AGENDA OF THE GREEN BAY PLAN COMMISSION

MONDAY, OCTOBER 22, 2018, 6:00 PM
CITY HALL, ROOM 604

A. Roll Call.

1. Members: Timothy Gilbert - Chair, Sidney Bremer - Vice Chair, Ald. Veronica Corpus-Dax, Lisa Hanson, Jacob Miller, Randall Petrouske and Jerry Wiezbiskie

B. Approval of the Agenda.

1. Approval of the agenda for the October 22, 2018, meeting of the Green Bay Plan Commission.

C. Approval of Minutes.

1. Approval of the minutes from the October 8, 2018, meeting of the Green Bay Plan Commission.

D. Regular Business.

1. (PP 18-04) Consideration with possible action on the request of Downtown Green Bay, Inc. for approval of their 2019 Business Improvement District Operating Plan (Ald. R. Scannell, District 7).

2. (PP 18-05) Consideration with possible action on the request of Olde Main Street, Inc. for approval of their 2019 Business Improvement District Operating Plan (Ald. R. Scannell, District 7 and Ald. C. Stevens, District 5).

3. (PP 18-06) Consideration with possible action on the request of On Broadway, Inc. for approval of their 2019 Business Improvement District Operating Plan (Ald. R. Scannell, District 7 and Ald. B. Johnson, District 9).

4. (PP 18-07) Consideration with possible action on the request of Military Avenue Business Association for approval of their 2019 Business Improvement District Operating Plan (Ald. C. Wery, District 8, Ald. M Steuer, District 10 and Ald. J. Vander Leest, District 11).

E. Informational.

1. Director's Report.
2. Date of next meeting: Monday, November 12, 2018.

F. Adjournment.

1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
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 Plan Commission 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.

MINUTES OF THE GREEN BAY PLAN COMMISSION

MONDAY, OCTOBER 8, 2018, 6:00 PM
CITY HALL, ROOM 604

A. ROLL CALL.

1. Members: Timothy Gilbert - Chair, Sidney Bremer - Vice Chair, Ald. Veronica Corpus-Dax, Lisa Hanson, Jacob Miller, Randall Petrouske and Jerry Wiezbiskie

Members Present: Veronica Corpus-Dax, Randall Petrouske, Jacob Miller, Timothy Gilbert, Sidney Bremer, Jerry Wiezbiskie, Excused: Lisa Hanson

B. APPROVAL OF THE AGENDA.

1. Approval of the agenda for the October 8, 2018, meeting of the Green Bay Plan Commission.

Moved by Ald. Veronica Corpus-Dax, seconded by Sidney Bremer to approve the agenda. Motion carried. Voice vote.
Yes- Jacob Miller, Jerry Wiezbiskie, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica Corpus-Dax, No- None, Abstain- None

C. APPROVAL OF MINUTES.

1. Approval of the minutes from the September 24, 2018, meeting of the Green Bay Plan Commission.

Moved by Jerry Wiezbiskie, seconded by Ald. Veronica Corpus-Dax to approve the minutes. Motion carried. Voice vote.
Yes- Jacob Miller, Jerry Wiezbiskie, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica Corpus-Dax, No- None, Abstain- None

D. REGULAR BUSINESS.

1. (ZP 18-32) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) to permit the redevelopment of a motor freight operation in a Business Park (BP) District at 1634-1710 Cofrin Drive, submitted by Fisher & Associates, LLC, on behalf of Contract Transport Services (CTS), property owner (Ald. K. Lefebvre, District 6).

Moved by Randall Petrouske, seconded by Jacob Miller to open the floor for discussion. Motion carried. Voice vote.
Yes- Jacob Miller, Jerry Wiezbiskie, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica Corpus-Dax, No- None, Abstain- None

Moved by Sidney Bremer, seconded by Jerry Wiezbiskie to close floor for discussion. Motion carried. Voice vote.
Yes- Jacob Miller, Jerry Wiezbiskie, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica Corpus-Dax, No- None, Abstain- None

Moved by Jerry Wiezbiskie, seconded by Ald. Veronica Corpus-Dax to approve a Conditional Use Permit (CUP) to permit the redevelopment of a motor freight operation in a Business Park (BP) District at 1634-1710 Cofrin Drive, subject to the following conditions:
a. Compliance with all regulations of the Green Bay Municipal Code.
b. Consolidate two separate parcel into a single lot.
c. Vegetation within the southern buffer area be primarily evergreen.
Motion carried.
Yes- Jacob Miller, Jerry Wiezbiskie, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica Corpus-Dax, No- None, Abstain- None

2. (ZP 18-33) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for the height of a detached accessory garage in a Low Density Residential (R1) District at 2574 West Point Road, submitted by James R. Walker, property owner (Ald. J. Brunette, District 12).

Moved by Jerry Wiezbiskie, seconded by Ald. Veronica Corpus-Dax to authorize a Conditional Use Permit (CUP) for the height of a detached accessory garage in a Low Density Residential (R1) District at 2574 West Point Road, subject to the following conditions:
a. Compliance with all of the regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit, including standard site plan review and approval.
b. Continuance of similar style of architecture, exterior construction material, and color of the structure.
Motion carried.
Yes- Jacob Miller, Jerry Wiezbiskie, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica Corpus-Dax, No- None, Abstain- None

3. (ZP 18-34) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) to extend the emergency shelter use at 411 St. John Street, submitted by Alexia Wood, St. John the Evangelist Homeless Shelter (Ald. R. Scannell, District 7).

Moved by Sidney Bremer, seconded by Jerry Wiezbiskie to open the floor for discussion. Motion carried. Voice vote.
Yes- Jacob Miller, Jerry Wiezbiskie, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica Corpus-Dax, No- None, Abstain- None

Moved by Sidney Bremer, seconded by Jerry Wiezbiskie to close floor for discussion. Motion carried. Voice vote.
Yes- Jacob Miller, Jerry Wiezbiskie, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica Corpus-Dax, No- None, Abstain- None

Moved by Jerry Wiezbiskis, seconded by Sidney Bremer to authorize a Conditional Use Permit (CUP) to extend the emergency shelter use at 411 St. John Street, subject to the following conditions:
a. A maximum 84-bed temporary emergency homeless shelter located in the former St. John's School, 411 St. John Street (Tax Parcel No. 13-106) to November 1, 2021.The facility is to be operated for a typical season from November 1 to April 30 with a scaled back summer program from April 30 to November 1.Any modification of the use will require Plan Commission and Common Council approval.
b. If the temporary emergency facility use at 411 St. John Street is discontinued, the operation is dissolved, or if the Green Bay Catholic Diocese of Green Bay no longer manages the facility, the use shall terminate immediately.The use/operation shall not be renewed or reestablished without the Plan Commission and City Council review and approval.
c. At the discretion of the Common Council, Plan Commission, or the Planning Director a review may be required by the Plan Commission and Common Council to ensure compliance with this conditional use permit and identify any areas of concerns with the temporary emergency homeless shelter including but not limited to:Police calls and other documented safety concerns.Inadequate facilities.
d. The St. John the Evangelist Homeless Shelter staff shall provide reports to the Protection & Welfare Committee detailing those served by the facility as requested by the Committee.
e. The St. John the Evangelist Homeless Shelter staff shall meet as necessary with the Navarino Neighborhood Association, the Astor Neighborhood Association and the Downtown Neighborhood Association to address any concerns of neighbors.
f.Sex offenders required to register under §301.45, Wis. Stats., are prohibited from any stay at the facility.
g. A mandatory background check for all shelter residents is required. A list of residents and their home community and/or County shall be provided upon request of the City of Green Bay.
h. St. John the Evangelist Homeless Shelter staff shall maintain a history of residents for the previous three years who have stayed at the shelter.
i. An operational plan shall be approved by the Community Police and Case Management of the Brown County Human Services Department and implemented by the St. John Homeless Shelter staff for the opening of the temporary emergency homeless shelter facility located at 411 St. John Street.
j. Conformance with the submitted operating plan for the St. John the Evangelist Homeless Shelter. Motion carried.
Yes- Jacob Miller, Jerry Wiezbiskie, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica

E. INFORMATIONAL.

1. Director's Report.

Assistant Director C. Renier-Wigg presented the Director's Report. No action needed.

2. Date of next meeting: Monday, October 22, 2018.

F. ADJOURNMENT.

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to adjourn. Motion carried.
Voice vote.
Yes- Jacob Miller, Jerry Wiezbiskie, Randall Petrouske, Sidney Bremer, Timothy Gilbert, Veronica Corpus-Dax, No- None, Abstain- None

Report to the

Green Bay Plan Commission

MEETING DATE	PREPARED BY
October 22, 2018	Stephanie Hummel, Staff

AGENDA ITEM # D.1.

(PP 18-04) Consideration with possible action on the request of Downtown Green Bay, Inc. for approval of their 2019 Business Improvement District Operating Plan (Ald. R. Scannell, District 7).

BACKGROUND

Per BID guidelines and state statues, the City is required to annually review the BID Operating Plans. The Downtown Green Bay BID was established in 1997. Their 2019 Operating Plan is attached. The Downtown Green Bay BID rate will continue to be $2.28 (retail, hospitality or entertainment-related) and $0.76 (office/commercial) per $1,000 assessed property value.

RECOMMENDATION

Approval of the 2019 Downtown Green Bay Business Improvement District Operating Plan.

FISCAL IMPACT

ATTACHMENTS

1. 2019 DGBI Operating Plan

Operating Plan - 2019
Downtown Green Bay, Inc.

BUSINESS IMPROVEMENT DISTRICT

OPERATING PLAN

Downtown District
The Heart and Soul of Green Bay

Downtown Green Bay, Inc.

130 E. Walnut St. Suite 501

Green Bay, WI 54301

Phone: (920) 437-5972

downtowngreenbay.com

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I. INTRODUCTION

A. Background

In 1984, the Wisconsin legislature created 66.1109 (formerly S. 66.608) of the Statutes (see Appendix A) enabling cities to establish Business Improvement Districts (BIDs). The purpose of the law is "to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities." (1983 Wisconsin Act 184, Section 1, legislative declaration.)

The City of Green Bay received a petition from property owners that requested creation of a Business Improvement District for the purpose of revitalizing and improving the Downtown District business area on Green Bay's east side. (see Appendix B). The BID law requires that every district have an annual Operating Plan. This document is the 2019 Operating Plan for the Downtown District.

B. Physical Setting

The physical boundaries of the district include Mason Street to the south, Monroe to the east and the Fox and East Rivers bounding the west and north respectively.

II. DISTRICT BOUNDARIES

Please see the map of the district in Appendix C of this plan. A listing of the properties included in the district is provided in Appendix C.

III. PROPOSED OPERATING PLAN

A. Plan Objectives

The objective of the BID is to provide leadership and management for revitalizing the Downtown District. By emphasizing community-based planning, planning that appreciates the advantages of low-cost, modest initiatives over the blockbuster resuscitation efforts of large-scale stand-alone projects the District performs the classic function of the urban neighborhood. Such districts give growth to new businesses, add substance to the local economy and export their innovations to the rest of the City.

B. Proposed Activities

Principle activities to be engaged in by the district during 2019 include:

1. **Business Development -** DGBI will continue to advance downtown residential, corporate, and retail development. Recruitment and retention will be in collaboration with regional and local initiatives (i.e. New North, Advance, City of Green Bay, etc.) Key focus areas include retail recruitment and residential development.

2. **Physical Improvements –**Downtown Green Bay, Inc. will continue to focus on enhancing the district through beautification and cleanliness initiatives which include a Clean Team that will pick up litter weekly in the main district corridors, sidewalk gum removal, and biannual district clean ups. Holiday cheer will be spread through the wreaths with new ribbon, lights strung on the trees, and winter banners. Downtown Public Art will be a new initiative to the district to enhance public and private space.

3. **Marketing –**DGBI will build upon last year's general awareness marketing campaign, using print, digital, billboards and social media advertising, to further market the brand of the Downtown District. DGBI will continue to maintain and improve the new downtown website. The goal of these marketing efforts is to promote business development, retain residents and encourage visitors to the Downtown District.

4. **Events –** DGBI will continue to activate the downtown district with engaging events like the Saturday Farmers Market, Fridays on the Fox, Dine on the Deck, Holiday Parade, Peace Tree Lighting Ceremony, and Winter Farmers Market. Focus will also be put into developing new events that attract residents and visitors from all walks of life to the district.

C. Proposed Expenditures – 2019

DGBI 2019 Budget Proposal	2019 Proposed
Income	
4030 · Contributions Income	
4071 · OMSI Administrative Fees	$65,065
4072A - Special Events Revenue/Sponsorships	$289,750
4077 · Stadium Tax $ Reimbursement	$2,900
Total 4030 · Contributions Income	
4740 · BID Revenue	$224,128
Total Income	**$581,843**
Expense	
Total 5800 · Administrative Expense	
DGBI Staff	$119,350
OMSI Staff	$53,890
Charities Staff	$137,760
SEP Contribution	$7,185
Payroll Taxes	$25,000
Workmen's Comp	$2,000
Employee Health Insurance	$0
***Gray columns to be paid 61% by OMSI & Charities**	
Total Admin including DGBI, OMSI & Charities Staffing	**$345,185**
6000 · Operating Expense	
6020 · Building Rent & Utilities	$14,500
6060 · Telephone & Internet	$3,500
6084 · Business Insurance	$9,000
6100 · Office Supplies	$2,239
6120 · Postage	$250
6140 · Dues and Subscriptions	$1,500
6150 - Banking Charges	$700
6160 · Non-Profit Licenses/Fees	$100
6220 · Accounting	$11,000
6240 - Training/Education/Staff Search/Recruitment	$1,500
6300 · Business Expense/Meetings/Parking	$2,500
6420 · Repairs & Maintenance	$2,000
6490 · Equipment, Copy Machine, Technology	$3,000
6490A-Office 365	$750
Total 6000 · Operating Expense	**$52,539**
6800 · Program Expense	
6830 · Physical Improvements	$7,700

6840 · Business Development	$13,625
6860 · Marketing & Public Relations	$20,233
Special Event Expenses	$142,561
Total 6800 · Program Expense	**$184,119**
Total Expense	**$581,843**
Net Income	***$0***

D. Financing Method

The proposed expenditures contained in Section C, above, will be financed in part from moneys collected from the BID assessment. It is estimated that approximately **$224,128** will be raised through assessments. Any other funds that may be made available to the BID for the purposes contained herein shall be collected and expended as identified in Section C.

E. Organization of BID Board

Upon creation of the BID, the Mayor will appoint members to the district board ("board"). The board's primary responsibility is the implementation of this Operating Plan. This will require the board to negotiate with providers of services and materials to carry out the Plan; to enter various contracts; to monitor development activity; to periodically revise the Operating Plan; to ensure district compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of BID assessments.

