



AGENDA OF THE COMMON COUNCIL

TUESDAY, APRIL 18, 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 virtual Zoom meeting. It also contains a link to the comment form, which is due by 4:30 pm on Council meeting day.

B. Roll Call.

C. Pledge of Allegiance.

D. Invocation.

E. Approval of Minutes.

F. Approval of the Agenda.

G. Report by the Mayor.

H. Announcements.

I. Appointments.

I. Appointments:

Brown County Planning Commission

Dane Lasecki, 1025 Crooks Street, Green Bay, WI 54304

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

Reappointments:

Brown County Planning Commission

Steve Grenier, 341 Charity Lane, Green Bay, WI 54311

Term to expire: May 1, 2026

Matthew Woicek, 1968 Treeland Drive, Green Bay, WI 54304

Term to expire: May 1, 2026

J. Public Hearings.

1. 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).

K. Ordinances - Second Reading for Adoption.

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).

L. Report of the Improvement & Services Committee (March 29, 2023 & April 12, 2023).

1. To approve the request by Club Carwash, LLC to enter into a Developer's Agreement for the infrastructure required for the Jenny Lane extension. (March 29, 2023)
2. To approve the request by Department of Public Works to award the Mudjacking Services Contract to Badger Concrete Lifting, LLC for 2023 in the amount of \$47,547.50 with the option of four (4) one-year extensions for 2024, 2025, 2026, and 2027. (March 29, 2023)
3. To approve the request by Department of Public Works to award the Contaminated Soil Hauling, Disposal, and Mobilization Contract to Peters Concrete Co. in the amount of \$308,975.00. (March 29, 2023)
4. To approve the request by Department of Public Works to expend \$43,895.59 to replace a failed road grader transmission using budgeted Department of Public Works Equipment Repair account funding. (March 29, 2023)
5. 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>
3-652	Fee	Emily S Runge	\$1,400
3-653	Fee	Susan L Hill	\$1,400
3-655	Fee	Dakota Behnke	\$1,400
3-656	Fee	Hilliary Kuchta	\$1,400
3-658	Fee	Brian Zaker	\$1,400

3-659	Fee	David Corpus Jr. & Felicia M Corpus	\$1,400
3-661	Fee	Marcus A Greendeer	\$1,400
3-665	Fee	Bao Qin He & Tian You Hu Revocable Living Trust	\$1,400

(March 29, 2023)

6. To approve and accept the additional rights-of-way required for the construction of sidewalks on N. Huron Road at Watercrest Drive.

<u>Part of Tax Parcel #</u>	<u>Interest Required</u>	<u>Owner Name(s)</u>	<u>Amount</u>
21-7902	Fee	JamKat, LLC	\$300

(March 29, 2023)

7. To approve and accept the additional rights-of-way required for the reconstruction of S. Maple Avenue from Eighth Street to the north terminus.

<u>Part of Tax Parcel #</u>	<u>Interest Required</u>	<u>Owner Name(s)</u>	<u>Amount</u>
I-1444	Permanent Easement	Wisconsin Central LTD	\$2,500

(March 29, 2023)

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

A. Granting of Licenses

I. Sidewalk Builder

- a. Kurowski Construction
- b. Independent Concrete Solutions
- c. Carter Trucking & Excavating
- d. Larry Van Rite Trucking and Excavating

(March 29, 2023)

9. To approve ordering the improvements and levying the assessments for asphalt pavement for Berner Street.

Public Hearing 6:00 p.m.

