



AGENDA OF THE COMMON COUNCIL

TUESDAY, JUNE 28, 2022, 6:00 PM

In person at City Hall Room 203--Council Chambers.

Virtual attendance also available via Zoom.

A. Zoom Meeting Information.

- I. This item contains a document providing virtual meeting instruction and the comment form link.

B. Roll Call.

C. Pledge of Allegiance.

D. Invocation.

- I. Ald. Steven Campbell, District 6

E. Approval of Minutes.

- I. June 7, 2022

F. Approval of the Agenda.

G. Report by the Mayor.

H. Announcements.

I. Appointments.

I. Reappointments:

Equal Rights Commission

Said Hassan, 538 Clement St., Apt. 5, Green Bay, WI 54302

Term to expire: June 1, 2025

Green Bay/Brown County Professional Stadium District Board

William Galvin, 1244 Emilie St., Green Bay, WI 54301

Term to expire: June 1, 2024

Leah Weycker, 227 Allard Ave., Green Bay, WI 54303

Term to expire: June 1, 2024

2. New Appointments

- a. Green Bay/Brown County Professional Stadium District Board
Barbara Dorff, 3375 Pebble Beach Ct, Green Bay, WI 54311
Term to expire: July 1, 2024
- b. City Officials
Jonathon LeRoy, Zoning Administrator

J. Public Hearings.

- I. Resolution of public alley between Monroe Ave and Quincy Street from Cherry Street to Pine Street to be vacated.

K. Report of the Equal Rights Commission (held from April 19, 2022 Common Council Meeting)

- I. Refer to staff to create a work plan to attain a score of 100 for the Municipal Equality Index (held from the April 19, 2022 Common Council meeting to allow the Human Rights Campaign time to provide a presentation on the Municipal Equality Index).

L. Report of the Finance Committee (Items held from May 17, 2022 Common Council meeting and June 21, 2022 meeting).

- I. To approve the American Rescue Plan Act (ARPA) allocation within the Crime Prevention and Neighborhood Enhancement category for Neighborhood Association support for \$150,000 (held from May 17, 2022 Common Council Meeting).
2. To approve the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Energy Efficiency grants for \$500,000 (held from the May 17, 2022 Common Council meeting).
3. To approve as amended. To amend the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Curb Appeal program for \$300,000 to mirror the Shipyard program with \$1,000 for landscaping, \$2,500 for structural, \$5,000 for site improvement and a minimum 25% match (held from the May 17, 2022 Common Council meeting).
4. To approve the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Great to be Home! program for \$500,000 (held from May 17, 2022 Common Council meeting).
5. To approve a budget amendment resolution to transfer \$15,703.00 from Contingency account to Elections budget.

6. To approve the purchase of Motorola radios for GBFD from Motorola Solutions through Baycom Enterprises for \$456,241.52.
7. To approve the adoption of the newly created Capitalization policy for the City of Green Bay.
8. To approve acceptance of the allocation from Department of Justice (DOJ) grant for \$151,145.00 for Coronavirus Emergency Response Funding.
9. To approve acceptance of the allocation from Wisconsin Department of Administration for \$391,107.98 for Local Law enforcement Agency Initiative grant – Safer communities funding.
10. To receive and place on file a motion by Ald. Galvin for a report with bullet points explaining what the City did with the monies as it relates to voter education, outreach, and registration.
11. To approve the amended policy that was referred to staff, Law and Finance, to continue to “create a policy or amend an existing policy to prohibit or prevent city personnel from the offices of Clerk, Mayor, Law, Finance, and IT in soliciting, accepting, or using any donation in the form of money, grants, property, or personal service from an individual or a nongovernmental entity for the purpose of funding election -related expenses, voter education, voter outreach, or voter registration programs with the exceptions of compensation of poll workers, securing leases for polling locations, and PPE for voters and volunteers.” From the May 24th Finance Committee meeting.
12. To receive and place on file to work with Ald. Brunette to bring forward to the Common Council a request by Ald. Brunette which states: “For a status update and discussion regarding legal services received from Law Forward states United Democracy Center, and Stafford Rosenbaum LLP with possible action such as continuing or discontinuing legal service received.” From the May 10th Finance Committee meeting.
13. To approve transfer ownership of K9 Bose from the Green Bay Police Department to Retired Officer Matt Lynch.
14. To hold until the July 26th Finance meeting a request by Ald. Brunette to the Finance committee which states: “For staff to prepare a list of five to ten ideas for acceptable uses of remaining ARPA funds under each of the five already approved categories with the goal being a more holistic approach for allocation funds.” To refer to staff until the June 21st Finance meeting for proposals that have been presented or held for possible consideration, and to place this item for discussion on the July 26th Finance agenda for consideration of additional ideas presented by staff and Council. From the May 24th Finance Committee Meeting.
15. To hold on possible action to approve the American Rescue Plan Act (ARPA) allocation within the Capital Needs and Organizational Priorities category for \$25,000.00.