State law requires that the board be composed of at least five members and that a majority of the board members be owners or occupants of property within the district.

It is recommended that the BID board be structured and operate as follows:

1. Board Size – at least Five
2. Composition - At least three fifths members shall be owners or occupants of property within the district. Any non-owner or non-occupant appointed to the board shall be a resident of the City of Green Bay. The board shall elect its Chairperson from among its members.
3. Term - Appointments to the board shall be for a period of three years except that initially two members shall be appointed for a period of three years, two members shall be appointed for a period of two years, and one member shall be appointed for a period of one year.
4. Compensation – None
5. Meetings - All meetings of the board shall be governed by the Wisconsin Open Meetings Law.
6. Record Keeping - Files and records of the board's affairs shall be kept pursuant to public record requirements.
7. Staffing - The board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof.
8. Meetings - The board shall meet regularly, at least twice each year. The board shall adopt rules of order ("by laws") to govern the conduct of its meetings.

F. Relationship to Downtown Green Bay, Inc.

The BID shall be a separate entity from the Downtown Green Bay, Inc., notwithstanding the fact that members, officers and directors of each may be shared. The Association shall remain a private organization, not subject to the open meeting law, and not subject to the public record law except for its records generated in connection with the BID board. Downtown Green Bay, Inc. may, and it is intended, shall, contract with the BID to provide services to the BID, in accordance with this Plan.

IV. METHOD OF ASSESMENT

A. Assessment Rate and Method

Parcels Assessed

All tax parcels within the District required to pay real estate taxes, including those taxed by the State as manufacturing, and all parcels used exclusively for manufacturing, will be assessed. Real property used exclusively for residential purposes may not be assessed, as required by the BID law. Residential property will be defined as 100% residential property or owner-occupied properties. Property exempt from paying real estate taxes will not be assessed. Property owned by government agencies will not be assessed.

Levy of Assessment

Special assessments under this 2019 Operating Plan are hereby levied against each tax parcel of property within the District which has a separate tax key number, in the amount shown on the assessment schedule which is attached hereto as Appendix D. The assessment was based on the assessed value of that parcel (land and improvements) as shown in the records of the City Assessor's office in June 2018 except as otherwise identified below.

The principle behind the assessment methodology is that each non-exempt parcel's owners should pay for District development in proportion to the benefits derived. Obviously, not every parcel within the District will benefit equally, thus it has been assumed that hospitality and entertainment uses will derive the most benefit and therefore will contribute to the BID at a higher assessment rate and warehouse uses will benefit the least and therefore contribute at a lower rate.

The 2018 assessment shown on Appendix D was calculated as $2.28 for each $1,000 of assessed value for properties whose use is identified as retail, hospitality or entertainment-related and $.76 for each $1,000 of assessed value for properties whose use is identified as office/commercial. Appendix C, attached hereto, contains a list of SIC codes identifying these properties.

For properties whose use comprises mixed SIC codes, the property has been identified by the ground level use(s) of any buildings constructed on the property. The ground level use is presumed to be the dominant use of the property. If a ground level has more than two uses, then the property has been identified by the use that makes up more than one half of the ground level square footage. The burden is on the owner to change a property classification from that designated in Appendix D. It must be proven annually by the owner of the property in question to the BID board.

B. Excluded and Exempt Property

The BID law requires explicit consideration of certain classes of property. In compliance with the law the following statements are provided.

1. State Statute 66.1109(1)(f)lm: The district will contain property used exclusively for manufacturing purposes, as well as properties used in part for manufacturing. These properties will be assessed according to the method set forth in this plan because it is assumed that they will benefit from development in the district.

2. State Statute 66.1109(5)(a): Property known to be used exclusively for residential purposes will not be assessed; such properties will be identified as BID Exempt Properties in Appendix D, as revised each year.

3. In accordance with the interpretation of the City Attorney regarding State Statute 66.1109(1)(b), property exempt from general real estate taxes has been excluded from the district. Privately owned tax-exempt property adjoining the district and which is expected to benefit from district activities may be asked to make a financial contribution to the district on a voluntary basis.

V. RELATIONSHIP TO GREEN BAY COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY

A. City Plans

Creation of a business improvement district to facilitate District redevelopment is consistent with the City of Green Bay's Comprehensive Plan, Downtown Design Plan and Waterfront Plan and would promote the orderly development of the City in general.

B. City Role in District Operation

The City of Green Bay has committed to helping private property owners in the district promote its development. To this end, the City expected to play a significant role in the creation of the Business Improvement district and in the implementation of the Operating Plan. In particular, the City will:

1. Provide technical assistance to the proponents of the district through adoption of the Plan, and provide assistance as appropriate thereafter.

2. Monitor and, when appropriate, apply for outside funds that could be used in support of the district.

3. Collect assessments, maintain in a segregated account, and disburse the monies of the district.

4. Receive annual audits as required per sec. 66.1109 (3) (c) of the BID law.

5. Provide the board, through the Tax Commissioner's Office on or before June 30th of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1st of each Plan year, for purposes of calculating the BID assessments.

6. Encourage the State of Wisconsin, Brown County and other units of government to support the activities of the district.

VI. PLAN APPROVAL PROCESS

A. Public Review Process

The Wisconsin Business Improvement district law establishes a specific process for reviewing and approving proposed districts. Pursuant to the statutory requirements, the following process will be followed:

1. The City of Green Bay Plan Commission will review the BID audits and approve the proposed Operating Plan. They will provide a recommendation to Council.

2. Common Council will act on the proposed Operating plans.

3. The Common Council will act on the proposed BID Plan.

VII. FUTURE YEAR OPERATING PLANS

A. Phased Development

It is anticipated that the BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives defined in this Operating Plan.

Section 66.1109 (3) (a) of the BID law requires the board and the City to annually review and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms the complete development program, it focuses upon 2019 activities, and information on specific assessed values, budget amounts and assessment amounts are based on 2018 conditions. Greater detail about subsequent year's activities will be provided in the required annual Plan updates, and approval by the Common Council of such Plan updates shall be conclusive evidence of compliance with this Plan and the BID law.

In later years, the BID Operating Plan will continue to apply the assessment formula, as adjusted, to raise funds to meet the next annual budget. However, the method of assessing shall not be materially altered, except with the consent of the City of Green Bay.

B. Amendment, Severability and Expansion

This BID has been created under authority of Section 66.1109 of the Statutes of the State of Wisconsin. Should any court find any portion of this Statute invalid or unconstitutional its decision will not invalidate or terminate the BID and this BID Plan shall be amended to conform to the law without need of reestablishment.

Should the legislature amend the Statute to narrow or broaden the process of a BID so as to exclude or include as assessable properties a certain class or classes of properties, then this BID Plan may be amended by the Common Council of the City of Green Bay as and when it conducts its annual Operating Plan approval and without necessity to undertake any other act. This is specifically authorized under Section 66.1109 (3)(b).

APPENDICES

A. STATUTE
B. PETITION
C. PROPOSED DISTRICT BOUNDARIES
D. 2018 PROJECTED ASSESSMENTS
E. CITY ATTORNEY'S OPINION

APPENDIX A & B:

Wisconsin State Statute "BID Law"
66.1109 Business improvement districts.
(1) In this section:
(a) "Board" means a business improvement district board appointed under sub. (3) (a).
(b) "Business improvement district" means an area within a municipality consisting of contiguous parcels and may include railroad rights-of-way, rivers, or highways continuously bounded by the parcels on at least one side, and shall include parcels that are contiguous to the district but that were not included in the original or amended boundaries of the district because the parcels were tax-exempt when the boundaries were determined and such parcels became taxable after the original or amended boundaries of the district were determined.
(c) "Chief executive officer" means a mayor, city manager, village president or town chairperson.
(d) "Local legislative body" means a common council, village board of trustees or town board of supervisors.
(e) "Municipality" means a city, village or town.

(f) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:
1. The special assessment method applicable to the business improvement district.
1m. Whether real property used exclusively for manufacturing purposes will be specially assessed.
2. The kind, number and location of all proposed expenditures within the business improvement district.
3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.
4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.
5. A legal opinion that subds. 1. to 4. have been complied with.
(g) "Planning commission" means a plan commission under s. 62.23, or if none a board of public land commissioners, or if none a planning committee of the local legislative body.
(2) A municipality may create a business improvement district and adopt its operating plan if all of the following are met:
(a) An owner of real property used for commercial purposes and located in the proposed business improvement district designated under par. (b) has petitioned the municipality for creation of a business improvement district.
(b) The planning commission has designated a proposed business improvement district and adopted its proposed initial operating plan.
(c) At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed business improvement district shall be sent by certified mail to all owners of real property within the proposed business improvement district. The notice shall state the boundaries of the proposed business improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.
(d) Within 30 days after the hearing under par. (c), the owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan, or the owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed initial operating plan, have not filed a petition with the planning commission protesting the proposed business improvement district or its proposed initial operating plan.
(e) The local legislative body has voted to adopt the proposed initial operating plan for the municipality.
(3)
(a) The chief executive officer shall appoint members to a business improvement district board to implement the operating plan. Board members shall be confirmed by the local legislative body and shall serve staggered terms designated by the local legislative body. The board shall have at least 5 members. A majority of board members shall own or occupy real property in the business improvement district.
(b) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its business improvement district. The board shall then submit the operating plan to the local legislative body for its approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any change to the special assessment method applicable to the business improvement district shall be approved by the local legislative body.
(c) The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit upon termination of the business improvement district.
(d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, has all powers necessary or convenient to implement the operating plan, including the power to contract.
(4) All special assessments received from a business improvement district and all other appropriations by the municipality or other moneys received for the benefit of the business improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the costs of audits required under sub. (3) (c) or on order of the board for the purpose of implementing the operating plan. On termination of the business improvement district by the municipality, all moneys collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed property in the business improvement district, in the same proportion as the last collected special assessment.
(4m) A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:
(a) A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.

(b) On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (e).
(c) Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.
(d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.
(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.
(5)
(a) Real property used exclusively for residential purposes and real property that is exempted from general property taxes under s. 70.11 may not be specially assessed for purposes of this section.
(b) A municipality may terminate a business improvement district at any time.
(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.
History: *1983 a. 184; 1989 a. 56 s. 258; 1999 a. 150 s. 539; Stats. 1999 s. 66.1109; 2001 a. 85.*

APPENDIX C - PROPOSED DISTRICT BOUNDARIES

This is a compilation of records and data located in various Brown County and City of Green Bay offices and is to be used for reference purposes only. The map is controlled by the field measurements between the corners of the Public Land Survey System and the parcels are mapped from available records which may not precisely fit field conditions. Brown County/ City of Green Bay are not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.

Map provided by City of Green Bay Planning Department. September, 2004.

400 200 0 400 Feet

District Boundary

City of Green Bay
Downtown Green Bay, Inc
Business Improvement District

APPENDIX D- 2018 PROJECTED ASSESSMENTS

Assessment options are based on the type of business occupying the majority of a parcel. Properties that are assessed are coded as follows:

Assessment Rate

.00228 Retail, Hospitality or Entertainment (BID 3)
.00076 All other commercial properties being assessed (BID 4)

Bid District	Parcel	Property Location	Owner/Mailing	Total Value	Assessment
3	11-105	529 N MONROE AV	529 N MONROE AVE BUILDING LLC	$ 1,320,400	$ 3,011
3	11-115	333-335 MAIN ST	HYATT EQUITIES LLC	$ 10,682,300	$ 24,356
3	11-116	333 MAIN ST	HYATT EQUITIES LLC	$ 635,600	$ 1,449
3	11-149	310 N MONROE AV	MAIN ORIENTAL MARKET LLC	$ 206,600	$ 471
3	11-203	119 N MONROE AV	ASHVIN S MAISURIA	$ 704,800	$ 1,607
3	11-241	103 S MONROE AV	TKD PETROLEUM LLC	$ 676,900	$ 1,543
3	11-45	314 N MONROE AV	EDWARD M & RENEE J WINECK	$ 144,200	$ 329
3	11-46	610-614 BODART ST	ROBERT & MELIDA WAGNER	$ 183,200	$ 418
3	11-92	416-418 N MONROE AV		$ -	$ -
3	12-115	119-121 N ADAMS ST	WELHOUSE SPORTS DEVELOPMENT LLC	$ 302,900	$ 691
3	12-116	117 N ADAMS ST	GIOCOR57 LLC	$ 200,800	$ 458
3	12-117	115 N ADAMS ST	ROBERT P SANDERSON	$ 173,700	$ 396
3	12-120	225 E WALNUT ST	LIZA RAE LLC	$ 219,200	$ 500
3	12-121	217-221 E WALNUT ST	AMERICAN HOLDINGS INC	$ 281,900	$ 643
3	12-138	312 CHERRY ST	FRANKENTHAL BUILDING LLC	$ 116,500	$ 266
3	12-14	225 N WASHINGTON ST	WIDMER PROPERTIES LLC	$ 150,100	$ 342
3	12-145	218-220 N ADAMS ST	VICE ENTERPRISES LLC	$ 525,900	$ 1,199
3	12-146	222-224 N ADAMS ST	VICE ENTERPRISES LLC	$ 210,800	$ 481
3	12-147	306-312 PINE ST	A & E INVESTMENT CORP	$ 576,400	$ 1,314
3	12-15	223 N WASHINGTON ST	WIDMER PROPERTIES LLC	$ 157,700	$ 360
3	12-164	201 MAIN ST	PHVIF GREEN BAY LLC	$ 6,841,900	$ 15,600
3	12-165	501 N ADAMS ST		$ -	$ -
3	12-17	219 N WASHINGTON ST	RONALD L & RACHEL A SMITS	$ 404,900	$ 923
3	12-18	217 N WASHINGTON ST	DUPONT INVESTMENTS LLC	$ 296,600	$ 676
3	12-190-A	131 S WASHINGTON ST	131 SOUTH WASHINGTON LLC	$ 69,400	$ 158
3	12-191	129 S WASHINGTON ST	KARMAN DEVELOPMENT LLP	$ 320,700	$ 731
3	12-196	301-120 N ADAMS ST	BAYLAKE FOOD COURT REAL ESTATE LLC	$ 858,500	$ 1,957

