



AGENDA OF THE COMMON COUNCIL

TUESDAY, MAY 21, 2024, 6:00 PM

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

Virtual attendance also available via Zoom.

A. Zoom Meeting Information.

- I. Join Zoom Meeting Online:
<https://us02web.zoom.us/j/89274696903>

Or call in by phone: +1 312 626 6799

Meeting ID: 892 7469 6903

Passcode: 209710

If you wish to speak at this public meeting or leave a comment, please fill out the online [Comment Form](#) and submit by 4:30 PM on Council meeting day. More detailed [Zoom Instructions](#) can be found online.

B. Roll Call.

C. Pledge of Allegiance.

D. Invocation.

E. Approval of Minutes.

- I. May 7, 2024

F. Approval of the Agenda.

G. Appointments.

- I. **Reappointments:**

On Broadway Business Improvement District
Brent Weycker, 500 Eliza St., Green Bay, WI 54301
Term to expire: December 1, 2026

H. Report by the Mayor.

I. Announcements.

J. Ordinances - Second Reading for Adoption.

1. Zoning Ordinance No. 07-24
An ordinance rezoning property located at 715 Marquette Ave from Office Residential (OR) and Low-Density Residential (RI) to Low-Density Residential (RI) (ZP 24-09).
2. Zoning Ordinance No. 08-24
An ordinance rezoning property located at 1709 and 1745 Moraine Terrace from Business Park District to Light Industrial District (ZP 24-13)
3. Zoning Ordinance No. 10-24
An ordinance rezoning property located at the 3000 block of Finger Road (Parcel 21-7596) from Rural Residential (RR) to General Commercial (CI) (ZP 24-11)
4. General Ordinance 11-24
An ordinance amending Section 26-11, Green Bay Municipal Code, Relating to the destruction of birds and squirrels.
5. General Ordinance No. 12-24
An ordinance amending Chapters 4 and 28, Green Bay Municipal Code, relating to alcohol beverages.

K. Report of the Redevelopment Authority (May 14, 2024).

1. To approve Development Agreement 24-04 with NOVA GB LLC for the redevelopment of 221 Cherry Street (Tax Parcel 12-112).

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 may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

2. To approve the release of River Center Lofts, LLC and Stone House Milwaukee, Inc. from their personal guarantees executed under the Development Agreement – Phase I: Younkers Site Project and to approve a PILOT agreement with Wisconsin Housing Preservation Corporation in relation to their purchase of property located at 335 N. Washington Street, known as the Flats on the Fox development.

L. Report of the Plan Commission (May 2 and May 13, 2024).

1. To approve a Planned Unit Development (PUD) at 221 Cherry Street (12-112) to allow the development of a 8-story building of 268 apartment homes and approximately 4900 square feet of retail space on the street level, subject to compliance with all other regulations of the Green Bay Municipal Code. (ZP 23-52 Public hearing held May 13, 2024).
2. To approve to create a Planned Unit Development (PUD) for the creation of a 21 small home cottage court located at 2890 St. Anthony Drive, subject to the following conditions:

1. Adoption of the draft PUD Ordinance.

2. Land division takes place separating the project area from the parent parcel (21-283).
3. If the social and support services uses are discontinued, the managed operation is dissolved, or if Veteran's 1st of NEW no longer manages the development, the managed social and support service uses shall terminate immediately. The managed social and support service uses/operations shall not be renewed or reestablished without the Plan Commission and City Council review and approval.
4. At the discretion of the Common Council or the Director of Community and Economic Development, a review by the Plan Commission may be required to ensure compliance with this Planned Unit Development and identify any areas of concerns including but not limited to:
 - a. Police calls and other documented safety concerns.
 - b. Inadequate facilities.
5. Development is managed in conformance with the submitted operating plan.
6. Professional archaeologist on site during excavation and grading.
7. Provide City Staff with a report on location and development effects of dry creek bed at time of permitting.

(ZP 24-04 Public hearing held May 2, 2024).

3. To approve a Conditional Use Permit to construct a second accessory structure which exceeds maximum size and is constructed with a metal exterior finish at 3394 Haven Place, subject to compliance with all other regulations of the Green Bay Municipal Code. (ZP 24-15 Public hearing held May 13, 2024).

