



MINUTES OF THE COMMON COUNCIL

TUESDAY, MARCH 21, 2023, 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 instructions and information for the Zoom virtual meeting. It also contains a link to the comment form.

B. ROLL CALL.

All 12 members present and voting in Civic Clerk

C. PLEDGE OF ALLEGIANCE.

D. INVOCATION.

E. APPROVAL OF MINUTES.

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

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

F. APPROVAL OF THE AGENDA.

Moved by Ald. Melinda Eck, seconded by Ald. Randy Scannell to amend item U 1 and 2 to follow J.

Motion passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to adopt as amended.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian

Minutes of the Common Council

Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

G. REPORT BY THE MAYOR.

H. ANNOUNCEMENTS.

I. APPOINTMENTS.

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

Moved by Ald. Chris Wery, seconded by Ald. Jennifer Grant to hold the transit commission appointment.

Motion Failed.

Yes- Steven Campbell, Melinda Eck, Jennifer Grant, William Morgan, Chris Wery, No- Jesse Brunette, Bill Galvin, Jim Hutchison, Brian Johnson, Randy Scannell, Mark Steuer, Craig Stevens, Abstain- None.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve reappointments.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

Moved by Ald. Chris Wery, seconded by Ald. Steve Campbell to hold until the next council meeting
Motion failed on a voice vote.

Motion by Ald. Randy Scannell, seconded by Ald. Brian Johnson to approve the interim treasurer appointment

Motion passed

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

I. Appointments:

Transit Commission

Hector Rodriguez, 1460 Waterford Dr., Green Bay, WI 54313

Term to expire: February 1, 2024 (filling the remainder of a term)

Reappointments:

Green Bay Area Room Tax Commission

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

Term to expire: April 1, 2024

Green Bay Public Arts Commission

Rissel Peguero Almonte, 110 Little Swiss Pl., Green Bay, WI 54302

Term to expire: April 1, 2026

Zoning & Planning Board of Appeals

Noel Halvorsen, 2443 Deckner Ave., Green Bay, WI 54302

Term to expire: April 1, 2026

2. Interim Treasurer, effective April 8, 2023

Celestine Jeffreys, 614 Kellogg St, Green Bay, WI 54303

J. ORDINANCES - SECOND READING FOR ADOPTION.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to suspend the rules and take up all with one roll call vote.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

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

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

1. Zoning Ordinance No. 03-23

An Ordinance creating a planned unit development (PUD) overlay district for property on the 1100 Block of East Walnut Street.

2. General Ordinance 05-23

An ordinance creating a floodplain overlay district, subject to Department of Natural Resources required revisions.

K. REPORT OF THE REDEVELOPMENT AUTHORITY (MARCH 14, 2023).

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve, Ald. Johnson abstains from item 2.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

1. To approve and recommend to the Common Council the City of Green Bay's 2023 Annual Action Plan for Community Development Block Grant Program (CDBG) and HOME Investment Partnerships Program (HOME) entitlement programs.

2. To terminate and replace a grant agreement with BFAM, LLC for the renovation of 317 Dousman

Street.

L. REPORT OF THE IMPROVEMENT & SERVICES COMMITTEE (MARCH 15, 2023).

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

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

1. To approve the request by Meade Electric Co. Inc. to enter into an annual Hold Harmless Agreement for access to the City of Green Bay sewer system to conduct inspections of the sewer mains and laterals.
2. To approve the request by Department of Public Works to contract with Kone, Inc., the City's elevator maintenance contractor, to complete repairs to Elevator #4 at the Pine Street Ramp in the amount of \$29,995.
3. To approve the request by Department of Public Works to award Danz and Military Landfills - Native Planting Maintenance to NES Ecological Services in the amount of \$28,500.
4. To approve the request by Department of Public Works to enter into a Memorandum of Understanding between the City of Green Bay and the University of Wisconsin – Green Bay to allow access to the Tank Farm Pond property (Parcels 6-18 and 6-29) for data collection and on-going research.
5. To approve the request by Department of Public Works to purchase a replacement tractor for Closed Circuit Television (CCTV) inspection of sanitary and storm sewer facilities within the City.
6. To approve the request by Department of Public Works to amend the Brown County Solid Waste Management Agreement for 2023 establishing a "Direct Haul Contract Rate" for waste hauled directly to the landfill by the City of Green Bay instead of hauling to the transfer station.
7. To approve ordering the improvements constructed and levying the assessments for asphalt pavement for S. Maple Avenue from Ninth Street to North Termini.
8. To hold the list of Department of Public Works projects to be included in the 2023 City of Green Bay Capital Improvement Plan until the next regularly scheduled Improvement and Services Committee meeting (held from the March 1, 2023 Improvement & Services meeting).
9. To approve the award of the contract PAVEMENT 1-23 S. VAN BUREN STREET RECONSTRUCTION to Peters Concrete Company in the amount of \$1,388,022.95.
10. To approve the award of the contract PAVEMENT 2-23 HURON ROAD SIDEWALK ADDITION to Peters Concrete Company in the amount of \$299,226.20.
11. To approve and accept the additional rights-of-way required for the reconstruction of School

Place – Oak Street to 13th Avenue.