3	12-20	213 N WASHINGTON ST	ROBERT COWLES	$ 158,200	$ 361
3	12-21	209-211 N WASHINGTON ST	AJ TODEY LLC C/O ALICE TODEY	$ 448,300	$ 1,022
3	12-22	207 N WASHINGTON ST	DONNA K MUENSTER	$ 262,400	$ 598
3	12-23	201 N WASHINGTON ST	GOELZ JEFFREY J LIVING TRUST	$ 243,800	$ 556
3	12-353	205-215 E WALNUT ST	CS INVESTORS LLC C/O SARA INVESTMENT RE	$ 347,400	$ 792
3	12-354	102-112 N WASHINGTON ST	202 CHERRY STREET LLC	$ 622,900	$ 1,420
3	12-355	202 CHERRY ST	NICOLET NATIONAL BANK	$ 139,800	$ 319
3	12-356	202 CHERRY ST	NICOLET NATIONAL BANK	$ 5,700	$ 13
3	12-365	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 276,400	$ 630
3	12-366	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 294,500	$ 671
3	12-367	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 1,169,700	$ 2,667
3	12-44	123-125 S WASHINGTON ST	AMH LLC	$ 371,200	$ 846
3	12-46	121 S WASHINGTON ST	121 SOUTH WASHINGTON INVESTMENTS LLC	$ 154,600	$ 352
3	12-47	119 S WASHINGTON ST	SECORA FAMILY TRUST	$ 157,400	$ 359
3	13-10	348 S WASHINGTON ST	THE FREIMANN HOTEL BLDG C/O JESSE WOTRUBA	$ 474,500	$ 1,082
3	13-2	234 S WASHINGTON ST	HARP & EAGLE LTD	$ 1,820,000	$ 4,150
3	13-39	321 S WASHINGTON ST	DOWNTOWNER MOTEL INC	$ 2,135,500	$ 4,869
3	13-49	234 S ADAMS ST	RUMMELE S JEWELERS INC OF GREEN BAY	$ 515,200	$ 1,175
3	13-76	339 S ADAMS ST	WILLIAM M & ROBERTA L ATKINSON	$ 116,600	$ 266
3	14-386	515 S MONROE AV	WARPINSKI PROPERTIES	$ 279,200	$ 637
3	15-122	510 S MONROE AV	LTB PROPERTY LLP	$ 812,900	$ 1,853
4	11-1	430 MAIN ST	MANOS HOLDINGS GREEN BAY LLC	$ 2,586,900	$ 1,966
4	11-102	500-508 N MONROE AV	KEVIN P & JEFFREY J RYAN	$ 277,400	$ 211
4	11-103-A	600 N MONROE AV	RICO S PARKING LOT LLC	$ 39,000	$ 30
4	11-107	503 MAIN ST	GB FUTURE 503 LLC	$ 906,000	$ 689
4	11-109	514 N MADISON ST	ASSOCIATED BANK LEASING REAL ESTATE MS 8227	$ 60,500	$ 46
4	11-117	433 MAIN ST	ASSOCIATED BANK LEASING REAL EST MS 8227	$ 12,206,100	$ 9,277
4	11-123	528 N MADISON ST	ASSOCIATED BANK LEASING REAL ESTATE MS 8227	$ 46,200	$ 35

4	11-124	516 N MADISON ST	ASSOCIATED BANK LEASING REAL ESTATE MS 8227	$ 46,200	$ 35
4	11-125	510 ELM ST	ASSOCIATED BANK LEASING REAL ESTATE MS 8227	$ 88,800	$ 67
4	11-13	201 N JEFFERSON ST	ASSOCIATED BANK LEASING REAL EST MS 8227	$ 200,100	$ 152
4	11-138-A	417 PINE ST	PINE STREET CAT COMPANY LLC	$ 698,900	$ 531
4	11-139	425 PINE ST	US BANK NATIONAL ASSOCIATION	$ 4,190,800	$ 3,185
4	11-160	616 PINE ST	ASSOCIATED BANK LEASING REAL EST MS 8227	$ 316,900	$ 241
4	11-174	225-229 N MADISON ST	ASSOCIATED BANK LEASING REAL EST MS 8227	$ 570,200	$ 433
4	11-185	501 CHERRY ST	BANK MUTUAL	$ 230,200	$ 175
4	11-188	201 N MONROE AV	BANK MUTUAL	$ 1,300,000	$ 988
4	11-191	605 CHERRY ST	ASSOCIATED BANK LEASING REAL EST MS 8227	$ 171,700	$ 130
4	11-2	330 N ADAMS ST	304 NORTH ADAMS GREEN BAY LLC	$ 160,600	$ 122
4	11-202	118 N MONROE AV	GARY ROSS HESSELGESSER	$ 270,000	$ 205
4	11-206	512 CHERRY ST	GREEN BAY BUSINESS CENTER III LLC	$ 77,900	$ 59
4	11-209	126 N MADISON ST	BRIAN F & JAMES E MICHAUD	$ 420,700	$ 320
4	11-210	435 E WALNUT ST	GREEN BAY BUSINESS CENTER III LLC	$ 669,700	$ 509
4	11-222	503 E WALNUT ST	GREEN BAY BUSINESS CENTER III LLC	$ 12,600	$ 10
4	11-224	521 E WALNUT ST	BUCKMASTER REVOCABLE LIVING TRUST	$ 75,200	$ 57
4	11-224-A	519 E WALNUT ST	BUCKMASTER REVOCABLE LIVING TRUST	$ 100,400	$ 76
4	11-225	533 E WALNUT ST	GREEN BAY BUSINESS CENTER III LLC	$ 96,500	$ 73
4	11-228	102 N MONROE AV	GARY ROSS HESSELGESSER	$ 94,800	$ 72
4	11-230	619 E WALNUT ST	JEFFREY A & CAROLYN M JAZGAR	$ 162,500	$ 123
4	11-243	113 S MONROE AV	GARY D WISNESKI	$ 150,300	$ 114
4	11-253	500-512 E WALNUT ST	TWO BEELERS LLC	$ 546,500	$ 415
4	11-254	117 S MADISON ST	DAVID N & KATHY A SHAW	$ 89,200	$ 68
4	11-257	414 E WALNUT ST	COLUMBUS OFFICE BUILDING LLC	$ 892,200	$ 678
4	11-258	115 S JEFFERSON ST	GRAY TELEVISION GROUP INC	$ 1,608,900	$ 1,223
4	11-259	434 E WALNUT ST	DAVID N & KATHY A SHAW	$ 141,700	$ 108
4	11-264-1	130 S MADISON ST	GRAY TELEVISION GROUP INC	$ 184,000	$ 140
4	11-269	125 S JEFFERSON ST	JAMES SICKEL	$ 2,050,700	$ 1,559
4	11-44	BLOCK BODART ST	EDWARD M & RENEE J WINECK	$ 54,400	$ 41
4	11-53	607-617 BODART ST	MAY MARIE INC	$ 235,300	$ 179

4	11-55	406 N MONROE AV	RICOS PARKING LOT LLC	$ 215,100	$ 163
4	11-56	300 N MADISON ST	WW GRAINGER INC ATTN: TAX DEPT	$ 5,668,500	$ 4,308
4	11-91	420 N MONROE AV	BEVERLY FRENCH	$ 500	$ -
4	11-95-A	MAIN ST		$ -	$ -
4	12-1-2	335 N WASHINGTON ST	RIVER CENTER LOFTS LLC C/O STONE HOUSE DEV INC	$ 3,195,300	$ 2,428
4	12-114	216-222 CHERRY ST	TAJ ENTERPRISES LLC	$ 775,600	$ 589
4	12-118	109 N ADAMS ST		$ -	$ -
4	12-119	227 E WALNUT ST		$ -	$ -
4	12-122	101 N ADAMS ST		$ -	$ -
4	12-13	227-229 N WASHINGTON ST	WIDMER PROPERTIES LLC	$ 306,600	$ 233
4	12-130	118 S ADAMS ST	GIGOT PROPERTIES LLC C/O MARK S GIGOT	$ 1,158,000	$ 880
4	12-130-1	110 S ADAMS ST	TMJ LLC	$ 1,015,500	$ 772
4	12-134	112 N ADAMS ST	NEIGHBORHOOD HOUSING SERVICES OF GREEN BAY INC	$ -	$ -
4	12-135	116 N ADAMS ST	FRANKENTHAL BUILDING LLC	$ 94,900	$ 72
4	12-137	130 N ADAMS ST	FRANKENTHAL BUILDING LLC	$ 1,030,600	$ 783
4	12-139	314 CHERRY ST	FRANKENTHAL BUILDING LLC	$ 20,700	$ 16
4	12-140	202 N ADAMS ST	ASSOCIATED BANK LEASING REAL EST MS 8227	$ 4,039,900	$ 3,070
4	12-144	214-216 N ADAMS ST	ASSOCIATED BANK LEASING REAL EST MS 8227	$ 318,700	$ 242
4	12-148	304 N ADAMS ST	304 NORTH ADAMS GREEN BAY LLC	$ 3,079,000	$ 2,340
4	12-175	400 N WASHINGTON ST	SCHREIBER FOODS INC ATTN TAX DEPARTMENT	$ 42,857,900	$ 32,572
4	12-184-A	401 N WASHINGTON ST	CITYDECK LANDING LLC T WALL ENTERPRISES MNG	$ 8,678,000	$ 6,595
4	12-185	WASHINGTON ST	GDC WASHINGTON STREET LLC	$ 232,400	$ 177
4	12-19	215 N WASHINGTON ST	DUPONT INVESTMENTS LLC	$ 127,300	$ 97
4	12-190	201 DOTY ST	GDC WASHINGTON STREET LLC	$ 1,669,200	$ 1,269
4	12-192	127 S WASHINGTON ST	OWEN F MONFILS LE	$ 228,100	$ 173
4	12-195	301-110 N ADAMS ST	NNB PROPERTIES LLC	$ 1,985,800	$ 1,509
4	12-197	301-130 N ADAMS ST	CITY CENTER PROPERTIES LLC	$ 1,084,100	$ 824
4	12-198	301-140 N ADAMS ST	CITY CENTER PROPERTIES LLC	$ 369,600	$ 281
4	12-199	301-150 N ADAMS ST	NNB PROPERTIES LLC	$ 245,200	$ 186
4	12-200	301-160 N ADAMS ST	CITY CENTER PROPERTIES LLC	$ 131,800	$ 100
4	12-201	301-210 N ADAMS ST	HCW LLC	$ 1,775,500	$ 1,349
4	12-202	301-220 N ADAMS ST	HCW LLC	$ 1,943,800	$ 1,477
4	12-203	301-230 N ADAMS ST	HCW LLC	$ 64,900	$ 49
4	12-204	301-240 N ADAMS ST	HCW LLC	$ 538,800	$ 409

4	12-205	301-250 N ADAMS ST	HCW LLC	$ 627,400	$ 477
4	12-206	301-260 N ADAMS ST	HCW LLC	$ 376,900	$ 286
4	12-24	111 N WASHINGTON ST	NICOLET JOINT VENTURES LLC	$ 10,959,200	$ 8,329
4	12-281	110-126 S WASHINGTON ST	VARSITY HOLDINGS LLC	$ 603,000	$ 458
4	12-282	110-126 S WASHINGTON ST	MANCOSKE KRAMER REAL ESTATE	$ 125,100	$ 95
4	12-283	110-126 S WASHINGTON ST	WATERWALK HOLDING LLC C/O DENIS J KREFT	$ 694,500	$ 528
4	12-363	115 E WALNUT ST	NICOLET JOINT VENTURES LLC	$ 398,100	$ 303
4	12-364	115 E WALNUT ST	GB METREAU LLC	$ 12,815,000	$ 9,739
4	12-368	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 1,206,800	$ 917
4	12-369	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 533,100	$ 405
4	12-370	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 20,300	$ 15
4	12-371	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 2,167,600	$ 1,647
4	12-372	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 287,400	$ 218
4	12-373	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 285,100	$ 217
4	12-374	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 282,300	$ 215
4	12-375	301 N WASHINGTON ST	WATERMARK OWNER LLC	$ 287,700	$ 219
4	12-38-1	130 E WALNUT ST	SAFFORD BUILDING LLC	$ 378,000	$ 287
4	12-38-10	130 E WALNUT ST	BELLIN BUILDING ASSOC	$ 377,600	$ 287
4	12-38-2	130 E WALNUT ST	SAFFORD BUILDING LLC	$ 424,500	$ 323
4	12-38-3	130 E WALNUT ST	SAFFORD BUILDING LLC	$ 169,400	$ 129
4	12-38-4	130 E WALNUT ST	SAFFORD BUILDING LLC	$ 124,500	$ 95
4	12-38-5	130 E WALNUT ST	SAFFORD BUILDING LLC	$ 238,400	$ 181
4	12-38-6	130-F E WALNUT ST	URSULA BERTRAND HINZ	$ 192,400	$ 146
4	12-38-7	130 E WALNUT ST	BELLIN ASSOCIATES C/O NELSON & SCHMELING	$ 261,600	$ 199
4	12-38-7-1	130 E WALNUT ST	AMERICAN FOUNDATION OF COUNSELING SERVICES INC	$ 251,900	$ 191
4	12-38-8	130 E WALNUT ST	SAFFORD BUILDING LLC	$ 51,900	$ 39
4	12-38-9	130 E WALNUT ST	SAFFORD BUILDING LLC	$ 27,600	$ 21

4	12-86	330 N WASHINGTON ST	SCHREIBER FOODS INC ATTN TAX DEPARTMENT	$ 364,000	$ 277
4	13-1	200 S WASHINGTON ST	NICOLET REAL ESTATE AND INVESTMENTS CORP	$ 3,493,600	$ 2,655
4	13-101	417 S ADAMS ST	SW LEASING LLP	$ 274,600	$ 209
4	13-107	416 CROOKS ST	STORMIN TITLE LLC	$ 266,400	$ 202
4	13-107-A	403 S JEFFERSON ST	U SAVE AMERICA LLC	$ 290,400	$ 221
4	13-11	400 S ADAMS ST	SECOND WIND AUTO GALLERY LLC	$ 1,566,800	$ 1,191
4	13-112	318 S MADISON ST	JAMKAT LLC	$ 82,000	$ 62
4	13-114	332 S MADISON ST	MELANIE HORKMAN	$ 231,200	$ 176
4	13-117	421 CROOKS ST	JEFFERSON STREET PARTNERSHIP LLP	$ 82,800	$ 63
4	13-118	345 S JEFFERSON ST	JEFFERSON STREET PARTNERSHIP LLP	$ 482,800	$ 367
4	13-119	333 S JEFFERSON ST	THOMAS J & KATHLEEN A KITSLAAR	$ 77,800	$ 59
4	13-120	325 S JEFFERSON ST	DANIEL E & PATRICIA A COLVIN JR	$ 195,200	$ 148
4	13-121	321 S JEFFERSON ST	JAMKAT LLC	$ 82,000	$ 62
4	13-122	315 S JEFFERSON ST	GEORGE A & SHARON R THORNE	$ 200,400	$ 152
4	13-123	311 S JEFFERSON ST	TRANSFORMATION HOUSE HOLDING LLC	$ -	$ -
4	13-124	307 S JEFFERSON ST	VANDE CASTLE PROPERTIES LLP	$ 35,700	$ 27
4	13-125	303 S JEFFERSON ST	VANDE CASTLE PROPERTIES LLP	$ 108,500	$ 82
4	13-127	420-422 DOTY ST	TOSA 420 LLC	$ 266,600	$ 203
4	13-128	212-214 S MADISON ST	GREEN BAY BUSINESS CENTER III LLC	$ 172,500	$ 131
4	13-132	225-231 S JEFFERSON ST	CITY OF GREEN BAY C/O ENGINEERING DEPT	$ 157,700	$ 120
4	13-133	221 S JEFFERSON ST	CITY OF GREEN BAY C/O ENGINEERING DEPT	$ 79,200	$ 60
4	13-135	200 S MONROE AV	FIRST UNITED METHODIST CHURCH GREEN BAY	$ -	$ -
4	13-151	332 S MONROE AV	WARREN FAMILY FUNERAL HOMES INC	$ 128,700	$ 98
4	13-153	340 S MONROE AV	WARREN FAMILY FUNERAL HOMES INC	$ 631,600	$ 480
4	13-156	339 S MADISON ST	WARREN FAMILY FUNERAL HOMES INC	$ 82,000	$ 62
4	13-163	408 S MONROE AV	MADISON MONROE INVESTMENTS LLP	$ 731,400	$ 556
4	13-164	416-418 S MONROE AV	LAWRENCE G VESELY	$ 314,100	$ 239
4	13-165	424 S MONROE AV	MOSKI CORP	$ 895,200	$ 680