ASPHALT PAVEMENT

Berner Street - N. Irwin Avenue to N. Webster Avenue

(March 29, 2023)

10. To approve to authorize the purchase of 416 rain barrels and to approve the award to Earthmark LLC in the amount of \$29,120 to implement a rain barrel program for Green Bay residents. (April 12, 2023)
11. To approve the recommendation to select Brown and Caldwell to provide professional engineering services for the City-Wide SLAMM analysis and TMDL Implementation Plan Update project in the amount of \$99,641. (April 12, 2023)
12. To approve the request by Department of Public Works to enter into a three-party contract between the City, ra Smith, and WisDOT for the design of Mather Street reconstruction project. (April 12, 2023)
13. To approve the request by Department of Public Works to enter into a Developer's Agreement with Habitat for Humanity for the extension of Ricky Drive south and east to Richmond Street. (April 12, 2023)
14. 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 Improvement and Services Committee meeting:

- a. PARKS 7-23 BAY BEACH NEBULAZ
- b. CITY HALL 1-23 REROOFING

(April 12, 2023)

15. To approve the award of the following contracts:
 - a. RESURFACING 1-23 (INCLUDING SEWER & WATER) to Dorner Inc.in the amount of \$2,476,810.87
 - b. RESURFACING 2-23 (INCLUDING SEWER & WATER) to De Groot, Inc. in the amount of \$2,879,831.71

(April 12, 2023)

16. 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>
3-663	Fee	Ian N. Diermeier	\$1,400
3-664	Fee	Trebor J. Tepolt and Nakita J. Lor-Brooks	\$1,400

(April 12, 2023)

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

A. Granting of Licenses

I. Sidewalk Builder

- a. Ramco Construction Services LLC
- b. Melnarik Concrete Inc.
- c. Frank O. Zeise Construction Co., Inc.
- d. Bath Concrete Flatwork, LLC
- e. Green Bay Concrete LLC
- f. KPC Concrete Contractor LLC
- g. Complete Concrete Solutions LLC
- h. Patriot Concrete LLC
- i. DeGroot Concrete LLC
- j. Elexco Inc.
- k. Precision Flatwork
- l. JD Concrete Corporation
- m. Blaser Construction, LLC

(April 12, 2023)

- 18. To approve the list of Department of Public Works projects to be included in the 2023 City of Green Bay Capital Improvement Plan and forward the plan to the Finance Committee for consideration and approval (held from the March 1, 2023 meeting). (April 12, 2023)
- 19. To approve the request by Department of Public Works to approve the FY 2024 Lift Bridge Maintenance Agreement between the City and Wisconsin Department of Transportation and authorize the Mayor and City Clerk to execute the agreement. (April 12, 2023)

M. Report of the Protection & Policy Committee (March 27, 2023 AND April 10, 2023).

- 1. To deny an appeal by Elin Bjork, 515 13th Avenue, on a denial of her excess animal permit (March 27, 2023).

The Council may convene in closed session pursuant to Section 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasijudicial trial or hearing before that governmental body. 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 refer to staff a communication by Ald. Campbell (District 6), to request that we add all committee meetings or any gathering of city council legislative duties by inserting the Pledge of Allegiance right after roll call as a permanent part of all Committee Agendas just as we do in our Common Council Agendas to restore and remind us of the oath that we took as public servants! (March 27, 2023)
- 3. To refer to staff a request by Ald. Scannell (District 7), for staff to make and report a safety threat assessment to the Protection & Policy Committee. (March 27, 2023)
- 4. To receive and place on file The Liquor Violation Report. (March 27, 2023)
- 5. To receive and place on file The Clerk's Office Licensing Report. (March 27, 2023)
- 6. To approve a change of agent at Kwik Trip, Inc. (Kwik Trip 827) at 935 Lombardi Ave. to Phillip L. Heldt. (April 10, 2023)