<u>Part of Tax Parcel #</u>	<u>Interest Required</u>	<u>Owner Name(s)</u>	<u>Amount</u>
3-660	Fee	Donna M & Melissa M Corpus	\$1,400
3-662	Fee	Jackie Micolichuk	\$1,400

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

A. Granting of Licenses

1. Sidewalk Builder

- a. Allied Concrete Construction Inc.
- b. Loch Construction Co., Inc.
- c. Three Corners Concrete LLC
- d. Verheyen Construction Co.

2. Underground Sprinkler System

- a. Roberts Quality Irrigation, LLC

M. REPORT OF THE PROTECTION & POLICY COMMITTEE (MARCH 13, 2023).

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve, except item 5.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

1. To approve a change of agent to Sarah J. Thibodeau for Kwik Trip, Inc. (Kwik Trip 420) at 1712 E. Mason St.

2. To grant an application for a "Class A" Liquor and Class "A" Beer license for Sarpanch 3, Inc. at 1335 Main St. with a license premises description as "shelves, in coolers, behind cash counter," with the approval of the proper authorities (Currently licensed as ASN Petroleum).

3. To grant an application for a "Class A" Liquor and Class "A" Beer license for Oasis Enterprises LLC at 612 S. Military Ave. with a license premises description as "BEHIND THE COUNTER, SHELVES, BACKOFFICE," with the approval of the proper authorities (Currently licensed with a Class "A" Beer license as Ran-di Enterprises LLC).

4. To deny the appeal by Gregory and Jennifer Van Den Nelzen, 3486 Yorkshire Rd, regarding Building Inspector ORDER 22-1588-106, Case #132019, issued November 4, 2022 (staff confirmed they will not require the property owner to do additional work regarding this water issue if the work under the order is completed).

5. To refer to staff a communication by Ald. Wery regarding the audio listening devices at City Hall,

amended to limit the scope of the referral to internally gather information regarding the possible scope of work, including identifying entities able to perform the work, and any implications regarding legal proceedings. Staff will return to P & P with information.

Moved by Ald. Brian Johnson, seconded by Ald. Mark Steuer to approve.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

6. To refer to staff a request by Ald. Wery, which was referred from the Parks Committee, for consideration with possible action on the creation of a broad surveillance ordinance and policy. For full transparency to the public, employees and elected officials, all requests for surveillance must be submitted by each department and approved by City Council.

The 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 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.

7. Informational Only: The Liquor Violation Report.

8. Informational Only: The Clerk's Office Liquor Licensing Report

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

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

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

I. Operator Licenses

O. REPORT OF THE PLAN COMMISSION (MARCH 13, 2023).

Moved by Ald. Randy Scannell, seconded by Ald. Chris Wery to approve, except item I.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

I. To amend the City's Comprehensive Plan for properties at 1035 VanderBraak (#20-350), 1030 Weise (#20-349), and unaddressed properties near 1119 VanderBraak (#20-381, #20-382 & #20-383) from Commercial to Low-Medium Density Residential. (Public Hearing held 03/13/23)

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

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

2. To establishment of a Planned Unit Development (PUD) for the Development of an Auto sales Use at 1577 Langlade Avenue (6-299-A & 6H-299-A-8), subject to the following conditions:

- a. Adoption of the draft PUD; and
- b. Consolidation of the two (2) individual lots.

(Public Hearing held 03/13/23)

P. REPORT OF THE FINANCE COMMITTEE. (MARCH 14, 2023)

Moved by Ald. Randy Scannell, seconded by Ald. Melinda Eck to approve, except item 9; Ald. Jesse Brunette abstains from items 1 and 2.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

1. To approve the reimbursement of the City portion of taxes only, excluding the pavement special assessment, for the parcels identified by the Assessor that would have met the exemption requirement had the request been submitted by the deadline. Parcels include 14-426 (612 Stuart St) and 14-410-A (618 Stuart St) for St. John Evangelist Homeless Shelter Inc for a total reimbursement of \$5,356.64 from 2023 contingency account.

2. To deny the reimbursement of the City portion of taxes, for parcel 14-410 (304 S Quincy St) for St. John Evangelist Homeless Shelter Inc as identified by the Assessor as not meeting the exemption requirements regardless of deadline.

3. To deny the reimbursement of the City portion of taxes, for parcel 5-1523-1 (610 N Broadway) for N.E.W. Community Clinic as identified by the Assessor as not meeting the exemption requirements regardless of deadline.