4	13-171	445 S MADISON ST	445 MADISON CHICAGO LLC ATT: KEN	$ 919,600	$ 699
4	13-179	413-415 S MADISON ST	ED & ASSOC	$ 235,700	$ 179
4	13-18	444 S ADAMS ST	AMERICAN FOODS GROUP LLC	$ 727,400	$ 553
4	13-183	420-500 S WASHINGTON ST	WASHINGTON STREET RIVER PROPERTIES LLC	$ 3,044,400	$ 2,314
4	13-185	400 S WASHINGTON ST	WASHINGTON ST DEPOT LLC	$ 949,700	$ 722
4	13-20	419 S WASHINGTON ST	SECOND WIND AUTO GALLERY LLC	$ 510,000	$ 388
4	13-43	200-220 S ADAMS ST	INDUSTRY CONSULTING GROUP INC	$ 2,443,500	$ 1,857
4	13-50	235 WASHINGTON ST	INDUSTRY CONSULTING GROUP INC	$ 214,500	$ 163
4	13-51	229 STUART ST	INDUSTRY CONSULTING GROUP INC	$ 81,800	$ 62
4	13-53	211 S WASHINGTON ST	INDUSTRY CONSULTING GROUP INC	$ 41,300	$ 31
4	13-54	205 S WASHINGTON ST	INDUSTRY CONSULTING GROUP INC	$ 82,600	$ 63
4	13-55	201 S WASHINGTON ST	INDUSTRY CONSULTING GROUP INC	$ 86,500	$ 66
4	13-56	201-215 S ADAMS ST	PREMONSTRATENSIAN FATHERS THE	$ 200,100	$ 152
4	13-57	219-231 S ADAMS ST	ATTY THOMAS M OLEJNICZAK	$ 1,283,400	$ 975
4	13-71	336 S JEFFERSON ST	ROCK KRAMER J & CAROLYN F JOINT REVOCABLE TRUST	$ 230,200	$ 175
4	13-74	315 CROOKS ST	WILLIAM M & ROBERTA L ATKINSON	$ 43,800	$ 33
4	13-75	345 S ADAMS ST	SCHMILINGVISION LLP	$ 267,200	$ 203
4	13-8	318 S WASHINGTON ST	RIVER EAST 318 LLC	$ 5,230,300	$ 3,975
4	13-87	414 S JEFFERSON ST	414 S JEFFERSON ST GREEN BAY LLC	$ 1,139,800	$ 866
4	13-97-A	445 S ADAMS ST	CHICAGO STREET LLC	$ 384,000	$ 292
4	13-99	425 S ADAMS ST	WILLIAM S VAN ESS	$ 456,900	$ 347
4	14-383	535 S MONROE AV	PS & LC REAL ESTATE LLC	$ 208,300	$ 158
4	14-385	519 S MONROE AV	JAMES R & DIANE J WARPINSKI	$ 346,900	$ 264
4	14-387	503 S MONROE AV	FAMILY SERVICES OF NORTHEAST WISCONSIN INC	$ -	$ -
4	14-403	417 S MONROE AV	SCHIEGG INVESTMENTS LLC	$ 800,000	$ 608
4	14-419	345 S MONROE AV	JOHN C & JULIE A MAY	$ 296,000	$ 225
4	14-420	337 S MONROE AV	JOHN C & JULIE A MAY	$ 217,600	$ 165
4	14-422	325-327 S MONROE AV	JOURNEY TO ADULT SUCCESS INC	$ -	$ -
4	14-424	315 S MONROE AV	PROVENANCE LLP	$ 539,800	$ 410
4	14-439	225 S MONROE AV	FELD LTD PARTNERSHIP	$ 688,800	$ 523

4	14-443	211 S MONROE AV	JOSEPH M RECKA & JAMES T JOANNES	$ 294,300	$ 224
4	14-444	203 S MONROE AV	MARK S & KATHRYN A GIGOT	$ 143,600	$ 109
4	15-103	432 MARTIN ST	THOMAS L SKOGG	$ 25,900	$ 20
4	15-104	508 S MADISON ST	THOMAS L SKOGG	$ 112,500	$ 85
4	15-105	426 MARTIN ST	THOMAS L SKOGG	$ 41,600	$ 32
4	15-106	420 MARTIN ST	THOMAS L SKOGG	$ 83,400	$ 63
4	15-107	526 S MADISON ST	THOMAS L SKOGG	$ 57,700	$ 44
4	15-108	530 S MADISON ST	THOMAS L SKOGG	$ 105,600	$ 80
4	15-117	533 S JEFFERSON ST	THOMAS L SKOGG	$ 54,900	$ 42
4	15-118	527 S JEFFERSON ST	JADEITE INC C/O JOHN MARTINSON	$ 649,600	$ 494
4	15-23	501 S ADAMS ST	COSMO LLC C/O JOHN F BUTZ	$ 127,500	$ 97
			Total	**$ 220,776,600**	**$ 224,128**

APPENDIX E - CITY ATTORNEY'S OPINION – TO BE SUBMITTED

Report to the
Green Bay Plan Commission

MEETING DATE	PREPARED BY
October 22, 2018	Stephanie Hummel, Staff

AGENDA ITEM # D.2.

(PP 18-05) Consideration with possible action on the request of Olde Main Street, Inc. for approval of their 2019 Business Improvement District Operating Plan (Ald. R. Scannell, District 7 and Ald. C. Stevens, District 5).

BACKGROUND

Per BID guidelines and state statues, the City is required to annually review the BID Operating Plans. The Olde Main Street BID was established in 1999. Their 2019 Operating Plan is attached. The Olde Main Street BID rate will continue to be $3 (hospitality or entertainment-related), $1 (warehouse), and $2.50 (all other properties) per $1,000 assessed property value.

RECOMMENDATION

Approval of the 2019 Operating Plan for the Olde Main Street Business Improvement District.

FISCAL IMPACT

ATTACHMENTS

1. 2019 OMSI Operating Plan

Operating Plan - 2019
Olde Main Street, Inc.

BUSINESS IMPROVEMENT DISTRICT

2019 OPERATING PLAN

Olde Main Street, Inc.

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I. INTRODUCTION

A. Background

In 1984, the Wisconsin legislature created 66.1109 (formerly S. 66.608) of the Statutes (see Appendix A) enabling cities to establish Business Improvement Districts (BIDs). The purpose of the law is “to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities.” (1983 Wisconsin Act 184, Section 1, legislative declaration.)

The City of Green Bay received a petition from property owners that requested creation of a Business Improvement District for the purpose of revitalizing and improving the Olde Main Street business area on Green Bay’s east side. (see Appendix B). The BID law requires that every district have an annual Operating Plan. This document is the 2019 Operating Plan for the Olde Main Street district.

B. Physical Setting

The physical boundaries of the district include the Main Street corridor bounded on the west by the alleyway immediately east of Monroe Avenue, on the east by Grove Street, the East River shoreline to the north and varying commercial boundaries on the south.

II. DISTRICT BOUNDARIES

Please see the map of the district in Appendix C of this plan. A listing of the properties included in the district is provided in Appendix C.

III. PROPOSED OPERATING PLAN

A. Plan Objectives

The objective of the BID is to provide leadership and management for revitalizing Main Street. By emphasizing community-based planning, planning that appreciates the advantages of low-cost, modest initiatives over the blockbuster resuscitation efforts of large-scale stand-alone projects the District performs the classic function of the urban neighborhood. Such districts give growth to new businesses, add substance to the local economy and export their people and innovations to the rest of the City.

B. Proposed Activities

Principle activities to be engaged in by the district during 2019 include:

1. **BUSINESS DEVELOPMENT** – Olde Main Street, Inc. will continue to activate and promote key commercial and residential areas. Opportunities to leverage progress related to downtown development will also be identified and pursued. Business recruitment will be in collaboration with regional and local initiatives (i.e. New North, Advance, City of Green Bay, etc.).

2. **MARKETING –** OMSI will engage in event focused marketing to further establish the brand of Olde Main Street as the Arts District. We will work to promote the development of the Whitney Park area to future businesses and residents. The goal of these marketing efforts is to position Olde Main Street as a progressive, trendy, hip and culture-focused commercial and residential area in the eyes of our community. This position will be further enhanced through the ongoing maintenance and improvements to the new website.

3. **EVENTS –** OMSI will continue to curate events for the Olde Main Street district that further enhance the corridors brand as the Arts District. Events like Gallery Nite, Summer Solstice Celebration, Summer in the Park and Comedy in the Park are designed to attract new businesses, creatives, and visitors to the area.

4. **DISTRICT INFRASTUCTURE –** Olde Main Street, Inc. will continue to implement and maintain public art throughout the district and work in collaboration with local art organizations and alongside City initiatives. A primary focus remains in cleanliness and beautification through seasonal cleanups and the Planter Program. OMSI will continue to support the progress of the East River Trail.

5. **BUSINESS AND NEIGHBORHOOD CONNECTIONS** – Olde Main Street, Inc. will continue to build positive relationships with new and current businesses and organizations as well as with nearby neighborhood associations.

C. Proposed Expenditures – 2019

	2019 Budget	2018 Budget
Revenues		
BID Assessments	$57,799	$58,152
Contributions & Event Sponsorships*	$40,425	$62,125
Planter Program Revenue	$7,600	$7,600
Prior Period Reserves	$7,529	
Total Revenue	**$113,353**	**$127,877**
Expenses		
Administrative Fees	$65,065	$63,471
Operating		
Insurance	$2,200	$1,900
Postage & Meetings & Misc.	$400	$400
Legal/Accounting/Audit	$7,600	$7,400
Training/Education/mileage/Dues & Subs.	$700	$750
Equipment/Office Supplies	$1,000	$1,000
Total Admin & Operating Expense	***$76,965***	***$74,921***
Programs		
Physical Improvements		
Greenspace/Planter Program	$12,000	$12,000
District Appearance	$100	$200
Three Corner Marker Flag	$300	$300
Holiday Decorations	$100	$500
Public Art*	$0	$0
Total Physical Improvements	$12,500	$13,000
Business Development		
Business Recruitment & Retention	$2,250	$1,000
Total Business Development	$2,250	$1,000
Marketing & Events		
Website/Social Media	$1,219	$1,000
Branding/Guides/Public Awareness	$5,409	$4,737
Gallery Nite/Art on Main	$3,310	$5,000
Summer in the Park	$4,500	$2,775
Lunch with Morty	$0	$1,350
Art & Sole	$0	$5,550
Mardi Gras on Main	$0	$11,173
Movie in the Park	$0	$1,670

Comedy in the Park	$1,950	$3,900
Annual Meeting	$550	$425
Small Business Saturday	$400	$0
Summer Solstice	$3,800	
New Events- TBD	$500	
Total Marketing and Events	$21,638	$37,580
Total Programs	***$36,388***	***$51,580***
Total Expense	***$113,353***	***$126,501***
Net Income	*$ -*	*$ 1,376*

D. Financing Method

The proposed expenditures contained in Section C, above, will be financed in part from moneys collected from the BID assessment. It is estimated that approximately **$57,799** will be raised through assessments. Any other funds that may be made available to the BID for the purposes contained herein shall be collected and expended as identified in Section C.

E. Organization of BID Board

Upon creation of the BID, the Mayor appointed members to the district board ("board"). The board's primary responsibility is the implementation of this Operating Plan. This will require the board to negotiate with providers of services and materials to carry out the Plan; to enter into various contracts; to monitor development activity; to periodically revise the Operating Plan; to ensure district compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of BID assessments.

State law requires that the board be composed of at least five members and that a majority of the board members be owners or occupants of property within the district.

It is recommended that the BID board be structured and operate as follows:

1. Board Size – at least Five
2. Composition - At least three fifths members shall be owners or occupants of property within the district. Any non-owner or non-occupant appointed to the board shall be a resident of the City of Green Bay. The board shall elect its Chairperson from among its members.
3. Term - Appointments to the board shall be for a period of three years except that initially two members shall be appointed for a period of three years, two members shall be appointed for a period of two years, and one member shall be appointed for a period of one year.
4. Compensation – None
5. Meetings - All meetings of the board shall be governed by the Wisconsin Open Meetings Law.
6. Record Keeping - Files and records of the board's affairs shall be kept pursuant to public record requirements.
7. Staffing - The board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof.

8. Meetings - The board shall meet regularly, at least twice each year. The board shall adopt rules of order ("by laws") to govern the conduct of its meetings.

F. Relationship to Olde Main Street, Inc.

The BID shall be a separate entity from the Olde Main Street, Inc., notwithstanding the fact that members, officers and directors of each may be shared. The Association shall remain a private organization, not subject to the open meeting law, and not subject to the public record law except for its records generated in connection with the BID board. Olde Main Street, Inc. may, and it is intended, shall, contract with the BID to provide services to the BID, in accordance with this Plan.

IV. METHOD OF ASSESMENT

A. Assessment Rate and Method

Parcels Assessed

All tax parcels within the District required to pay real estate taxes, including those taxed by the State as manufacturing, and all parcels used exclusively for manufacturing, will be assessed. Real property used exclusively for residential purposes may not be assessed, as required by the BID law. Residential property will be defined as 100% residential property or owner-occupied properties. Property exempt from paying real estate taxes will not be assessed. Property owned by government agencies will not be assessed.

Levy of Assessment

Special assessments under this 2019 Operating Plan are hereby levied against each tax parcel of property within the District which has a separate tax key number, in the amount shown on the assessment schedule which is attached hereto as Appendix D. The assessment was based on the assessed value of that parcel (land and improvements) as shown in the records of the City Assessor's office in January 2018 except as otherwise identified below.