7. To approve a change of agent for Wisconsin CVS Pharmacy, LLC (CVS Pharmacy #2237) at 930 Main St. to Alan Timper. (April 10, 2023)
8. To grant a renewal application for a 6-month application for Class "B" Beer License for De Pere Dodgers Baseball Club, Inc. at 1450 E. Walnut St. with a license premises description as "Joannes Stadium." (License to run 5/15/2023-11/14/2023) (April 10, 2023)
9. To hold until the next Protection & Policy Committee a location transfer of a liquor license for Ramis River Run, LLC from 324 N. Roosevelt St. to 1610 Cass St. with an intended opening date of May 1, 2023. (April 10, 2023)
10. To grant an application for a "Class B" Liquor and Class "B" Beer license for FTC Locations, LLC at 231-233 N. Broadway with a license premises description as "MAIN BR FRNT TO BCK DR OF 231/EVENT SPACE-FRNT TO BCK DR OF 233/ BEER GARDEN/BASEMENT" (Currently licensed as Keggers LLC) (April 10, 2023)
11. Informational Only: The Liquor Violation Report (April 10, 2023)
12. Informational Only: The Clerk's Licensing Report (April 10, 2023)

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

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

O. Report of the Plan Commission (March 27, 2023).

1. To rezone property located at 2071 Ninth Street (Parcel 6H-1572) from (R1) Low Density Residential to (PI) Public Institutional, submitted by David Roth of One Way Christian Church, property owner and applicant (Ald. M. Eck, District 11). (Public Hearing held 03/27/23)
2. To approve a Conditional Use Permit (CUP) at the 2800 block of Humboldt Road (Parcel 21-339) to allow a telecommunication tower, wireless communication facility, in a Low-Density Residential (R1) district subject to the following conditions:
 - a. Parcel must have at least one (1) parking stall on site.
 - b. Legal parking stall(s) must be setback outside of the front yard setback.
 - c. Site plans must include a pedestrian access way to the facility.
 - d. Ground mounted equipment shall be screened from view by suitable vegetation along the north and eastern parts of the fence enclosure. Landscaping plans must be provided with site plan application.
 - e. The commercial wireless support structure shall be designed to accommodate both the applicant's antennas and comparable antennas for at least two additional users, as well as be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
 - f. No clear cutting of trees permitted downslope past the ridge.
 - g. No barbed wire fencing allowed.
 - h. Geotechnical data must be submitted showing evidence that the tower structure can be supported on site.
 - i. Nonavagational lighting is permitted unless required by the FAA.

- j. Compliance with all other regulations of the Green Bay Municipal code.

Public Hearing held (03/27/23)

3. To rezone properties located at 1035 Vanderbraak (#20-350), 1030 Weise (#20-349), and 1119 Vanderbraak (#20-381, #20-382 & #20-383) from Light Industry (LI) to Office Residential (OR). Public Hearing held (03/27/2023)
4. To approve a Conditional Use Permit (CUP) at 3136 West Point Road (Parcel 6H-1185-A) to allow for a detached structure with a metal exterior finished exceeding 120 sq. ft. in a Low-Density Residential (RI) district, subject to the following conditions:
 - a. Applicant must use Metalunic brand product or product of similar quality, as approved by Office of Economic and Community Development staff.
 - b. Site plan approval by the Office of Community and Economic Development.
 - c. Compliance with all other regulations of the Green Bay Municipal Code.(Public Hearing held 03/27/2023)
5. To declare a city-owned parcel as surplus, located at 1030 Weise Street, subject to the following conditions:
 - a. The subject property shall be directed to the Redevelopment Authority of the City of Green Bay for disposition and development.
 - b. The Water Utility shall be provided at a minimum a twenty-foot permanent easement on the north end to maintain our water main.
 - c. No access to Webster Avenue (as acquired by WDOT) shall be maintained.
 - d. WPS operations and rights shall not be affected for the poles and wires installed within vacated area referenced as a public utility easement as depicted on CSM 6753 as Document Number 1983362.
 - e. Easements shall be retained from the Weise Street vacation (north line of parcel) and the vacation of the Alley (south line of the parcel).