4. To purchase camera and related equipment for the GBPD Investigative Division from Foster + Freeman for \$37,341.91.

5. To approve the resolution of financial institutions the City does business with.

6. To amend 2022 budget lines.

7. To amend 2023 budget lines.

8. To receive and place on file a request by Ald. Wery to the Finance Committee which states: "Request an independent/outside cyber investigation of the audio listening system at city hall to include who accessed it and when since their installation. Were any audio recordings downloaded/saved?"

9. To approve the 2025 and 2027 community leader agreements for the NFL Draft Bid Booklets to be submitted by the Green Bay Packers.

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

Moved by Ald. Randy Scannell, seconded by Ald. Melinda Eck to open the floor.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

Aaron Popkey, 1015 N Broadway in De Pere

Moved by Ald. Jesse Brunette, seconded by Ald. Randy Scannell to close the floor.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

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

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

Q. REPORT OF THE PARK COMMITTEE. (MARCH 15, 2023)

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve, Ald. Jim Hutchison abstains from item 1.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

1. To approve funding \$32,500 to go towards 1/3 of the total cost of a new Sam and Sadie otter memorial/sculpture/exhibit at the Wildlife Sanctuary, with the Friends of the Wildlife Sanctuary funding the remaining 2/3 of the total cost.

2. To approve the donation of a turtle sculpture from the Baird Creek Preservation Foundation with the condition that staff will work with the artist and the Baird Creek Preservation Foundation to select the best location within the Baird Creek Greenway.

R. REPORT OF THE PERSONNEL COMMITTEE.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve, except item 3.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

- I. To approve the request to fill the following replacement position and all subsequent vacancies resulting from internal transfers.
 - a. GIS Analyst
2. To refer to staff to prepare a proposal to the committee which includes solutions and costs to secure City Hall; a report that details the police calls to City Hall and a draft of an employee survey to gauge employee opinions on City Hall security.
3. Consideration with possible action on the 2023 Agreement Between the City of Green Bay and the Green Bay Professional Police Association (From the February 28, 2023 Personnel Committee Meeting).

The Common Council may convene in closed session pursuant to Section 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating public employee contracts for competitive or bargaining reasons. 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.

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

Moved by Ald. Jim Hutchison, seconded by None to amend to replace, "Consideration with possible action on..." with "To approve..."

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

S. INFORMATIONAL.

I. MuniCtReportFeb2023

T. RESOLUTIONS.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to suspend the rules and take up all with one roll call vote.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

Moved by Ald. Randy Scannell, seconded by Ald. Jesse Brunette to approve, Ald. Jesse Brunette abstains from item 3.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

I. Resolution authorizing a budget amendment to 2022 budgeted line items.

2. Resolution authorizing a budget amendment to 2023 budgeted line items.
3. Resolution authorizing transfer of funds for the City's portion of property taxes for St. John's (parcel 14-426 for \$4,900.97 and 14-410-A for \$455.67) for a total of \$5,356.64.
4. Resolution designating public depositories and authorizing withdrawal of city moneys.

U. ORDINANCES - FIRST READING AND FINAL READING FOR ADOPTION.

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to suspend the rules and take up all with one roll call vote.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

Moved by Ald. Melinda Eck, seconded by Ald. Mark Steuer to open the floor.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

Ted Maktom (Gorman), 5375 N Lake Drive, Mke
Sandy Popp, 1195 Liberty St, GB
Dennis Hansen, N659 County Rd JJ, Brillion
Ryan Cromrind, 200 S Washington, GB
Mr. Whang, 124 S. Military, GB
Brian Rouse, 3750 Glendale Ave., GB
Ed Martin, 1316 Fox River Dr, GB
Jill Rouse, 2800 Northwood Rd

Moved by Ald. Randy Scannell, seconded by Ald. Mark Steuer to close the floor.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.

Moved by Ald. Chris Wery, seconded by Ald. Steven Campbell to deny.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Brian Johnson, William Morgan, Mark Steuer, Chris Wery, No- Jim Hutchison, Randy Scannell, Craig Stevens, Abstain- None.

I. Zoning Ordinance No. 05-23

An Ordinance repealing Zoning Ordinance No. 14-21 and creating a planned unit development (PUD) overlay district for part of 216 South Military Avenue.

2. Zoning Ordinance No. 06-23

An ordinance creating a planned unit development (PUD) overlay district for part of 216 South Military Avenue (ZP 22-31).

V. ORDINANCES - FIRST READING.

1. Zoning Ordinance No. 07-23

An Ordinance creating a planned unit development (PUD) overlay district for property on 1577 Langlade Avenue.

2. Miscellaneous Ordinance No.04-23

An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to properties located near the intersections of Vanderbraak, N. Clay, and Weise Streets (Parcel #20-350, #20-349, #20-381, #20-382, #20-383).

W. REFERRAL OF PETITIONS & COMMUNICATIONS.

None were offered.

X. ADJOURNMENT.

Moved by Ald. Randy Scannell, seconded by Ald. Melinda Eck to adjourn.

Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, Jim Hutchison, Brian Johnson, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- None, Abstain- None.