The principle behind the assessment methodology is that each non-exempt parcel's owners should pay for District development in proportion to the benefits derived. Obviously, not every parcel within the District will benefit equally, thus it has been assumed that hospitality and entertainment uses will derive the most benefit and therefore will contribute to the BID at a higher assessment rate and warehouse uses will benefit the least and therefore contribute at a lower rate.

The 2018 assessment shown on Appendix D was calculated as $3.00 for each $1,000 of assessed value for properties whose use is identified as hospitality or entertainment-related and $1.00 for each $1,000 of assessed value for properties whose use is identified as warehouse. Appendix C, attached hereto, contains a list of SIC codes identifying these properties. The 2018 assessment for remaining non-exempt tax parcels in the District, not identified as used for hospitality or entertainment-related uses or for warehousing, was calculated as $2.50 for each $1,000 of assessed value.

For properties whose use comprises mixed SIC codes, the property has been identified by the ground level use(s) of any buildings constructed on the property. The ground level use is presumed to be the dominant use of the property. If a ground level has more than two uses, then the property has been identified by the use that makes up more than one half of the ground level square footage. The burden is on the owner to change a property classification from that designated in Appendix D. It must be proven annually by the owner of the property in question to the BID board. The maximum assessment for any individual or business shall be $3,000.

B. Excluded and Exempt Property

The BID law requires explicit consideration of certain classes of property. In compliance with the law the following statements are provided.

1. State Statute 66.1109(1)(f)lm: The district will contain property used exclusively for manufacturing purposes, as well as properties used in part for manufacturing. These properties will be assessed according to the method set forth in this plan because it is assumed that they will benefit from development in the district.

2. State Statute 66.1109(5)(a): Property known to be used exclusively for residential purposes will not be assessed; such properties will be identified as BID Exempt Properties in Appendix D, as revised each year.

3. In accordance with the interpretation of the City Attorney regarding State Statute 66.1109(1)(b), property exempt from general real estate taxes has been excluded from the district. Privately owned tax-exempt property adjoining the district and which is expected to benefit from district activities may be asked to make a financial contribution to the district on a voluntary basis.

V. RELATIONSHIP TO GREEN BAY COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY

A. City Plans

The mission of Olde Main Street- to facilitate District redevelopment, is consistent with the City of Green Bay's Comprehensive Plan and Downtown Master Plan; the organization promotes the orderly development of the City in general. Olde Main Street's Design Plan was adopted in 2001 and recognized by the City of Green Bay as an integral element of the city's vision and plan.

B. City Role in District Operation

The City of Green Bay has committed to helping private property owners in the district promote its development. To this end, the City expected to play a significant role in the creation of the Business Improvement district and in the implementation of the Operating Plan. In particular, the City will:

1. Provide technical assistance to the proponents of the district through adoption of the Plan and provide assistance as appropriate thereafter.

2. Monitor and, when appropriate, apply for outside funds that could be used in support of the district.

3. Collect assessments, maintain in a segregated account, and disburse the monies of the district.

4. Receive annual audits as required per sec. 66.1109 (3) (c) of the BID law.

5. Provide the board, through the Tax Commissioner's Office on or before June 30th of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1st of each Plan year, for purposes of calculating the BID assessments.

6. Encourage the State of Wisconsin, Brown County and other units of government to support the activities of the district.

VI. PLAN APPROVAL PROCESS

A. Public Review Process

The Wisconsin Business Improvement district law establishes a specific process for reviewing and approving proposed operating plans. Pursuant to the statutory requirements, the following process will be followed:

1. The City of Green Bay Plan Commission will review the BID audits and approve the proposed Operating Plan. They will provide a recommendation to Council.

2. Common Council will act on the proposed Operating Plans

3. The Common Council will act on the proposed BID Plan.

B. Petition against Creation of the BID

VII. FUTURE YEAR OPERATING PLANS

A. Phased Development

It is anticipated that the BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives defined in this initial Operating Plan.

Section 66.1109 (3) (a) of the BID law requires the board and the City to annually review and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms the complete development program, it focuses upon 2017 activities, and information on specific assessed values, budget amounts and assessment amounts are based on 2017 conditions. Greater detail about subsequent year's activities will be provided in the required annual Plan updates, and approval by the Common Council of such Plan updates shall be conclusive evidence of compliance with this Plan and the BID law.

In later years, the BID Operating Plan will continue to apply the assessment formula, as adjusted, to raise funds to meet the next annual budget. However, the method of assessing shall not be materially altered, except with the consent of the City of Green Bay.

B. Amendment, Severability and Expansion

This BID has been created under authority of Section 66.1109 of the Statutes of the State of Wisconsin. Should any court find any portion of this Statute invalid or unconstitutional its decision will not invalidate or terminate the BID and this BID Plan shall be amended to conform to the law without need of reestablishment.

Should the legislature amend the Statute to narrow or broaden the process of a BID so as to exclude or include as assessable properties a certain class or classes of properties, then this BID Plan may be amended by the Common

Council of the City of Green Bay as and when it conducts its annual Operating Plan approval and without necessity to undertake any other act. This is specifically authorized under Section 66.1109 (3)(b)

APPENDICES

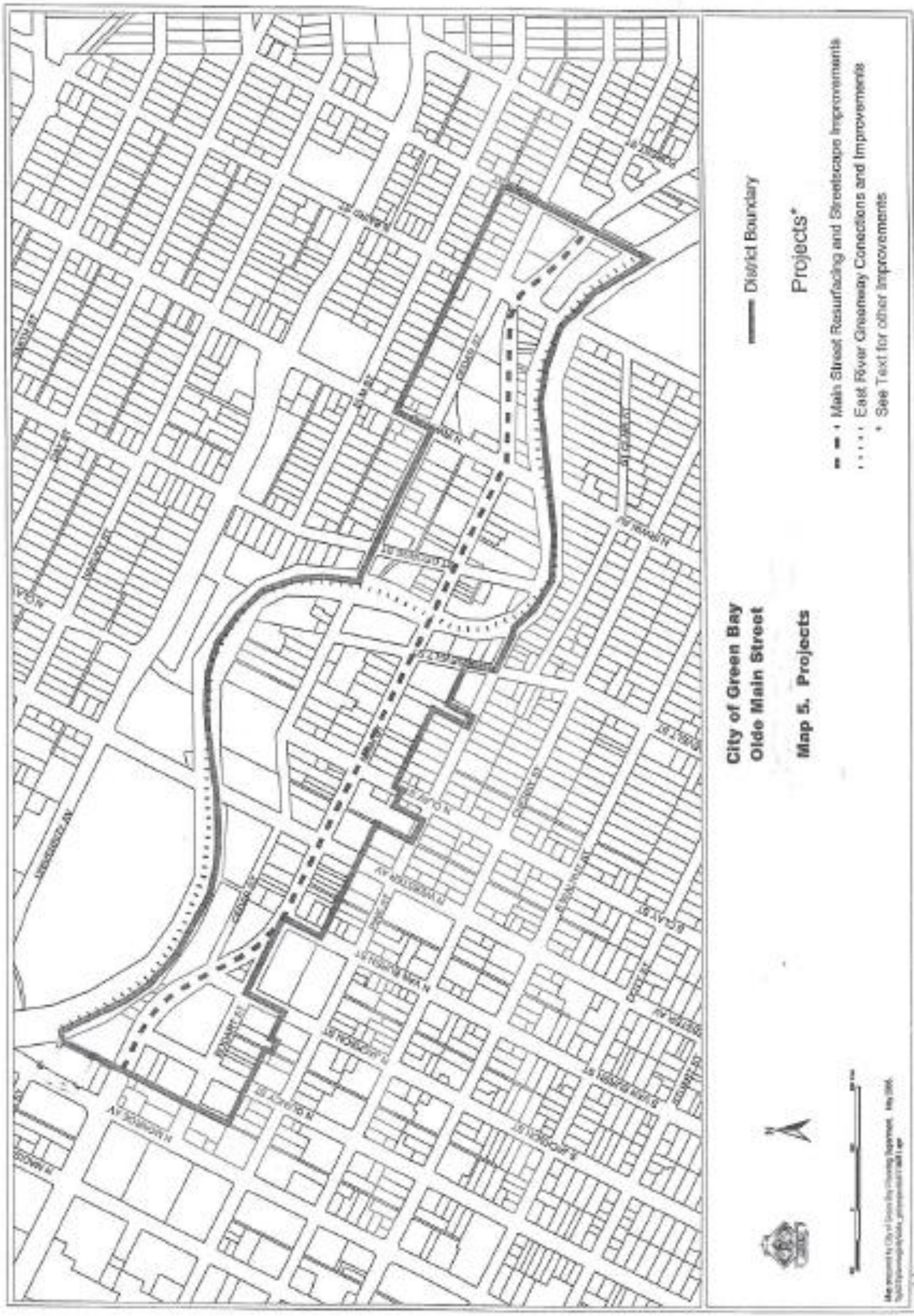
A. STATUTE
B. PETITION
C. PROPOSED DISTRICT BOUNDARIES
D. 2018 PROJECTED ASSESSMENTS
E. CITY ATTORNEY'S OPINION

APPENDIX A & B:

Wisconsin State Statute "BID Law"
66.1109 Business improvement districts.
(1) In this section:
(a) "Board" means a business improvement district board appointed under sub. (3) (a).
(b) "Business improvement district" means an area within a municipality consisting of contiguous parcels and may include railroad rights-of-way, rivers, or highways continuously bounded by the parcels on at least one side, and shall include parcels that are contiguous to the district but that were not included in the original or amended boundaries of the district because the parcels were tax-exempt when the boundaries were determined and such parcels became taxable after the original or amended boundaries of the district were determined.
(c) "Chief executive officer" means a mayor, city manager, village president or town chairperson.
(d) "Local legislative body" means a common council, village board of trustees or town board of supervisors.
(e) "Municipality" means a city, village or town.
(f) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:
1. The special assessment method applicable to the business improvement district.
1m. Whether real property used exclusively for manufacturing purposes will be specially assessed.
2. The kind, number and location of all proposed expenditures within the business improvement district.
3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.
4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.
5. A legal opinion that subds. 1. to 4. have been complied with.
(g) "Planning commission" means a plan commission under s. 62.23, or if none a board of public land commissioners, or if none a planning committee of the local legislative body.
(2) A municipality may create a business improvement district and adopt its operating plan if all of the following are met:
(a) An owner of real property used for commercial purposes and located in the proposed business improvement district designated under par. (b) has petitioned the municipality for creation of a business improvement district.
(b) The planning commission has designated a proposed business improvement district and adopted its proposed initial operating plan.
(c) At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed business improvement district shall be sent by certified mail to all owners of real property within the proposed business improvement district. The notice shall state the boundaries of the proposed business improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.
(d) Within 30 days after the hearing under par. (c), the owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan, or the owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed initial operating plan, have not filed a petition with the planning commission protesting the proposed business improvement district or its proposed initial operating plan.
(e) The local legislative body has voted to adopt the proposed initial operating plan for the municipality.
(3)

(a) The chief executive officer shall appoint members to a business improvement district board to implement the operating plan. Board members shall be confirmed by the local legislative body and shall serve staggered terms designated by the local legislative body. The board shall have at least 5 members. A majority of board members shall own or occupy real property in the business improvement district.
(b) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its business improvement district. The board shall then submit the operating plan to the local legislative body for its approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any change to the special assessment method applicable to the business improvement district shall be approved by the local legislative body.
(c) The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit upon termination of the business improvement district.
(d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, has all powers necessary or convenient to implement the operating plan, including the power to contract.
(4) All special assessments received from a business improvement district and all other appropriations by the municipality or other moneys received for the benefit of the business improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the costs of audits required under sub. (3) (c) or on order of the board for the purpose of implementing the operating plan. On termination of the business improvement district by the municipality, all moneys collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed property in the business improvement district, in the same proportion as the last collected special assessment.
(4m) A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:
(a) A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.
(b) On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (e).
(c) Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.
(d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.
(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.
(5)
(a) Real property used exclusively for residential purposes and real property that is exempted from general property taxes under s. 70.11 may not be specially assessed for purposes of this section.
(b) A municipality may terminate a business improvement district at any time.
(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.
History: *1983 a. 184; 1989 a. 56 s. 258; 1999 a. 150 s. 539; Stats. 1999 s. 66.1109; 2001 a. 85.*

APPENDIX C - PROPOSED DISTRICT BOUNDARIES



APPENDIX D- 2018 PROJECTED ASSESSMENTS

Assessment options are based on the type of business occupying the majority of a parcel. Properties that are assessed are coded as follows:

Assessment Rate

.003 hospitality or entertainment related (BID 12)
.001 warehouse (BID 10)
.0025 all other properties being assessed (BID 11)

BID	Parcel ID	Property Location	Owner	Total Value	Assessment
10	10-25	801 CEDAR ST	M&M WAREHOUSING LLC	$ 645,900	$ 646
10	10-4	714-716 BODART ST	ROBERT E CADMUS JR	$ 134,600	$ 135
10	11-100	417 N QUINCY ST	KEVIN C KUEHN	$ 87,100	$ 87
10	14-10	325 N ROOSEVELT ST	GREEN BAY AREA PUBLIC SCHOOL DISTRICT MINOKA-HI	$ -	$ -
10	14-30	300 N ROOSEVELT ST	318 N ROOSEVELT LLC	$ 12,900	$ 13
10	8 -268	1233 MAIN ST	J DARRELL GRIEG	$ 13,000	$ 13
10	8 -279	313 ST GEORGE ST	CITY OF GREEN BAY-PARKS	$ -	$ -
10	8 -286	1280 MAIN ST	MOSKI CORP	$ 310,500	$ 310
10	8 -324-A	432 N IRWIN AV	PATRICK J LIEBMAN	$ 110,300	$ 110
10	9 -33-1	413-415 N CLAY ST	MORGAN PROPERTIES LLC	$ 47,900	$ 48
10	9 -52	423-427 N CLAY ST	MORGAN PROPERTIES LLC	$ 134,900	$ 135
10	9 -56	1108 CEDAR ST	POMP S TIRE SERVICE INC	$ 31,600	$ 32
10	9 -58	1118 CEDAR ST	F R W REALTY LLC	$ 382,400	$ 382
10	9 -62	409 N ROOSEVELT ST	F R W REALTY LLC	$ 367,100	$ 367
10	9 -64	435 N ROOSEVELT ST	F R W REALTY LLC	$ 67,600	$ 68
10	9 -71-A	CEDAR ST	WOCHINSKE REALTY LLC	$ 9,100	$ 9
10	9 -72	1207 CEDAR ST	MARICQUE S INC	$ 58,500	$ 58
10	9 -73	518 N ROOSEVELT ST	WOCHINSKE REALTY LLC	$ 272,800	$ 273
10	9 -74	1141 CEDAR ST	POMP S TIRE SERVICE INC	$ 28,200	$ 28
10	9 -80	1111 CEDAR ST	MILLER SCRAP IRON & STEEL	$ 218,500	$ 218
10	9 -81	1101 CEDAR ST	CEDAR STREET PARTNERSHIP	$ 765,700	$ 766
11	10-14	700 MAIN ST	U HAUL PROPERTY TAX	$ 671,900	$ 1,680
11	10-27	CEDAR ST		$ -	$ -
11	10-28	CEDAR ST		$ -	$ -
11	10-29	500 N QUINCY ST		$ -	$ -