M. Report of the Protection & Policy Committee (June 20, 2022).

1. To recommend the non-renewal of an application for a "Class B" Combination license for The Cannery Market LLC at 320 N. Broadway with a change of agent (Filed 5/16/2022 and referred from the 6/7/2022 Council Meeting).
2. Consideration with possible action on a request by Brewski's on Broadway at 1100 S. Broadway to extend their license premises to the parking lot for an event September 9-10, 2022 from 11 a.m. to 10 p.m., subject to complaint and the renewal of the 2022-2023 liquor license).
3. To approve a request by Cole Ductan (Bay Area Burger Co.) at 126 S. Broadway to extend the issuance of his available "Class B" License to early August due to unanticipated delays (License granted by Council on 5/3/2022).
4. To approve a 2022-2023 application for an available "Class B" Combination license for That 70's Bar, Inc. at 124 S. Broadway with a license premises description as "Stored, sold and consumed on the first floor. Basement (storage)," contingent upon the approval of the proper authorities.
5. To approve an original application for the 2022-2023 license year for a "Class B" Combination license by Taqueria Maldonado's Main Street LLC at 1706 Main St. with a license premises description as "DINING AREA, DRY BACK STORAGE," subject to the approval of the proper authorities (Currently licensed as OT's Bar & Grill-Ofelia Gruetzmacher).
6. To approve a 2022-2023 license year original application for a "Class A" Liquor and Class "A" Beer license by Downtown BP, Inc. at 606 Dousman St. with a license description as "C-STORE, BACK ROOM, 2 BATHROOMS, WALKIN COOLER," with the approval of the proper authorities (Currently licensed with same license type as Dousman Fuel, Inc).
7. To approve a 2021-2022 license year original application for a Class "A" Beer license for Sarpanch, 2, Inc. at 610 E. Walnut St. with a license premises description as "1,000 K CONVENIENCE STORE W/ BEER & LIQ STORE ON SHELVES & COOLERS," pending the approval of the proper authorities (Currently licensed as Singhs C Store 3, LLC with a Class "A" Beer license).
8. To approve a 2022-2023 renewal application for a Class "A" Beer license by Sarpanch 2, Inc. at 610 E Walnut St. (subject to the approval of the proper authorities and approval of the original liquor license application at the June 28 Council meeting).
9. To approve a 2022-2023 renewal application with a change of agent for Chefbop, LLC at 709 S. Broadway.
10. To approve various liquor renewal applications for the 2022-2023 license year (contingent upon the approval of the proper authorities).
11. To receive and place on file the DS200 and DS450 modem report.
12. To deny a request by Ald. Randy Scannell (District 7) to create a city referendum on marijuana legalization for the fall 2022 general election.

Should marijuana be legalized for adult-use, taxed and regulated like alcohol?

Yes _____ No _____

We've seen that our neighbors are benefiting by legalizing cannabis. Michigan legalized adult recreational marijuana in 2018 and now, what was previously illegal, is monitored and regulated. Not only is this giving adults more freedom to make their own personal choices, but it's ensuring safer and more predictable options while generating significant economic activity and public revenue. In March, Michigan sent more than \$42.2 million to 163 municipalities and counties as a part of the Michigan Regulation and Taxation of Marijuana Act.

13. To refer to staff a request by Ald. Wery which reads:

Review with possible action city policy regarding use of city flagpoles and what types of flags may be flown from them and when. If the city does not have one, I would request we create a city flagpole policy.

PURPOSE:

To establish clear guidelines for:

1) the exhibition of the United States of America flag, the Wisconsin State flag, the City of Green Bay flag at City facilities and at City Hall

POLICY:

It is the policy of the City of Green Bay that flags should be displayed in conformance with Federal and State laws and policies, as stated in the Federal "The Flag" publication of the Congress, Title 4, Chapter, 1 of the United States Code, and the State of California Government Code Sections 430 and 437.

The City's flagpoles are not intended to serve as a forum for free expression by the public. The City will not display a ceremonial flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

PROCEDURE:

Federal, State, and City Flags

1. Outdoor flags will be flown at City facilities in the following order of

precedence: first, the United States of America flag; second, the

Wisconsin State flag; third, the City of Green Bay flag;

2. The City of Green Bay flag will be flown wherever there are sufficient poles to do so. The City flag may be displayed on the same

pole with, and underneath the State flag, whenever the pole is of

2

sufficient height. The Federal, State, and City flags shall not be flown

on a single pole of any height.