M. Report of the Improvement & Services Committee (May 15, 2024).

1. INFORMATIONAL ONLY - The Committee did not elect a Chair or Vice-Chair. The election is being held until the next Improvement & Services Committee meeting dated June 5, 2024.
2. To hold the request by Jennifer Pagel (1070 Kenwood Street) to rescind the outstanding invoices for early garbage setout (held over from the May 1, 2024, Improvement & Services Committee meeting) until the next Improvement & Services Committee meeting.
3. To approve the request by Department of Public Works to have the City of Green Bay petition the Office of Commissioner of Railroads for an at-grade crossing of a rail spur line along Weise Street at North Quincy Street.
4. To approve the request by Department of Public Works to enter into a cooperative purchasing agreement with KONE Inc. in the amount of \$493,000.00 for the Cherry Street Ramp South Elevator Replacement.
5. To approve the request by Department of Public Works to award the following contract at a staff level and report the award at the next Improvement and Services Committee meeting.
 - a. PARKS 2-24 BAY BEACH WILDLIFE SANCTUARY PARKING LOT EXPANSION – Ph I

6. To approve the request by Department of Public Works to review and approve the award of BRIDGE 2-24 PAINTING (B-5-141, B-5-154, B-5-275) to Zenith Tech, Inc. in the amount of \$374,500.00.
7. To receive and place on file the report of the award of contract RESURFACING 2-24 (INCLUDING SEWER & WATER) to Jossart Brothers, Inc. in the amount of \$3,656,132.60.
8. To receive and place on file the actions taken by the Department of Public Works.

A. Granting of Licenses

I. Sidewalk Builder

- a. Total Construction (Joe Mains Concrete)
 - b. Quality Asphalt Green Bay, LLC
 - c. N&L Concrete Construction, LLC
 - d. Paul Conard Construction
9. To approve the request by Department of Public Works to review and approve the award of ESG 1-24 SALT SHED MATERIALS to Wheeler Lumber, LLC in the amount of \$142,300.00.
10. To approve the request by Department of Public Works to award the following contract at a staff level and report the award at the next Improvement and Services Committee meeting.
 - a. PARKS X-24 LEICHT PARK SHELTER

N. Report of the Protection & Policy Committee (May 13, 2024).

1. To deny an appeal by Edward Rincon regarding the denial of his exotic animal permit (denied January 24, 2024).

The Council may convene in closed session pursuant to Section 19.85(1)(a) Wisconsin Statutes for the purpose of deliberating a case which may be the subject of a quasi-judicial trial or hearing before that governmental body. The Council may, thereafter, reconvene in open session pursuant to Section 19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

2. To deny an appeal by Alex Beard and Brittany Paynter at 113 Alvina St. regarding their dangerous dog declaration.

The Council may convene in closed session pursuant to Section 19.85(1)(a) Wisconsin Statutes for the purpose of deliberating a case which may be the subject of a quasi-judicial trial or hearing before that governmental body. The Council may, thereafter, reconvene in open session pursuant to Section 19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

3. To approve a limited expansion of a license premises request at the listed locations:
 - a. Copper State Brewery LLC (Copper State Brewery)
313 Dousman St.
Inside a tent in the parking lot to the east of the biergarten
Date: June 1, 2024