11	10-6	722 BODART ST	K B PROPERTIES LLP	$	520,400	$	1,301
11	10-8	800 CEDAR ST	HUS PROPERTIES LLC	$	282,500	$	706
11	11-104	635 MAIN ST	JNT VENTURE LLC C/O NICOLE M SCHREINER	$	741,500	$	1,854
11	11-47	618 BODART ST	K B PROPERTIES LLP	$	102,200	$	255
11	11-50	619 BODART ST	KEVIN C KUEHN	$	168,700	$	405
11	11-99	620 MAIN ST	HAROLD A LIEBERGEN	$	150,000	$	375
11	14-27	312-318 N ROOSEVELT ST	318 N ROOSEVELT LLC	$	104,900	$	262
11	14-6	1122-1126 MAIN ST	GREATER SOURCE LLC	$	75,000	$	187
11	14-7	1138 MAIN ST	1138 MAIN LLC	$	536,200	$	1,340
11	8 -1	1400-1410 MAIN ST	NULUND GROUP II LLC	$	233,700	$	584
11	8 -114	1417 CEDAR ST	CEDAR CENTER ARTS INC	$	-	$	-
11	8 -116	1411 CEDAR ST	CEDAR CENTER ARTS INC	$	43,500	$	109
11	8 -117	1405 CEDAR ST	CAROLS ORDAZ	$	127,400	$	318
11	8 -263	433-435 ST GEORGE ST		$	-	$	-
11	8 -264	1245 MAIN ST	J DARRELL GREIG JR	$	271,100	$	678
11	8 -265	427 ST GEORGE ST	JAMES VAN BOXEL	$	58,600	$	146
11	8 -265-1	ST GEORGE ST	J DARRELL GREIG JR	$	2,200	$	5
11	8 -272	1242 MAIN ST	COPPENS PROPERTIES LLC	$	70,600	$	176
11	8 -280	1250-1252 MAIN ST	JOHN L LERCH	$	56,800	$	142
11	8 -282	1260 MAIN ST	MOSKI CORPORATION	$	79,400	$	198
11	8 -284	1270-1274 MAIN ST	MOSKI CORP	$	396,300	$	991
11	8 -285	1276 MAIN ST	MOSKI CORP	$	310,600	$	776
11	8 -287	1296 MAIN ST	MOSKI CORP	$	63,200	$	158
11	8 -289	1306 MAIN ST		$	-	$	-
11	8 -290	1322 MAIN ST		$	-	$	-
11	8 -295	1344 MAIN ST		$	-	$	-
11	8 -296	1352-1354 MAIN ST		$	-	$	-
11	8 -301	1313 MAIN ST	GB AREA UNITARIAN UNIVERSALIST FELLOWSHIP I	$	-	$	-
11	8 -302	1335 MAIN ST	MAIN STOP PROPERTIES LLC	$	854,300	$	2,136
11	8 -305	1281 MAIN ST	KOSMOSKI INVESTMENT CORP	$	95,700	$	239
11	8 -306	1285 MAIN ST	MOSKI CORP	$	244,900	$	269
11	8 -309	1263 MAIN ST	WEST AVE LLC	$	950,900	$	2,377
11	8 -311	1255 MAIN ST	J DARRELL GREIG JR	$	47,400	$	118
11	8 -312	1251 MAIN ST	J DARRELL GREIG JR	$	26,400	$	66
11	8 -313	1247 MAIN ST	J DARRELL GREIG JR	$	49,600	$	124
11	8 -314	1242 CEDAR ST	WEST AVE LLC	$	58,000	$	145
11	8 -315	1250 CEDAR ST	WEST AVE LLC	$	67,300	$	168
11	8 -318	1274 CEDAR ST	DYNAMIC VENTURES LLC	$	152,200	$	380
11	8 -320	1284 CEDAR ST	MOSKI CORPORATION	$	23,600	$	59

11	8 -321	433 N IRWIN AV	A & A CORNER COIN REAL ESTATE LLC	$ 307,400	$ 768
11	8 -329	1371-1375 CEDAR ST	JAMES A GIESE	$ 191,700	$ 479
11	8 -335	1333 CEDAR ST	HECTOR & ANA ROSA GONZALEZ	$ 163,800	$ 409
11	8 -75	1405-1429 MAIN ST	CEDAR CENTER ARTS INC	$ 640,900	$ 1,602
11	8 -8	1428-1430 MAIN ST	MELOTTE DISTRIBUTING INC	$ 126,900	$ 317
11	8 -839	1228-11 MAIN ST	NICOLET NATIONAL BANK	$ 68,400	$ 171
11	8 -840	1230-11 MAIN ST	NICOLET NATIONAL BANK	$ 58,000	$ 145
11	8 -841	1232-01 MAIN ST	NICOLET NATIONAL BANK	$ 19,500	$ 49
11	8 -842	1232-11 MAIN ST	NICOLET NATIONAL BANK	$ 86,700	$ 217
11	8 -843	1234-01 MAIN ST	NICOLET NATIONAL BANK	$ 64,200	$ 160
11	8 -844	1234-11 MAIN ST	NICOLET NATIONAL BANK	$ 67,700	$ 169
11	8 -845	1234-12 MAIN ST	NICOLET NATIONAL BANK	$ 75,000	$ 187
11	8 -846	1234-21 MAIN ST	NICOLET NATIONAL BANK	$ 111,400	$ 278
11	8 -847	1234-31 MAIN ST	THE BRIDGE RECORDING STUDIO LLC	$ 111,400	$ 278
11	8 -848	1236-11 MAIN ST	NICOLET NATIONAL BANK	$ 59,900	$ 150
11	8 -849	1236-21 MAIN ST	NICOLET NATIONAL BANK	$ 68,300	$ 171
11	8 -850	321-01 ST GEORGE ST	WILLIAMS HOLDINGS LLC	$ 111,400	$ 278
11	8 -851	1238-11 MAIN ST	LIZA RAE LLC	$ 156,900	$ 392
11	8 -852	1238-21 MAIN ST	CHIEF PAINTS LLC	$ 78,700	$ 197
11	8 -853	1240-11 MAIN ST	CHIEF PAINTS LLC	$ 119,200	$ 298
11	8 -854	1240-21 MAIN ST	CHIEF PAINTS LLC	$ 119,200	$ 298
11	9 -14	1000 MAIN ST	RONALD L & RACHEL A SMITS	$ 305,500	$ 764
11	9 -17	1028 MAIN ST	PDQ REAL ESTATE HOLDINGS LLC	$ 494,200	$ 1,235
11	9 -19-1	319 N CLAY ST	PDQ REAL ESTATE HOLDINGS LLC	$ 26,000	$ 65
11	9 -20	1201-1207 MAIN ST	WOCHINSKE REALTY LLC	$ 642,200	$ -
11	9 -24	1141 MAIN ST	CYRUS DEVELPMENT SERVICES LLC	$ 83,200	$ 208
11	9 -26	1131 MAIN ST	POMPS TIRE SERVICE INC	$ 490,100	$ -
11	9 -29	1121-1123 MAIN ST	WOCHINSKE REALTY LLC	$ 65,500	$ 164
11	9 -30	1115 MAIN ST	POMP S TIRE SERVICE INC	$ 66,100	$ 135
11	9 -31	1109 MAIN ST	POMP S TIRE SERVICE INC	$ 57,100	$ 143
11	9 -32	416 N CLAY ST	POMP S TIRE SERVICE INC	$ 116,100	$ 290
11	9 -33	1033-1035 MAIN ST	MORGAN PROPERTIES LLC	$ 103,600	$ 259
11	9 -33-2	1031 MAIN ST	MORGAN PROPERTIES LLC	$ 50,900	$ 127
11	9 -34	1023 MAIN ST	MORGAN PROPERTIES LLC	$ 227,600	$ 569
11	9 -35	1021 MAIN ST	AMY JO STERNBERG	$ 68,200	$ 170

11	9 -36	1019 MAIN ST	AMY JO STERNBERG	$ 92,400	$ 231
11	9 -37	1013-1015 MAIN ST	MORGAN PROPERTIES LLC	$ 162,300	$ 406
11	9 -41	931 MAIN ST	MCHAHA LLC	$ 195,600	$ 489
11	9 -45	915 MAIN ST		$ -	$ -
11	9 -46	913 MAIN ST		$ -	$ -
11	9 -47	907 MAIN ST		$ -	$ -
11	9 -49	900 CEDAR ST	DAVID BARTIKOFSKY	$ 191,200	$ 478
11	9 -50	1018 CEDAR ST	MORGAN PROPERTIES LLC	$ 13,400	$ 33
11	9 -55	1102 CEDAR ST	POMP S TIRE SERVICE INC	$ 14,000	$ 35
11	9 -57	1112 CEDAR ST	POMP S TIRE SERVICE INC	$ 314,000	$ 785
11	9 -60	1124 CEDAR ST	F R W REALTY LLC	$ 80,600	$ 201
11	9 -71	1203 CEDAR ST	WOCHINSKE REALTY LLC	$ 130,000	$ 325
11	9 -75	1127 CEDAR ST	WOCHINSKE REALTY LLC	$ 16,200	$ 40
11	9 -76	1125 CEDAR ST	WOCHINSKE REALTY LLC	$ 16,200	$ 40
11	9 -76-1	1137 CEDAR ST	WOCHINSKE REALTY LLC	$ 322,600	$ 806
11	9 -77	1123 CEDAR ST	WOCHINSKE REALTY LLC	$ 115,000	$ -
11	9 -78	1121 CEDAR ST	WOCHINSKE REALTY LLC	$ 874,600	$ -
11	9 -85	500-510 N WEBSTER AV	DENNY H BROTSKI	$ 308,500	$ 712
11	9 -86	903-929 CEDAR ST	929 CEDAR LLC	$ 697,800	$ 1,744
11	9 -9	930 MAIN ST	CVS CAREMARK CORP CVS # 2237-01	$ 2,016,100	$ 3,000
12	10-1	700 BODART ST	THE COVER LLC	$ 211,100	$ 633
12	10-2	708 BODART ST	WADE CONARD	$ 91,000	$ 273
12	10-5	718-720 BODART ST	720 BODART LLC	$ 150,600	$ 452
12	14-1	1100 MAIN ST	GREATER SOURCE LLC	$ 558,600	$ 1,676
12	14-2	1106 MAIN ST	HEIMAN PARTNERSHIP LLC	$ 300,500	$ 901
12	14-3	1114 MAIN ST	GREATER SOURCE LLC	$ 220,500	$ 661
12	14-338	324 N ROOSEVELT ST	A & J INVESTMENT PROPERTIES LLC	$ 208,700	$ 626
12	8 -118	500 N BAIRD ST	LEONEL CORTES	$ 117,400	$ 352
12	8 -266	1237 MAIN ST	J DARRELL GREIG JR	$ 249,600	$ 749
12	8 -267	1235 MAIN ST	JAMES VAN BOXEL	$ 106,000	$ 318
12	8 -273	1244 MAIN ST	JPMORGAN CHASE BANK NA	$ 326,700	$ 980
12	8 -281-A	1258 MAIN ST	CRAIG T GALLOWAY & PATRICK J BEIMBORN	$ 390,100	$ 1,170
12	8 -283	1264 MAIN ST	RONALD L & RACHEL A SMITS	$ 94,900	$ 285
12	8 -297-A	1356 MAIN ST		$ -	$ -
12	8 -303	1301 MAIN ST	THOMAS A & RHEATA L SPEAR	$ 279,700	$ 839

12	8 -307	1277-1281 MAIN ST	CIRCLE B DEVELOPMENT LLC	$ 262,200	$ 787
12	8 -332	1351 CEDAR ST	ARNOLD J PENDERGAST	$ 184,900	$ 555
12	9 -22	1155 MAIN ST	CYRUS DEVELOPMENT SERVICES LLC	$ 133,800	$ 401
12	9 -23	1149 MAIN ST	CYRUS DEVELOPMENT SERVICES LLC	$ 146,200	$ 439
12	9 -25	1139 MAIN ST	CYRUS DEVELOPMENT SERVICES LLC	$ 172,300	$ 517
12	9 -39	1001 MAIN ST	BLUEBIRD ENTERTAINMENT C/O ERIC PLESS	$ 357,800	$ 1,073
12	9 -44	919 MAIN ST	SIMONET DEVELOPMENT LLC	$ 406,700	$ 1,220
12	9 -48	901 MAIN ST		$ -	$ -
12	9 -54	420 N CLAY ST	POMP S TIRE SERVICE INC	$ 80,600	
			Total	**$ 27,548,900**	**$ 57,799**

APPENDIX E - CITY ATTORNEY’S OPINION – TO BE SUBMITTED

Report to the
Green Bay Plan Commission

MEETING DATE	PREPARED BY
October 22, 2018	Stephanie Hummel, Staff

AGENDA ITEM # D.3.

(PP 18-06) Consideration with possible action on the request of On Broadway, Inc. for approval of their 2019 Business Improvement District Operating Plan (Ald. R. Scannell, District 7 and Ald. B. Johnson, District 9).

BACKGROUND

Per BID guidelines and state statues, the City is required to annually review the BID Operating Plans. The On Broadway Inc. BID was established in 2004. Their 2019 Operating Plan is attached. The On Broadway Inc. BID rate will continue to be $1.29 per $1,000 assessed property value.

RECOMMENDATION

Approval of the 2019 On Broadway, Inc. Business Improvement District Operating Plan.

FISCAL IMPACT

ATTACHMENTS

1. 2019 Broadway Operating Plan

2019 Operating Plan

Broadway Business Improvement District

BUSINESS IMPROVEMENT DISTRICT NO. 3

PROPOSED OPERATING PLAN

I. INTRODUCTION

A. Background

In 1984, the Wisconsin legislature created 66.1109 (formerly S. 66.608) of the Statutes (see Appendix A) enabling cities to establish Business Improvement Districts (BIDs). The purpose of the law is "to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities." (1983 Wisconsin Act 184, Section 1, legislative declaration.)