(Public Hearing held 03/27/23)

P. Report of the Finance Committee. (April 12, 2023)

1. To accept a \$1,000,000 grant from the Medical College of Wisconsin to establish and operate an Office of Violence Prevention.
2. To accept the 2022 BJA FY22 Edward Byrne Memorial Justice Assistance grant program for \$56,093.
3. To accept the 2022 FY22 Microgrants-Community Policing Development Solicitation for \$40,331.24.
4. To approve a Lease by the Wisconsin Department of Administration for office space at 315 South Baird Street, beginning June 1, 2023. Annual rent will be \$13,684.32 (Year 1), \$13,923.80 (year 2), and \$14,167.46 (Year 3), for the initial 3-year term. The Lease may be renewed for two successive 3-year periods with an annual increase of 1.75 percent.

5. To adopt the resolution urging local government funding reform including but not limited to shared revenue; and requesting the state consider surplus distributions to local municipalities for investments in public safety and infrastructure needs.
6. To approve the Report of the Claims Committee.

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.

Q. Report of the Park Committee.

1. To approve the updates to the 2023 Engage program at St. John's Park, which includes the Homeless Outreach Team taking over the coordination of the program.
2. To approve the request by the Joannes Park Neighborhood Association to fundraise towards the installation of a Futsal Court at Joannes Park conditional upon the group only securing donation commitments, and no actual dollars towards this project, until the point when the fundraising goal has been met in full. .
3. To approve donating the Sea Dragon ride at Bay Beach Amusement Park to the Friends of Bay Beach Amusement Park.
4. To receive and place on file the update on the Green Bay Park/Greenway Encroachment Initiative (INFORMATIONAL ONLY).

R. Report of the Personnel Committee.

1. To approve the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Administrative Clerk - Department of Public works
 - b. Parking Maintenance Technician - Department of Public Works
 - c. Purchasing Assistant - Administrative Services
 - d. Assistant Finance Director / Treasurer - Administrative Services

S. Report of the Public Arts Commission (March 22, 2023).

1. To select artists C3, J1, T1, and U1 as finalists for the TDS utility box Call-for-Art and select I1 and K1 as backups.
2. To approve the Arts Grant Program materials with the amendment that Green Bay Public Arts Commission members are ineligible to apply.

T. Report of the Traffic, Bicycle, and Pedestrian Commission (March 20, 2023).

1. To receive and place on file the monthly Traffic Enforcement Unit Traffic Safety Plan.

2. To remove the I-WAY YIELD condition on Lafayette Drive at Candle Way and adopt by ordinance.
3. To establish a I-WAY STOP condition on Lafayette Drive at Candle Way and adopt by ordinance.

U. Report of the Economic Development Authority (April 3, 2023).

1. To approve the sale of City-owned Parcel 21-4113 located near 3135 Greenview Drive.
2. To approve a one-year planning option extension to On Broadway, Inc. for parcels 4-83, 4-82, 4-81, and 4-80.

V. Informational.

1. Building Report for March 2023
2. MuniCtReportMarch2023

W. Resolutions.

1. Resolution ordering sidewalks reconstructed and issuing 30-day notices.
2. Resolution ordering sidewalks reconstructed and issuing 30-day notices.
3. Final resolution authorizing asphalt pavement improvements and levying special assessments against property.
4. Resolution drawing final orders to contractors for April 18, 2023.
5. Resolution authorizing conditional use permit at the 2800 Block of Humboldt Road (parcel 21-339).
6. Resolution authorizing conditional use permit at 3136 West Point Road (Parcel 6H-1185-A).
7. Resolution relating to funding critical local services.

X. Ordinances - First Reading.

1. General Ordinance No. 08-23
An ordinance amending Section 40-71, Green Bay Municipal Code, relating to traffic regulations.
2. PLACEHOLDER: To establish a I-WAY STOP condition on Lafayette Drive at Candle Way and adopt by ordinance.
3. Zoning Ordinance No. 08-23
An ordinance rezoning the properties located at 1035 Vanderbraak Street from Light Industrial (LI) District to Office residential (OR) District.
4. Zoning Ordinance No. XX-23
An ordinance rezoning the property located at 2071 Ninth Street (Parcel 6H-1572) from (RI) Low Density Residential District to (PI) Public Institutional District.

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.