



MINUTES OF THE COMMON COUNCIL

TUESDAY, JUNE 6, 2023, 6:00 PM

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

Virtual attendance also available via Zoom.

A. ZOOM MEETING INFORMATION.

I. Virtual zoom meeting sign-in information is below. Detailed [Zoom instructions](#) can be found online. The instructions include a link to the comment form, due by 4:30 pm on Council meeting day.

Join Zoom Meeting

<https://us02web.zoom.us/j/89265525444>

Meeting ID: 892 6552 5444

Passcode: 263662

One tap mobile

+13017158592,,89265525444#,,,,*263662# US (Washington DC)

+13052241968,,89265525444#,,,,*263662# US

Dial by phone: +1 312 626 6799 US (Chicago)

B. ROLL CALL.

Present in the chambers and voting in Civic Clerk: William Morgan, Jim Hutchison, Craig Stevens, Steven Campbell, Jesse Brunette, Chris Wery, Jennifer Grant, Bill Galvin, Mark Steuer, Randy Scannell, Brian Johnson, Melinda Eck

C. PLEDGE OF ALLEGIANCE.

D. INVOCATION.

E. APPROVAL OF MINUTES.

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

Motion Passed.

Minutes of the Common Council

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. 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.

G. REPORT BY THE MAYOR.

H. ANNOUNCEMENTS.

I. APPOINTMENTS.

Moved by Ald. Randy Scannell, seconded by Ald. Bill Galvin 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. Appointments:

Green Bay Public Arts Commission (Liaison)

Sadie Wilson, 1356 Concord Way, Oneida, WI 54155

Term to expire: May 1, 2025 (filling the remainder of a term)

Zoning and Planning Board of Appeals

Benjamin Andrews, 230 Huth Street, Green Bay, WI 54302

Term to expire: April 1, 2026 (filling the remainder of a term)

Informational only. Noel Halvorsen is designated as Chairperson of the Zoning and Planning Board of Appeals in accordance with Wis. Stats. section 62.23(7)(e)2.

J. ORDINANCES - SECOND READING FOR ADOPTION.

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

I. General Ordinance 13-23

An ordinance relating to Mobile Food Establishment License.

K. REPORT OF THE REDEVELOPMENT AUTHORITY (MAY 25, 2023).

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. To approve the Second Amendment to Development Agreement 2021-01 with Merge Urban Development, subject to final approval by the City Attorney.

L. REPORT OF THE IMPROVEMENT & SERVICES COMMITTEE (MAY 31, 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 Mohamed Farah for permission to park vehicles on the street every night at 802 Cora Street for the remainder of 2023.

2. To deny the request by Corey Buss, 1602 Pilgrim, to rescind the charges for sidewalk replacement/repair.

3. To refer to staff the request by Will Liebergen to appeal the storm water charges for the parcel at 1026 North Broadway.

4. To hold the purchase of a license plate recognition system for two Parking Division enforcement vehicles until the next regularly scheduled Improvement and Services Committee meeting.

5. To approve the request by McDonald Properties to have the City of Green Bay petition the Office of Commissioner of Railroads (OCR) for an at-grade rail crossing of Bay Beach Road immediately to the east of the intersection of Quincy Street and Bay Beach Road provided that all engineering and protection of underground utilities are completed to the standards of the Department of Public Works.

6. To approve the installation of a public trash can at the transit stop located at the intersection of Chicago and Madison Streets by Howe School.

7. To approve the request by the Traffic Division of the Department of Public Works to approve a modification of the award of purchase of traffic signal poles and hardware. The corrected award of contracts should be TAPCO in the amount of \$754,658.06, Traffic Parts, Inc. in the amount of \$53,056.50, and to Traffic Control Corp. in the amount of \$37,545.00 in accordance with the

attached schedule.

8. To approve the request by Department of Public Works to create Residential Green Stormwater Infrastructure Revolving Loan Fund Program.

9. To approve the request by Department of Public Works for the City of Green Bay's electronic Compliance Maintenance Annual Report (eCMAR) and resolution for submittal to the Wisconsin Department of Natural Resources (WDNR) by the Director of Public Works.

10. To approve the request by Department of Public Works to enter into a Professional Services Agreement with McMahon Associates, Inc. in the amount of \$33,866.00 for the design of Finger Road/East Town Way sidewalk.

11. To approve the request by Department of Public Works to enter into a Professional Services Agreement with Graef in the amount of \$82,130.00 for Topographic Survey Services.

12. To receive and place on file the award of contract BRIDGE 1-23 (BRIDGE MAINTENANCE & CONCRETE REPAIRS) to Lunda Construction in the amount of \$126,992.25.

13. To approve the award of contract PAVEMENT REPAIR 2023 (WEST) to Highway Landscapers, Inc. in the amount of \$1,331,275.00.