The City of Green Bay has received a petition from property owners which requests creation of a Business Improvement District for the purpose of revitalizing and improving the Broadway business area on Green Bay's West side. (see Appendix B). The BID law requires that every district have an annual Operating Plan. This document is the initial Operating Plan for the proposed Broadway Business Improvement District. The BID proponents prepared this Plan with technical assistance from the City of Green Bay Economic Development Department.

B. Physical Setting

The Broadway Business Improvement District has a general setting starting at the point where Mason Street meets the west bank of the Fox River; west to the southwestern property line of parcel 2-948 (Wisconsin Central LTD); continuing northwest to Maple Avenue; north on Maple Avenue to the northern property line of parcel 3-1144-B (339 South Maple Avenue); east along said property line to Chestnut Avenue; north along Chestnut Avenue to Howard Street; west on Howard Street to the alleyway beginning on the western most property line of parcel 3-330 (506-508 Howard Street); north through the alleyway to the southern border of parcel 3-85 (515 West Walnut Street); west at the property line to South Maple Avenue; north on South Maple Avenue through Walnut Street to the northern property line of 4-223 (514 West Walnut Street); east at said property line to alleyway; north in alleyway to the northern property line of parcel 4-102 (230 North Maple Avenue); west along said property line to North Maple Avenue; north on North Maple Avenue to Dousman Street; west on Dousman Street to alleyway beginning at the western property line of parcel 5-607 (301 North Maple Avenue); north in said alleyway to northern property line of parcel 5-605-1; east along said property line to North Maple Avenue; north on North Maple Avenue to Kellogg Street; east on Kellogg Street to Chestnut Avenue; north on Chestnut Avenue to Elmore Street; east on Elmore Street to Broadway Street; north on Broadway Street to alleyway beginning on the northern property line of parcel 5-72 (710 North Broadway Street); east through said alleyway to McDonald Street; north on McDonald Street to James Street; east on James Street to the northeastern property line of parcel 5-1525-A; south along said property line to western bank of Fox River.

II. DISTRICT BOUNDARIES

Boundaries of the proposed district are shown on the map in Appendix B of this plan. A listing of the properties included in the district is provided in Appendix C.

III. PROPOSED OPERATING PLAN

A. Plan Objectives

The object of the Broadway Business Improvement District is to foster a vibrant community activated by:

- People strolling the streets shopping for one-of-a kind gifts or everyday goods
- Diners enjoying diverse restaurants that intermingle with shops and other cultural and entertainment venues
- Activity flowing between the streets of Broadway and the waterfront to the rest of downtown
- A variety of housing styles mixed throughout the district, proving affordable housing for all markets
- The entrepreneurial spirit coupled with a strong dynamic employee base

As creativity and art provide the underlying pulse of the district, these elements combine making the Broadway District the place people of all ages and backgrounds come to shop, eat, live, work, network and play.

Proposed Activities – Year Next

Principle activities to be engaged in by the district during its next year of operation will include:

1. Develop and execute a branding campaign for the On Broadway district that promotes the district as a destination. Direct reporting of impact of BID investment using key performance indicators.

2. Develop a business retention strategy that collects data to better understand trends and needs within the district.

3. Maintain benches, garbage cans, planters/beautification, business exterior grants and other hardscape improvements throughout the district.

4. Improve awareness of BBID investments in the district by partnering with On Broadway, Inc. and other funded partners to promote the BBID brand.

5. Identify long-term investment needs for the district and develop a funding model to support those needs.

B. Proposed Expenditures – Year Next

		Proposed Budget
Hardscape		
Lighting	$	10,000
Business Makeover Allocation	$	2,500
Annual Maintenance	$	15,000
Banners	$	20,000
Total Hardscape	$	47,500
Administrative		
BBID Annual Audit	$	2,000
Total Administrative	$	2,000
Marketing		
Marketing Allowance	$	15,396
Total Marketing	$	15,396
Total	$	64,896

C. Financing Method

It is proposed to raise $64,896 through BID assessments (see Appendix C). The BID Board shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds actually available.

D. Organization of BID Board

Upon creation of the BID, the Mayor will appoint members to the district board ("board"). The board's primary responsibility will be implementation of this Operating Plan. This will require the board to negotiate with providers of services and materials to carry out the Plan; to enter into various contracts; to monitor development activity; to periodically revise the Operating Plan; to ensure district compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of BID assessments.

State law requires that the board be composed of at least five members and that a majority of the board members be owners or occupants of property within the district.

The Broadway Business Improvement District Board shall be organized as follows:

1. Board size – Maximum of 9, minimum of 7, with one representative of the Mayor or Council.

2. Composition - A majority (at least 5) members shall be owners or occupants of property within the District.

3. Term – The nine board member positions shall rotate every three years, with three positions expiring at the end of each calendar year-end. The Board may remove, by a majority vote, any BID Board member who is absent from more than 3 meetings, without a valid excuse. In the event that a member takes the position mid-term (before the position expires every three years), that term shall count as the first term if two years or more remain on the term. Should less than two years remain on the term, this time is not counted towards the term limit and the board member shall be allowed to serve up to the maximum two additional three year terms.

4. Compensation - None.

5. Meetings - All meetings of the Board shall be governed by the Wisconsin Open Meetings Law. Minutes will be recorded and submitted to the City and the Board. The Board shall adopt rules of order to govern the conduct of its meetings and meet regularly, at least annually.

6. Record keeping - Files and records of the Board's affairs shall be kept pursuant to public records requirements.

7. Staffing - The Board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof. Unless requested otherwise by the Board, any staff members or employees of contractors may attend all meetings of the Board, but will not have voting authority.

8. Officers - The Board shall appoint a Chairman, Treasurer and Secretary, any two of the three of which shall have the power to execute documents on behalf of the full Board, for the purposes authorized by the full Board. The Board may also give its staff limited ability to write checks to carry out the Plan. Any individual on the Board can be appointed an Officer, but shall be limited to two consecutive years as an Officer.

E. Relationship to On Broadway, Inc.

The BID shall be a separate entity from On Broadway, Inc., notwithstanding the fact that members, officers and directors of each may be shared. The Association shall remain a private organization, not subject to the open meeting law, and not subject to the public record law except for its records generated in connection with the BID board. The Association may, and it is intended, shall, contract with the BID to provide services to the BID, in accordance with this Plan.

IV. METHOD OF ASSESMENT

A. Assessment Rate and Method

The principle behind the assessment methodology is that each property should contribute to the BID in proportion to the benefit derived from the BID. After consideration of other assessment methods, it was determined that assessed value of a property was the characteristic most directly related to the potential benefit provided by the BID. Therefore, a fixed assessment on the assessed value of the property was selected as the basic assessment methodology for this BID.

As of January 1, 2019, the property in the proposed district had a total assessed value of $50.3 million. This plan proposed to assess the property in the district at a rate of $1.29 per $1,000.00 of assessed value, unchanged from the prior year and subject to the maximum assessment, for the purposes of the BID.

Appendix shows the projected BID assessment for each property included in the district.

B. Excluded and Exempt Property

The BID law requires explicit consideration of certain classes of property. In compliance with the law the following statements are provided.

1. State Statute 66.1109(1)(f)lm: The district will contain property used exclusively for manufacturing purposes, as well as properties used in part for manufacturing. These properties will be assessed according to the method set forth in this plan because it is assumed that they will benefit from development in the district.

2. State Statute 66.1109(5)(a): Property known to be used exclusively for residential purposes will not be assessed; such properties will be identified as BID Exempt Properties in Appendix C, as revised each year.

3. In accordance with the interpretation of the City Attorney regarding State Statute 66.1109 (1)(b), property exempt from general real estate taxes has been excluded from the district. Privately owned tax-exempt property adjoining the district and which is expected to benefit from district activities may be asked to make a financial contribution to the district on a voluntary basis.

V. RELATIONSHIP TO GREEN BAY COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY

A. City Plans

Objectives: Downtown Revitalization Support economic revitalization of downtown by encouraging diverse economic activity including government and professional offices, insurance and financial services, education and training, convention, lodging, food and beverages, and entertainment, retail, and high-density residential land uses. - *Chapter 26: Economic Development: Objective - 4, from Smart Growth 2022, City of Green Bay, May 2003.*

Land Uses: “Downtown” Mixed Use: The “downtown” land use category allows and promotes high-intensity office, retail, housing and civic land uses, preferably in mixed use buildings with a strong pedestrian orientation. It applies within the Broadway corridor as it does in Downtown “proper,” although the scale of buildings along Broadway is smaller, and the intensity of use is likely to be somewhat lower. As discussed in the Historic Preservation Plan, the Broadway historic districts could benefit from site plan review of development projects, using design standards that are geared to the specific character of those districts. - *Chapter22: Neighborhoods and Districts: Objectives, Policies and Recommendations for District 3, from Smart Growth 2022, City of Green Bay, May 2003.*

Based on the objectives and land use requirements cited above, this BID Operating Plan is consistent with the City’s Comprehensive Plan for the Broadway District.

B. City Role in District Operation

The City of Green Bay has committed to helping private property owners in the district promote its development. To this end, the City expected to play a significant role in the creation of the Business Improvement district and in the implementation of the Operating Plan. In particular, the City will:

1. Provide technical assistance to the proponents of the district through adoption of the Plan, and provide assistance as appropriate thereafter.
2. Monitor and, when appropriate, apply for outside funds that could be used in support of the district.
3. Collect assessments, maintain in a segregated account, and disburse the monies of the district.
4. Receive annual audits as required per sec. 66.1109 (3) (c) of the BID law.
5. Provide the board, through the Tax Commissioner's Office on or before June 30th of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1st of each Plan year, for purposes of calculating the BID assessments.
6. Encourage the State of Wisconsin, Brown County and other units of government to support the activities of the district.

VI. PLAN APPROVAL PROCESS

A. Public Review Process

The Wisconsin Business Improvement district law establishes a specific process for reviewing and approving proposed districts. Pursuant to the statutory requirements, the following process will be followed:

1. The City of Green Bay Plan Commission will review the proposed district boundaries and proposed Operating Plan and will then set a date for a formal public hearing.

2. The City Plan Commission, in cooperation with the Economic Development Department, will send, by certified mail, a public hearing notice and a copy of the proposed Operating Plan to all owners of real property within the proposed district. In addition, a Class 2 notice of the public hearing will be published in a local newspaper of general circulation.

3. The City Plan Commission will hold a public hearing, will approve or disapprove the Plan, and will report its action to the Common Council.

4. The Common Council will act on the proposed BID Plan.

5. If adopted by the Common Council, the proposed BID Plan is sent to the Mayor for his approval.

6. If approved by the Mayor, the BID is created and the Mayor will appoint members to the district board established to implement the Plan.

B. Petition against Creation of the BID

The City may not create the Business Improvement district if, within 30 days of the City Plan Commission's hearing, a petition is filed with the City containing signatures of:

1. Owners of property to be assessed under the proposed initial Operating Plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial Operating Plan, using the method of valuation specified in the proposed initial Operating Plan; or

2. Owners of property to be assessed under the proposed initial Operating Plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed Operating Plan.

VII. FUTURE YEAR OPERATING PLANS

A. Phased Development

It is anticipated that the BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives defined in this initial Operating Plan.

Section 66.1109 (3) (a) of the BID law requires the board and the City to annually review and make changes as appropriate in the Operating Plan. Therefore, while this document outlines in general terms the complete development program, it focuses upon Year One activities, and information on specific assessed values, budget amounts and assessment amounts are based on Year One conditions. Greater detail about subsequent year's activities will be provided in the required annual Plan updates, and approval by the Common Council of such Plan updates shall be conclusive evidence of compliance with this Plan and the BID law.

In later years, the BID Operating Plan will continue to apply the assessment formula, as adjusted, to raise funds to meet the next annual budget. However, the method of assessing shall not be materially altered, except with the consent of the City of Green Bay.

B. Amendment, Severability and Expansion

This BID has been created under authority of Section 66.1109 of the Statutes of the State of Wisconsin. Should any court find any portion of this Statute invalid or unconstitutional its decision will not invalidate or terminate the BID and this BID Plan shall be amended to conform to the law without need of reestablishment.

Should the legislature amend the Statute to narrow or broaden the process of a BID to exclude or include as assessable properties a certain class or classes of properties, then this BID Plan may be amended by the Common Council of the City of Green Bay as and when it conducts its annual Operating Plan approval and without necessity to undertake any other act. This is specifically authorized under Section 66.1109(3)(b).

OPERATING PLAN APPENDICES

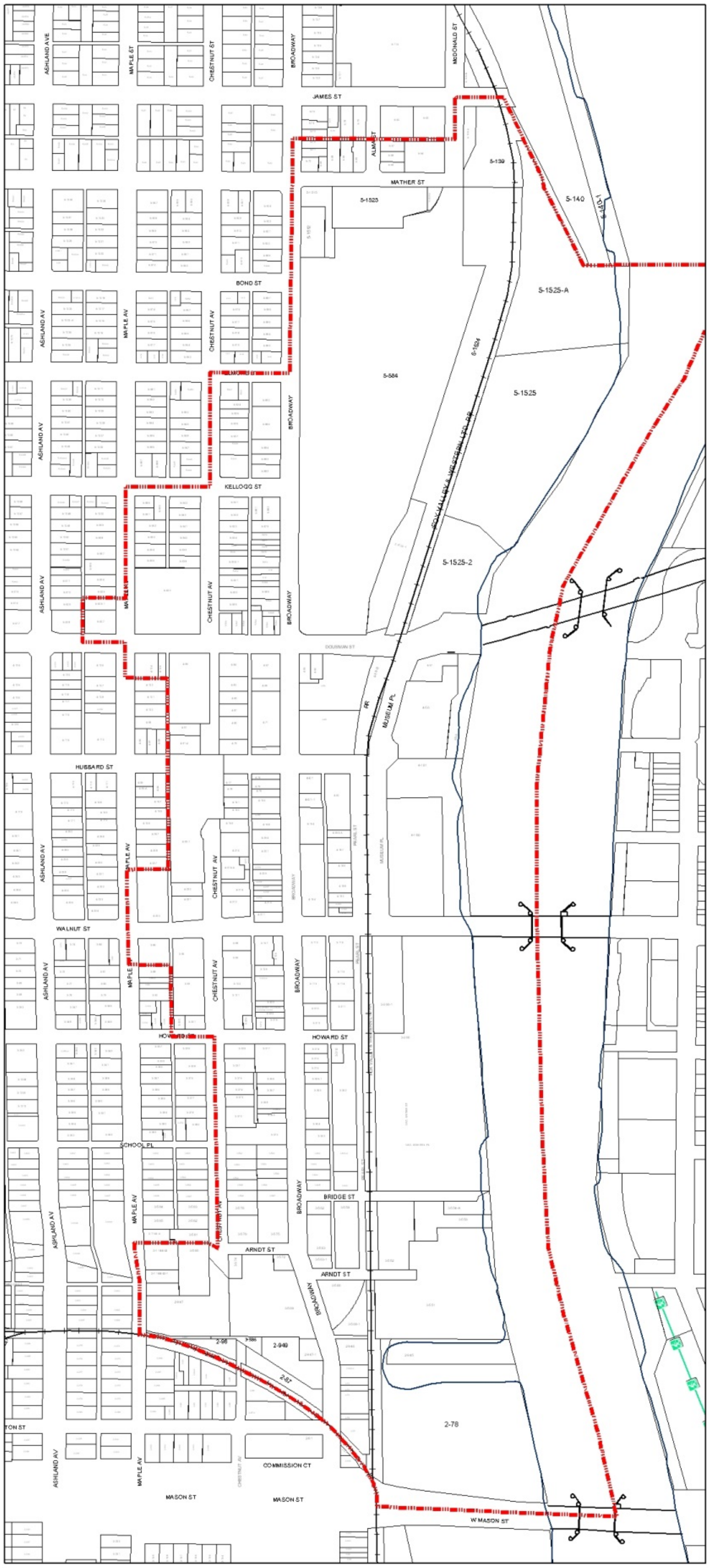
A. STATUTE
B. DISTRICT BOUNDARIES MAP
C. YEAR PROJECTED ASSESSMENTS
D. CITY ATTORNEY’S OPINION