3. Indoor flags will only consist of the U.S. Flag, State of Wisconsin Flag and City of Green Bay Flag and approved ceremonial flags.

Ceremonial Flags:

1. Flags of governments recognized by the United States may be

displayed in conjunction with an official government event.

2. The flags of any official Sister Cities of the City of Green Bay may be

displayed in conjunction with an event involving the Sister City or Cities.

3. Ceremonial flags of significance to the City's history may be displayed as designated by City Council by adoption of a resolution

in conjunction with official actions or proclamations of the City Council

14. To deny an appeal by Code 920, Inc. at 805 Klaus St. regarding the 2022-2023 renewal liquor license application (To start no earlier than 7 p.m.)

The Protection and Policy Committee may convene in closed session pursuant to 19.85(a), Wis. Stats., as a quasi-judicial body for the purpose of deliberating the Appeal by Mr. Jason Cowser regarding the 2022-2023 renewal application. The Protection and Policy Committee may thereafter reconvene in open session pursuant to 19.85(2) Wis. Stats. To report the results of the closed session and consider the balance of the agenda.

N. Report of the Improvement & Services Committee (June 22, 2022).

1. To approve the request to install sidewalk on the north side of University Avenue from Peters Street to Clement Street (referred from Traffic, Bicycle, & Pedestrian Commission by former Ald. LeFebvre).
2. To approve the request to install a pedestrian crosswalk crossing the west side of the University Avenue and Clement Street signalized intersection (referred from Traffic, Bicycle, & Pedestrian Commission by former Ald. LeFebvre).
3. To hold the request to consider alternatives to the overnight on-street parking ban ordinance to allow overnight on-street parking. (Ald. Wery)
4. To approve the request by Teri Johnson, 1350 Holiday Avenue, to have sidewalks removed from the Holiday Avenue frontage of the following properties: 1344 Holiday, 1345 Holiday, 1350 Holiday, 1351 Holiday, 1354 Holiday, 1355 Holiday, 1700-1702 Briquette, and 1714 Briquette Street (held at the May 11, 2022 Improvement and Services Committee meeting). (Ald. Wery)

5. To approve the proposed curb cuts for the ICAP Development project on S. Military Avenue in Green Bay.
6. To approve the request by Department of Public Works to award a contract for Topographic Surveying Services – 2023 Capital Improvement Program to Ayres Associates, Inc. in the amount of \$85,525.
7. To receive and place on file the Department of Public Works report on enforcement of proper use of City yard waste centers.
8. To approve the annual Compliance Maintenance Annual Report (CMAR) and resolution for Wisconsin Department of Natural Resources (WDNR) sanitary sewer collection permit to be executed by the Mayor and the City Clerk and authorize the Director of Public Works to submit the CMAR to the WDNR.
9. To approve the request by Department of Public Works to enter into a State/Municipal Agreement with the Wisconsin Department of Transportation for the reconstruction of Mather Street – Locust Street to Gray Street, Project ID 4987-02-79/80.
10. To approve the annual Lift Bridge Maintenance Agreement between the City of Green Bay and Wisconsin Department of Transportation for Fiscal Year 2023 to be executed by the Mayor and the City Clerk.
11. To approve the request by Department of Public Works to award the following:
 - A. A Sole Source contract for replacement of tub grinder motor to Kurz Industrial Solutions in the amount of \$24,150.
 - B. A Sole Source contract for repair of the tub grinder to Morbark, LLC, in the amount of \$27,942.21.
12. To approve the request by Department of Public Works to award the following contracts at a staff level and report the award at the next regular meeting of the Improvement and Services Committee.
 - A. ESG 3-22 OFFICE REROOF
 - B. PARKS 5-22 BAY BEACH WILDLIFE VIEWING PLATFORM
 - C. PAVEMENT X-22 ELIZA STREET RECONSTRUCTION
 - D. PAVEMENT X-22 LEGENDS DISTRICT SIDEWALK PHASE I
 - E. PAVEMENT X-22 S. VAN BUREN STREET RECONSTRUCTION
 - F. SEWERS 1-22 BASIN REPAIRS
 - G. SEWERS 2-22 LS 110 REPAIRS
13. To award the contract GBMFD 2-22 FIRE STATION NO. 4 REROOF to Premier Roofing Design in the amount of \$84,858.

To acknowledge that no bids were received for the contract PARKS 4-22 (PERKINS PARK BALLFIELD RENOVATION).