14. To approve the award of contract PARKS 6-23 SEYMOUR PARK-EAST STORMWATER FACILITY to Peters Concrete Company in the amount of \$257,339.70.

15. 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. PAVEMENT 3-23 SCHOOL PLACE RECONSTRUCTION
- b. PAVEMENT 4-23 BERNER STREET RECONSTRUCTION
- c. PAVEMENT 5-23 FINGER ROAD RECONSTRUCTION
- d. PAVEMENT 6-23 S. MAPLE AVENUE RECONSTRUCTION
- e. SEWERS 1-23 MINI-SEWERS
- f. SEWERS 2-23 BASIN REPAIRS
- g. TRAFFIC SIGNAL REPAIR 2023
- h. ASPHALT PAVING 2023
- i. RRFB BASE CONSTRUCTION

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

A. Granting of Licenses

I. Sidewalk Builder

- a. Brians Quality Concrete, Inc.
- b. Right Way Concrete Construction
- c. N&L Concrete Construction LLP

M. REPORT OF THE PROTECTION & POLICY COMMITTEE (MAY 22, 2023).

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to approve, except 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 the various liquor and/or beer license renewal applications with no changes for the 2023-2024 license year, subject to the approval of the proper authorities (see attached).

Moved by Ald. Brian Johnson, seconded by Ald. Randy Scannell to hold the "foot bowl" license .

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 approve an immediate change of agent for Hyatt Corporation at 333 Main St. to Jessica Shelby.

3. To approve a renewal application for a "Class B" Liquor and Class "B" Beer license for Hyatt Corporation at 333 Main St., pending the approval of the change of agent at the June 8 Council Meeting and with the approval of the authorities.

4. To approve an original liquor license application for a 6-month Class "B" Beer license for Green Bay Blue Ribbons Baseball Club, Inc. at 1450 E. Walnut St. with a license premises description as "Joannes Stadium" (Previously licensed as De Pere Dodgers Baseball Club).

5. To approve an original application for a "Class A" Liquor and Class "A" Beer license for Family Dollar Stores Of WI at 550 N. Military Ave. with a license premises description as "single-story building," with the approval of the proper authorities.

6. To approve an original application submitted by Family Dollar Stores of WI LLC at 1285 Main St. for a Class "A" Beer license and a request for a waiver to allow a "Class A" Liquor license be granted within 300' of a religious institution (requires majority vote by Council).

7. To approve a Class "A" Beer license for South Bay Marina, LLC at 101 Bay Beach Rd. with a license premises description as "two locked coolers, retail sales floor within Skipper's Choice," with the approval of the proper authorities.

8. To approve 2023-2024 renewal application for a Class "A" Beer license for South Bay Marine Center, Inc. at 101 Bay Beach Rd., pending the approval of the original application and the approval of the proper authorities.

9. To hold an appeal by Elliot Heath for the order issued by Inspections at 3688 Church Rd.

10. To approve a resolution to add nine additional reserve liquor licenses to the pool for a total of 32 reserve licenses.

11. To receive and place on file the Liquor Violation Report.
12. To receive and place on file The Clerk's Office Licensing Report.

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

Moved by Ald. Randy Scannell, 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.

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

O. REPORT OF THE PLAN COMMISSION (MAY 22, 2023).

Moved by Ald. Brian Johnson, 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.

1. To approve a request for Conditional Use Permit for a covered porch exceeding the front yard setback in a Low-Density Residential District (R-1) at 1500 Grignon Street. (Public Hearing held 5.22.23.)
2. To amend the City's Comprehensive Plan for the property located at 2132 Deckner Ave (#21-2284-2) from a split of Low Density Residential and Other Semi-Public or Semi-Public to Other Semi-Public or Semi-Public. (Public Hearing held 5.22.23.)
3. To rezone part of the property located at 2132 Deckner Ave (#21-2284-2) from Varied-Density Residential (R3) to Public Institutional (PI). (Public Hearing held on 5.22.23.)

P. REPORT OF THE FINANCE COMMITTEE.

Moved by Ald. Brian Johnson, seconded by Ald. Bill Galvin 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 proceed as directed in closed session regarding the engagement of economic advisors related to the Lambeau Field Stadium Lease negotiations.

The Common 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 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. To rescind or refund 2022 real estate taxes for Stacey L. Johnson, parcel #21-8198 for \$1,692.57.
3. To approve the budget amendment resolution for unbudgeted overtime for special events.