- b. 2WB, Inc. (The Sandbox)
2042 Manitowoc Rd
Southwest 1/5 of parking lot
Date: July 21, 2024
4. To approve a request by Here on Huron LLC (Rosatti's Pizza) at 745 S Huron Rd to amend their license premises, pending the approval of the proper authorities.
 5. To grant a request by Vic Theatre Green Bay, LLC to transfer their "Class B" Liquor and Class "B" Beer license from 217 E. Walnut to 130 E. Walnut, on or about July 1, 2024, or as recommended by the City, pending the approval of the proper authorities. New license premises will be "1st floor, 1st-floor patio, 2nd floor, 9th floor and stairwell connecting such."
 6. To grant the various liquor and/or beer license renewal applications with no changes for the 2024-2025 license year, subject to the approval of the proper authorities (see attached).
 7. To approve a change of agent at the listed locations:
 - a. Tapatio Jalisco, LLC (El Tapatio Restaurant) at 1638 University to Adriana Mora
 - b. Tapatio Jalisco, LLC (El Tapatio Bakery) at 1638 University to Adriana Mora
 - c. Nicolet Gas, Inc. (University Mini Mart) at 2260 University Ave. to Jasveer Kaur
 8. To grant the listed renewal applications for the 2024-2025 license year, pending the approval of the proper authorities and the change of agent at the May 21 Common Council meeting:
 - a. Tapatio Jalisco, LLC (El Tapatio Restaurant-"Class B" Liquor & Class "B" license) at 1638 University Ave.
 - b. Tapatio Jalisco, LLC (El Tapatio Bakery-"Class A" Liquor and Class "A" Beer license) at 1638 University Ave.
 - c. Nicolet Gas, Inc. (University Mini Mart-"Class A" Liquor and Class "A" Beer license) at 2260 Nicolet Dr.
 9. To receive and place on file the 2024-2023 renewal application for a "Class B" Liquor and Class "B" Beer license for Hyatt Corporation at 333 Main St.
 10. To grant a 24-25 original application for a "Class A" Liquor license for Loco Wisco LLC at 112 N Washington St, subject to the approval of the proper authorities (Currently licensed as Loco Wisco LLC who holds a "Class A" Liquor and Class "A" Beer license).
 11. To waive the statue regarding 300' from a church and grant a 2024-2025 original alcohol beverage license application for Mi Tierra Food Market, Inc. at 1333 Cedar St. to obtain a Class A" liquor and Class "A" Beer license with a premises description as "7000 sq ft building, beer to be stored at walking cooler," subject to the approval of the proper authorities (Applicant currently holds a Class "A" Beer license and license must be approved by majority Council as location is within 300' of a church).
 12. To grant an original application for CRA Restaurant, LLC at 2148 University Ave. with a license premises description as "walk-in cooler, kitchen, patio, dining area, with the approval of the proper authorities (currently licensed as RRDK LLC).

13. To grant a renewal application for the 2024-2025 license year for CRA Restaurant, LLC at 2148 University Ave, subject to the approval of the proper authorities and the approval of the original liquor license at the May 21, 2024 Common Council Meeting.
14. To receive and place on file an original alcohol beverage license application for Serrano Enterprises LLC at 226 S. Broadway to obtain a "Class B" Liquor & Class "B" Beer license with a premises description as "behind bar and stored behind bar and back storage room" (Currently licensed as Big Mitch, LLC).
15. To receive and place on file a 2024-2025 renewal application for a "Class B" Liquor and Class "B" Beer license for Serrano Enterprises, LLC at 226 S. Broadway.
16. Consideration with possible action on a 23-24 original application for a "Class C" Wine and Class "B" Beer license for Green Bay Koi, Inc. at 1593 W. Mason St. with a license premises description as "kitchen and dining," subject to the approval of the proper authorities.
17. To receive and place on file a 24-25 renewal application for a "Class C" Wine and Class "B" Beer license for Green Bay Koi, Inc. at 1593 W. Mason St. with a license premises description as "kitchen and dining," subject to the approval of the proper authorities and the approval of the original application at the May 21 Common Council Meeting.
18. To grant a request by Spices of Green Bay at 1860 University to extend the issuance of their "Class B" Liquor-Reserve and Class "B" Beer license to June 1, 2024 to complete the renovation.
19. To grant an extension request for Rockyz Taqueria LLC at 1679 Main St. to extend the issuance of the liquor license until June 12, 2024 and update the committee on the license status at the June 17 Protection & Policy Committee meeting.
20. To hold until the June 17 Protection & Policy Committee meeting the "Class B" Liquor and Class "B" Beer 2024-2025 renewal application for a "Class B" Liquor and Class "B" Beer license for Rockyz Taqueria LLC at 1679 Main St., subject to the approval of the proper authorities.
21. To hold a request by JR Smith LLC at 1698 Main St. to extend the issuance of the liquor license (license granted on March 5, 2024) to the June 17 Protection & Policy Committee meeting.
22. To hold until the June 17, 2024, Protection & Policy Committee meeting a 24-25 renewal application for a Class "A" Beer and "Class A" liquor license for JR Smith LLC at 1698 Main St., subject to the approval of the proper authorities.
23. To hold until the June 17, 2024, Protection & Policy Committee meeting a 24-25 renewal application for a "Class A" Liquor and Class "A" Beer license for JLA, Inc. at 1698 Main St., subject to the approval of the proper authorities.
24. To deny an appeal by Jennifer Mondragon-Murcia regarding the denial of her operator's license.
25. To deny an appeal by Cory Mayer regarding the denial of his operator's license.