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

- A. PAVEMENT 3-22 S. VAN BUREN STREET RECONSTRUCTION
- B. PAVEMENT 4-22 COURIER ROAD RESURFACING
- C. SIDEWALKS 2022

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

A. Granting of Licenses

1. Sidewalk Builder

- a. DeGroot Concrete LLC
- b. Independent Concrete Solutions
- c. N & L Concrete Construction LLP
- d. Pro I Property Service LLC
- e. Quality Asphalt of Green Bay LLC
- f. Sommers Construction Co., Inc.
- g. The Boldt Company
- h. Three Corners Concrete LLC

2. Tree & Brush Trimmer for Pro I Property Services LLC

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

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

P. Report of the Redevelopment Authority (June 14, 2022).

- 1. To amend the Tax Increment District Affordable Housing Fund Policy to include a period of affordability for units created to assist low-to-moderate income individuals.
- 2. To approve and recommend to the Common Council the City of Green Bay's 2022 Annual Action Plan for Community Development Block Grant Program (CDBG) and HOME Investment Partnerships Program (HOME) entitlement programs.

Q. Report of the Plan Commission (June 20, 2022).

- 1. To amend Zoning Ordinance No. 09-15, a Planned Unit Development (PUD), to permit a drive-through restaurant at 1567 E. Mason Street, subject to:
 - a. A site plan and applicable permit applications are submitted to the Community and Economic Development Department (CEDD) for review and approval.
 - b. Approval of the Traffic Impact Analysis (TIA) by the City Traffic Engineer.
 - c. Approval of the draft Planned Unit Development (PUD).
 - d. No less than one (1) tree and three (3) shrubs be included for each 60 ft. of John Street frontage.

2. To authorize a Conditional Use Permit (CUP) for a carwash facility in a Community Center Commercial (C3) District located at 1555 W. Mason Street, subject to the following conditions:
 - a. CSM submission to create a lot as described in the legal.
 - b. Standard site plan review and approval.
 - c. The applicant continues to work with City Staff to address traffic safety and circulation.
3. To authorize a Conditional Use Permit (CUP) for a two-family dwelling located at 420 S. Van Buren Street, with the condition to provide code-compliant parking 44-1726. (Public Hearing held 06/20/2022)
4. To vacate public utility easements located at 1100 University Avenue.

R. Report of the Park Committee. (June 22, 2022)

1. To approve the request by TDS Metrocom, LLC for a Utility Easement at Fisk Park.
2. To approve accepting the donation from the Friends of Bay Beach of a used Tot Hopper ride to replace the Bay Beast Tot Hopper ride, contingent upon the successful purchase of the ride.
3. To approve the Green Bay Parks Department's Adopt-a-Park, Adopt-a-Trail policy as presented.

S. Report of the Personnel Committee (June 21, 2022).

1. To approve the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Arborist II - Park, Recreation & Forestry
 - b. Parking Maintenance Technician - Public Works
 - c. Battalion Chief - Fire
2. To approve the request to over hire one sergeant position through September 8, 2022.
3. To hold until the July 26th Personnel meeting the request for update and feedback on the Remote Work Policy with the possibility for revision.
4. To approve the request to award a 3-year contract for Human Resources Benefit Administration Software (RFP #2022-11) to Bentek for the estimated amount of \$182,710.

T. Report of the Economic Development Authority (June 6, 2022).

1. To approve a six-month extension of the planning option with GB Real Estate Investments for Tax Parcel 11- 92 and to return to the EDA for consideration of future extensions beyond the December 30, 2022, expiration date.

U. Committee of the Whole.

- I. Consideration, with possible action, on the establishment of polling locations for the August 9, 2022 election.

V. Resolutions.

- I. Resolution drawing final orders to contractors for June 28, 2022.
2. Resolution establishing polling locations for the August 9, 2022 Partisan Primary
3. Resolution of public alley between Monroe Ave and Quincy Street from Cherry Street to Pine Street to be vacated. (Second reading for adoption)
4. Resolution authorizing conditional use permit at 420 S. Van Buren Street.
5. Resolution authorizing conditional use permit at 1555 W. Mason Street.
6. Resolution authorizing release of utility easement at 1100 University Avenue.
7. Resolution authorizing a budget amendment to transfer \$15,703.00 from Contingency account to Elections budget.

W. Ordinances - First Reading.

- I. Zoning Ordinance No. 04-22
An ordinance amending Zoning Ordinance No. 9-15 for the planned unit development overlay district 1567 East Mason Street.

X. Receive and Place on File.

Y. Referral of Petitions & Communications.

Z. Adjournment.

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