 STATION NO. 1 AIR CONDITIONING

B. GBPD 1-21 BOILER REPLACEMENT

C. RAMPS 3-21 PINE STREET RAMP PT REPAIRS

4. Consideration with possible action on an ordinance amending Sections 16-81 and 16-82, Green Bay Municipal Code, relating to Storm Water Management.

#### **N. REPORT OF THE PROTECTION & POLICY COMMITTEE (SEPTEMBER 13, 2021).**

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve, except item 7.

Motion Passed.

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 hold an appeal by Jessica Beaudoin regarding the denial of her operator's license until next Protection and Policy Meeting pending a recommendation letter.

2. To hold an appeal by Jason Neumeyer regarding the denial of his operator's license until the next Protection and Policy meeting pending a recommendation letter.

3. To deny a renewal application for a "Class B" Combination license by Strats, Inc. at 2850 Humboldt Rd on the basis that the establishment is not operational and in violation of Green Bay Municipal Code Section 4.7.

4. To receive and place on file a request by Ald. Brunette to consider a refund of inspection charges for 2593 Sumac Place.

5. To approve a change of agent for Marcus Cinemas of Wi, LLC (Marcus Cinemas Green Bay East) at 1000 Kepler Drive.

6. To approve a request by Baker & Mac Arthur, Inc. (Someplace Else) at 1605 University to extend their license premises to the southern half of their parking lot on September 25 for an outdoor event, subject to complaint.

7. To refer to staff with revisions from Alder Johnson, Alder Dorff, and Alder Lefebvre a resolution supporting Clean Water and Treaty Rights, concerning pipelines Number 3 and Number 5 (Alder Scannell).

Moved by Ald. Barbara Dorff, seconded by Ald. Mark Steuer to approve.

Motion Passed.

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.

8. To receive and place on file The Liquor Violation Report for September 13, 2021.

9. To receive and place on file The Report on Homelessness, Green Bay Police Department.

## **O. REPORT OF THE PLAN COMMISSION (SEPTEMBER 13, 2021).**

Moved by Ald. Randy Scannell, seconded by Ald. Lynn Gerlach to approve.

Motion Passed.

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 authorize a Conditional Use Permit (CUP) for a single-family dwelling in an Office/Residential (OR) District at 500 N. Chestnut Avenue, subject to compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit. (Public Hearing held 09/13/21)

2. To hold over the Public Hearing and request to rezone a portion of the rear yard of 919 Auto

Plaza Drive from General Commercial (C1) to Highway Commercial (C2) to a later date, with the conditions that property owners within 400 ft. of subject property be noticed of the next meeting and the public hearing be properly reposted.

#### **P. REPORT OF THE FINANCE COMMITTEE (SEPTEMBER 14, 2021).**

Moved by Ald. Barbara Dorff, seconded by Ald. Randy Scannell to approve, except item 3.  
Motion Passed.

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. Lefebvre to the Finance Committee which states: "Consideration with possible action on a review of the latest decision on the "Dark Store" law, recently considered in the case Lowes Home Center v City of Wauwatosa. The judge ruled against Lowes Homes Center. This review would include an understanding of current litigation, in light of this decision."

2. To approve Amendment No. 1 to Second Amended and Restated Pledge and Security Agreement in reference to the KI Expansion bonds.

3. To approve and award the Animal Shelter Services Agreement to the Wisconsin Humane Society, Inc. Total three year cost is \$309,090. Contract is a 1-year agreement with two 1-year renewal options. Contract attached.

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

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.

#### **Q. REPORT OF THE PARK COMMITTEE.**

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

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 refer to staff to calculate expenses the Forestry Department would have incurred, for consideration to reimburse the property owner at 1236 Thrush Street \$3,500 for the removal of 3 street trees and bring this back to the next Parks Committee for discussion.

2. To approve the Green Bay Arts Commission to install up to 4 art sculptures in Leicht Memorial Park. Motion Failed 2-2; No Recommendation.

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

Moved by Ald. Brian Johnson, seconded by Ald. Randy Scannell to amend the agreement to strike "in Leicht Park" and replace with "within TID 5."

Motion Passed.

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. Barbara Dorff, seconded by Ald. Randy Scannell to approve as amended.

Motion Passed.

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.

3. To hold on the request by Ald. Wery to review drainage concerns in the baseball fields at Colburn Park until the next Parks Committee meeting.

4. To refer to staff to provide a recommendation for modifications to the Park Department's Public Notification Policy.

#### **R. REPORT OF THE PERSONNEL COMMITTEE. (SEPTEMBER 14, 2021)**

Moved by Ald. Bill Galvin, seconded by Ald. Craig Stevens to approve.

Motion Passed.

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

- a. Procurement Manager - Purchasing
- b. Park Maintenance Worker - Park Recreation & Forestry

#### **S. RECEIVE AND PLACE ON FILE.**

Moved by Ald. Randy Scannell, seconded by Ald. Lynn Gerlach to Receive and Place on File.

Motion Passed.

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. The Municipal Court Report for August 2021.

#### **T. RESOLUTIONS.**

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

Motion Passed.

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. Bill Galvin to adopt.

Motion Passed.

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. Resolution authorizing conditional use permit at 500 North Chestnut Street.

2. Resolution to amend the second amended and restated pledge and security agreement.

## **U. ORDINANCES - FIRST READING.**

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

Motion Passed.

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. General Ordinance 21-21

Amending Green Bay Municipal Code Sections 16-81 and 16-82, relating to Storm Water Management.

## **V. REFERRAL OF PETITIONS & COMMUNICATIONS.**

Moved by Ald. Randy Scannell, seconded by Ald. Jesse Brunette to refer petition by Ald. Brunette, District 12 to Protection and Policy and to Improvement and Services to appropriate authorities.

Motion Passed.

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.

## **W. ADJOURNMENT.**

Moved by Ald. Barbara Dorff, seconded by Ald. Mark Steuer to Adjourn.

Motion Passed.

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.