26. To approve Miscellaneous Ordinance 01-24, An Ordinance Redistricting the Boundaries of the Aldermanic Districts of the City of Green Bay.
27. To approve a Resolution Dividing the City of Green Bay into Wards, to update the City's wards in accordance with the Wisconsin State Legislature's statewide redistricting in February 2024.
28. Informational Only: The Liquor Violation Report.
29. Informational Only: The Clerk's Licensing Report.

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

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

P. Report of the Finance Committee. (May 14, 2024)

1. To place on hold a contingency transfer of funds resolution for \$20,966.20 to Fire contractual services for emergency water remediation at Fire Station 5 for unexpected and unbudgeted expenses.
2. To place on hold the contingency transfer of funds resolution for \$50,000 to Fire Capital building repairs for Fire Station 1's water damage deductible until the next Finance Committee meeting on 06/18/2024.
3. To approve the request from the Department of Public Works for a budget amendment, transferring \$70,000 from Salaries to Materials and Supplies to fund necessary office space renovation for the third floor of City Hall.
4. To approve the Green Bay Press Gazette as the Official Newspaper of the City of Green Bay from June 1, 2024, through May 31, 2025. Funding Source is the annual operating budget.

Q. Report of the Park Committee (May 15, 2024).

1. Committee did not elect chair or vice-chair. The election is being held until the next Parks Committee meeting. **(Informational Only)**
2. To approve a playground donation from the Green Bay Packers for Danz Park, east of Danz Avenue.
3. To approve a new dog park at East River Meyer Park.
4. To receive and place on file the request by Ald. Galvin for staff to develop a process for citizens to pay for permanent memorial benches in City Parks.
5. To refer to staff the request by Ald. Galvin for staff to develop a plan to place benches in permanent spots on both sides of the East River.
6. To approve the request by Downtown Green Bay Inc. to install art panels on CityDeck.
7. To approve the request by Wisconsin Public Service Corporation for a permanent utility easement at Fisk Park to accommodate the Del Marcelle Stadium renovations, subject to final legal review.

8. To approve renewing the lease with Graymont Western Lime Inc. for the City's use of the private property currently being used for park purposes at Leicht Memorial Park, subject to final legal review.

R. Report of the Personnel Committee. (May 14, 2024)

1. To approve the request to fill the following positions and all subsequent vacancies resulting from internal transfers.
 - a. Administrative Clerk
2. To approve the reclassification of the Public Works Construction Inspection Manager Pay Grade J, to Construction Manager, Pay Grade K.
3. To approve the request to increase the Public Arts Coordinator position from 30 hours per week to 40 hours per week.
4. To approve the request to reclassify the vacant Chief Building Official position to a new Architect/Commercial Building Inspector position and approval to fill the new position.

S. Informational.

1. Building Report for April 2024
2. Municipal Court Monthly Financial Report For April

T. Resolutions.

1. A Resolution Dividing the City of Green Bay into Wards, to update the City's wards in accordance with the Wisconsin State Legislature's statewide redistricting in February 2024.
2. Resolution drawing final orders to contractors for May 21, 2024.
3. Resolution Authorizing Conditional Use Permit at 3394 Haven Place (ZP 24-15).
4. Resolution authorizing budget transfer of funds.
5. Resolution to petition for the establishment of a new at-grade rail crossing of Weise Street at N. Quincy Street.

U. Committee of the Whole.

1. Litigation update in the matter of *Sen. André Jacque et al. v. The City of Green Bay et al.*

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.

2. Quasi-judicial hearing on revocation of "Class B" license at Madrid Tapas, 225 East Walnut.

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 quasi-judicial 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.

V. Ordinances - First Reading.

1. Miscellaneous Ordinance 01-24
An Ordinance Redistricting the Boundaries of the Aldermanic Districts of the City of Green Bay.
2. Zoning Ordinance No. 09-24
An ordinance creating a Planned Unit Development (PUD) Overlay District for property located at 2890 St. Anthony Drive (ZP 24-04).
3. Zoning Ordinance No. 11-24
An ordinance creating a Planned Unit Development (PUD) Overlay District for property located at 221 Cherry Street (ZP 23-52).

W. Referral of Petitions & Communications.

X. 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.