Q. REPORT OF THE PARK COMMITTEE (MAY 31, 2023).

Moved by Ald. Randy Scannell, seconded by Ald. Steven Campbell 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 hold the request by Ald. Galvin to convert one or two of the tennis courts at Astor Park into pickleball courts until the next Parks Committee meeting.
2. To hold the request by Ald. Galvin to consider for Astor Park a simple set of bleacher seats alongside the basketball court and to install one or two street lights to aid residents to play basketball later then sunset until the next Parks Committee meeting.
3. To approve the Farlin Park Masterplan.
4. To accept a \$249,999 Wisconsin Department of Natural Resources Stewardship Grant to assist with the funding of the construction of a new shelter with restrooms and an overlook deck at Leicht Memorial Park.
5. To approve the CityDeck Lease and Hagemester Restroom Use Agreement.
6. To approve the purchase of (2) Kubota ZD1211 72" Mowers for a total cost of \$37,912.14 (\$18,956.07 each) from Service Motor Company, Inc.
7. To approve the purchase of a 2023 Kassbohrer Pistenbully 100 4F Snow Groomer tractor from Kassbohrer All Terrain Vehicles, Inc. for a total cost of \$282,000.
8. To approve the purchase of (2) 2023 SMI Super Polecat w/Onboard Booster Pump Snowmaking Cannons for a total cost of \$80,590 from Snow Machines, Inc.
9. To approve the purchase of (1) Vermeer SC802 74 HP Stump Grinder for a total cost of \$72,463.77 from Vermeer Wisconsin.
10. To receive and place on file the update on Park seasonal staffing levels for the pools and summer playground program (INFORMATIONAL ONLY).

R. REPORT OF THE PERSONNEL COMMITTEE (MAY 23, 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.

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

- a. Building Services Coordinator
- b. Truck Driver
- c. Operator I

S. REPORT OF THE PUBLIC ARTS COMMISSION (MAY 24, 2023).

Moved by Ald. Randy Scannell, seconded by Ald. Brian Johnson 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 approve the Percent for Art project proposal "Steps" for the City East project.

Moved by Ald. Randy Scannell, seconded by Ald. Steven Campbell to refer back to committee.
Motion Passed.

Yes- Jesse Brunette, Steven Campbell, Melinda Eck, Bill Galvin, Jennifer Grant, William Morgan, Randy Scannell, Mark Steuer, Craig Stevens, Chris Wery, No- Brian Johnson, Abstain- Jim Hutchison.

2. To select final artworks and designate artwork placement for the Rotating Art Program 2023 - 2024 season.

T. REPORT OF THE TRAFFIC, BICYCLE, AND PEDESTRIAN COMMISSION (MAY 15, 2023).

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.

I. To receive and place on file the report by the Police Department on the monthly Traffic Enforcement Unit Traffic Safety Plan.

2. To hold the request by Ald. Galvin to change the 2-WAY STOP condition on Irwin Avenue at Eliza Street to a 4-WAY STOP condition.

U. COMMITTEE OF THE WHOLE

I. For consideration with possible action to create the Office of Violence Prevention Director LTE position in Community and Economic Development through December 31, 2025 at a salary up to \$83,000 and not to exceed \$100,000 in fringe benefits.

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.

2. For consideration and possible action on an update relating to the Lambeau Field Lease Negotiations.

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.

Moved by Ald. Chris Wery, seconded by Ald. Randy Scannell to enter closed session for both Lambeau lease and PFAS litigation.

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.

Ald. Wery read language for Lambeau Field; Ald. Johnson read language for PFAS litigation.

Item 2 was informational.

3. For consideration and possible action on an update regarding PFAS litigation and authority to retain outside counsel.

The Committee 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 Committee 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 for staff to proceed as directed in closed session.

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.

V. INFORMATIONAL.

I. Building Report for May 2023

W. RESOLUTIONS.

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

Motion Passed.

Minutes of the Common Council

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. A resolution to add nine additional reserve liquor licenses to the pool for a total of 32 reserve licenses.

2. Resolution authorizing budget amendment.

3. Resolution authorizing cancellation of 2022 real estate property taxes.

4. Resolution authorizing conditional use permit at 1500 Grignon St Parcel 17-1034.

5. Resolution accepting streets for concrete pavement, asphalt pavement or asphalt resurfacing June 6, 2023.

6. Resolution approving the Wisconsin Department of Natural Resources NR 208 - Compliance Maintenance Annual Report.

X. ORDINANCES - FIRST READING.

Moved by Ald. Randy Scannell, seconded by Ald. Craig Stevens to suspend the rules and take up both 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 advance.

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. Miscellaneous Ordinance No. 06-23

An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay related to property located at 2132 Deckner Ave.

2. Zoning Ordinance No. 12-23

An Ordinance rezoning property located at 2132 Deckner Ave (#21-2284-2) from varied-density residential district (R3) to a public institutional district (PI).

Y. REFERRAL OF PETITIONS & COMMUNICATIONS.

None were offered.

Z. ADJOURNMENT.

Moved by Ald. Randy Scannell, seconded by Ald. Steven Campbell 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.