APPENDIX A - Wisconsin State Statute "BID Law"

66.1109 Business improvement districts.
(1) In this section:
(a) "Board" means a business improvement district board appointed under sub. (3) (a).
(b) "Business improvement district" means an area within a municipality consisting of contiguous parcels and may include railroad rights-of-way, rivers, or highways continuously bounded by the parcels on at least one side, and shall include parcels that are contiguous to the district but that were not included in the original or amended boundaries of the district because the parcels were tax-exempt when the boundaries were determined and such parcels became taxable after the original or amended boundaries
of the district were determined.
(c) "Chief executive officer" means a mayor, city manager, village president or town chairperson.
(d) "Local legislative body" means a common council, village board of trustees or town board of supervisors.
(e) "Municipality" means a city, village or town.
(f) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:
1. The special assessment method applicable to the business improvement district.
1m. Whether real property used exclusively for manufacturing purposes will be specially assessed.
2. The kind, number and location of all proposed expenditures within the business improvement district.
3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.
4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.
5. A legal opinion that subds. 1. to 4. have been complied with.
(g) "Planning commission" means a plan commission under s. 62.23, or if none a board of public land commissioners, or if none a planning committee of the local legislative body.
(2) A municipality may create a business improvement district and adopt its operating plan if all of the following are met:
(a) An owner of real property used for commercial purposes and located in the proposed business improvement district designated under par. (b) has petitioned the municipality for creation of a business improvement district.
(b) The planning commission has designated a proposed business improvement district and adopted its proposed initial operating plan.
(c) At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed business improvement district shall be sent by certified mail to all owners of real property within the proposed business improvement district. The notice shall state the boundaries of the proposed business improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.
(d) Within 30 days after the hearing under par. (c), the owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan, or the owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed initial operating plan, have not filed a petition with the planning commission protesting the proposed business improvement district or its proposed initial operating plan.
(e) The local legislative body has voted to adopt the proposed initial operating plan for the municipality.
(3)
(a) The chief executive officer shall appoint members to a business improvement district board to implement the operating plan. Board members shall be confirmed by the local legislative body and shall serve staggered terms designated by the local legislative body. The board shall have at least 5 members. A majority of board members shall own or occupy real property in the business improvement district.
(b) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its business improvement district. The board shall then submit the operating plan to the local

legislative body for its approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any change to the special assessment method applicable to the business improvement district shall be approved by the local legislative body.
(c) The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit upon termination of the business improvement district.
(d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, has all powers necessary or convenient to implement the operating plan, including the power to contract.
(4) All special assessments received from a business improvement district and all other appropriations by the municipality or other moneys received for the benefit of the business improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the costs of audits required under sub. (3)(c) or on order of the board for the purpose of implementing the operating plan. On termination of the business improvement district by the municipality, all moneys collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed property in the business improvement district, in the same proportion as the last collected special assessment.
(4m) A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:
(a) A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.
(b) On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (e).
(c) Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.
(d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.
(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.
(5)
(a) Real property used exclusively for residential purposes and real property that is exempted from general property taxes under s. 70.11 may not be specially assessed for purposes of this section.
(b) A municipality may terminate a business improvement district at any time.
(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.
History: *1983 a. 184; 1989 a. 56 s. 258; 1999 a. 150 s. 539; Stats. 1999 s. 66.1109; 2001 a. 85.*

APPENDIX B – District Map



On Broadway, Incorporated

A MAIN STREET PROGRAM

Business Improvement District Boundary

0 100 200 400 600 800 Feet

On Broadway INCORPORATED A MAIN STREET PROGRAM

This is a compilation of records and data located in various Brown County and City of Green Bay offices and is to be used for reference purposes only. The map is controlled by the field measurements between the corners of the Public Land Survey System and the parcels are mapped from available records which may not precisely fit field conditions. Brown County/ City of Green Bay are not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.

Map prepared by City of Green Bay Planning Department. July, 2004.
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APPENDIX C – Year Projected Assessments

2 -72	$	131,600.00	$	170.00	519 S BROADWAY	JOSEPH AERTS C/O OUR PLACE RESTAURANT
2 -76	$	-	$	-	525 S BROADWAY	REDEVELOPMENT AUTHORITY OF THE CITY OF GREEN BAY
2 -77	$	-	$	-	531 S BROADWAY	REDEVELOPMENT AUTHORITY OF THE CITY OF GREEN BAY
2 -947	$	293,000.00	$	378.00	419 S MAPLE AV	BADGER CAPITAL INVESTMENTS LLC
3 -100	$	104,200.00	$	134.00	117-119 S CHESTNUT AV	BMO HARRIS BANK N.A. ATTN CORP REAL EST 24 FL
3 -101	$	212,200.00	$	274.00	125 S CHESTNUT AV	BMO HARRIS BANK N.A. ATTN CORP REAL EST 24 FL
3 -104-A	$	70,100.00	$	90.00	116 S BROADWAY	RAYMOND G SALTER
3 -105	$	240,700.00	$	310.00	112-114 S BROADWAY	JOHNATHAN INVESTMENTS C/O JOHN MCCARTY
3 -106	$	234,500.00	$	302.00	110 S BROADWAY	RAYMOND G SALTER
3 -107	$	389,200.00	$	502.00	405 W WALNUT ST	BOBS HOLDINGS LLC
3 -110	$	364,700.00	$	470.00	317 W WALNUT ST	BEVERLY A ZEISE
3 -113	$	379,000.00	$	489.00	123 S BROADWAY	DUBOIS REAL ESTATE HOLD C/O DUBOIS FORMAL WEAR
3 -114	$	220,000.00	$	284.00	120 S PEARL ST	SMA CONSTRUCTION SERVICES LLC
3 -116	$	52,600.00	$	68.00	100 BLOCK S PEARL ST	ABBY HOLDINGS LLC
3 -1300	$	106,900.00	$	138.00	126-1 S BROADWAY	URBAN CONCEPTS LLC
3 -1301	$	138,800.00	$	179.00	126-2 S BROADWAY	JOSEPH H BURKE
3 -306	$	2,412,000.00	$	3,111.00	111 W WALNUT ST	GREEN BAY ACQUISITION CO
3 -306-1	$	539,200.00	$	696.00	201 W WALNUT ST	ABBY HOLDINGS LLC
3 -310	$	22,300.00	$	29.00	307 HOWARD ST	HOLLY A HEBEL
3 -311	$	61,000.00	$	79.00	100 BLOCK S PEARL ST	ABBY HOLDINGS LLC
3 -312	$	102,700.00	$	132.00	127 S BROADWAY	DUBOIS REAL ESTATE HOLD C/O DUBOIS FORMAL WEAR
3 -313	$	64,200.00	$	83.00	131 S BROADWAY	DANIEL L DU BOIS
3 -314	$	135,000.00	$	174.00	201 S BROADWAY	HOLLY A HEBEL
3 -315	$	22,300.00	$	29.00	205 S BROADWAY	ROGER C ANDERSON
3 -316	$	38,600.00	$	50.00	211 S BROADWAY	JULIE BLASER
3 -317	$	-	$	-	200 S BROADWAY	GREEN BAY AREA PUBLIC SCHOOL DISTRICT
3 -320	$	238,200.00	$	307.00	128 S BROADWAY	BOYD KOWALSKI
3 -322	$	93,900.00	$	121.00	124 S BROADWAY	RAYMOND SALTER
3 -325	$	5,600.00	$	7.00	412 HOWARD ST	BMO HARRIS BANK N.A. ATTN CORP REAL EST 24 FL
3 -362	$	119,300.00	$	154.00	301 S PEARL ST	GREEN BAY ACQUISITION CO
3 -363	$	35,500.00	$	46.00	S BROADWAY	MAUREEN LEGOIS
3 -364	$	27,000.00	$	35.00	223 S BROADWAY	MAUREEN LEGOIS
3 -369-A	$	78,400.00	$	101.00	226 S BROADWAY	MITCHELL T HYDE
3 -562	$	-	$	-	325 S BROADWAY	R B J HOLDINGS LLC
3 -563	$	-	$	-	327 S BROADWAY	R B J HOLDINGS LLC
3 -563-1	$	187,400.00	$	242.00	339 S BROADWAY	GUPPO LLC
3 -569	$	611,500.00	$	789.00	420 S BROADWAY	BADGER CAPITAL INVESTMENTS LLC
3 -572	$	39,100.00	$	50.00	402 S BROADWAY	BADGER CAPITAL INVESTMENTS LLC
3 -588	$	100,100.00	$	129.00	316 S BROADWAY	CHAO T MOUA
3 -589	$	7,800.00	$	10.00	312 S BROADWAY	DAWN M MCCOY
3 -590	$	8,600.00	$	11.00	304 S BROADWAY	DAWN M MCCOY

3 -591	$	176,800.00	$	228.00	300 S BROADWAY	SANCTUARY SPAS LLC
3 -642	$	181,900.00	$	235.00	301 S BROADWAY	VAJ HOLDINGS LLC
3 -643	$	131,500.00	$	170.00	307 S BROADWAY	MAUREEN LEGOIS
3 -644	$	26,400.00	$	34.00	309 S BROADWAY	RBJ HOLDINGS LLC
3 -85	$	615,600.00	$	794.00	515 W WALNUT ST	KWIK TRIP INC
3 -92	$	200,100.00	$	258.00	118 S CHESTNUT AV	DEMOCRATIC PARTY OF BROWN COUNTY
3 -96	$	420,500.00	$	542.00	509 W WALNUT ST	NEWCMG PROPERTIES LLC
3 -98	$	40,300.00	$	52.00	409 W WALNUT ST	BOBS HOLDINGS LLC
3 -99	$	62,200.00	$	80.00	100 BLOCK S CHESTNUT AV	BOBS HOLDINGS LLC
4 -104	$	356,900.00	$	460.00	517 DOUSMAN ST	BO ENTERPRISES LLC C/O PATRICK BUCKLEY
4 -154	$	696,100.00	$	898.00	142 N BROADWAY	LORENZEN HOLDINGS LLC
4 -156	$	210,500.00	$	272.00	151-153 N BROADWAY	NOC HARN LLC
4 -157	$	85,000.00	$	110.00	147 N BROADWAY	THE STRING INSTRUMENT WORKSHOP
4 -158	$	268,500.00	$	346.00	143 N BROADWAY	SAND AND SUN LLC
4 -159	$	29,600.00	$	38.00	144 N CHESTNUT AV	SAND AND SUN LLC
4 -187	$	31,400.00	$	40.00	133 N PEARL ST	PETES ANNEX LLC
4 -188	$	18,600.00	$	24.00	119 N PEARL ST	PETES ANNEX LLC
4 -189	$	35,000.00	$	45.00	127 N PEARL ST	PETES ANNEX LLC
4 -190	$	12,000.00	$	15.00	115 N PEARL ST	PETES ANNEX LLC
4 -191	$	5,900.00	$	8.00	111 N PEARL ST	PETES ANNEX LLC
4 -192	$	3,900.00	$	5.00	105 N PEARL ST	PETES ANNEX LLC
4 -193	$	7,600.00	$	10.00	100 BLOCK N PEARL ST	PETES ANNEX LLC
4 -194	$	2,434,600.00	$	3,141.00	310 W WALNUT ST	PETES ANNEX LLC
4 -201	$	214,500.00	$	277.00	133 N BROADWAY	BETT LLC
4 -201-1	$	205,300.00	$	265.00	127 N BROADWAY	BROADWAY WHITE LLC
4 -204	$	151,300.00	$	195.00	123-125 N BROADWAY	GAME HOLDINGS LLC
4 -205	$	266,700.00	$	344.00	121 N BROADWAY	XA & VANOUDOM LEE
4 -206	$	223,400.00	$	288.00	119 N BROADWAY	ERIC J & JENNIFER M WOLLER
4 -210	$	532,500.00	$	687.00	109 N BROADWAY	CZACHOR & POLACK DEV LLC
4 -215-A	$	92,400.00	$	119.00	122 N CHESTNUT AV	GREEN BAY COMMUNITY THEATRE INC
4 -216	$	76,400.00	$	99.00	138 N CHESTNUT AV	BETT LLC
4 -221	$	117,100.00	$	151.00	500 W WALNUT ST	WALNUT AUTO INVESTMENTS LLC
4 -223	$	598,300.00	$	772.00	514 W WALNUT ST	FAMILY DOLLAR STORES INX ATTN TAX DEPT
4 -253-A	$	9,500.00	$	12.00	N PEARL ST	PETES ANNEX LLC
4 -254	$	372,000.00	$	480.00	139 N BROADWAY	SEE VENTURES LLC
4 -263	$	224,900.00	$	290.00	111 N BROADWAY	ACCESS R LLC
4 -264	$	224,900.00	$	290.00	111 N BROADWAY	THE DOCKING STATION LLC
4 -265	$	235,600.00	$	304.00	111 N BROADWAY	WHETTER DANIEL D & CARRIE L JOINT REVOC TRUST
4 -266	$	183,400.00	$	237.00	111 N BROADWAY	ACCESS R LLC
4 -59	$	202,000.00	$	261.00	N BROADWAY	PARKING LOT U LLC
4 -60	$	2,120,100.00	$	2,735.00	164 N BROADWAY	BAYCARE HEALTH SYSTEMS LLC
4 -61-1	$	593,400.00	$	765.00	154 N BROADWAY	154 N BROADWAY LLC
4 -62	$	552,400.00	$	713.00	200 BLOCK N BROADWAY	THERESA M BEERNTSEN
4 -65	$	405,700.00	$	523.00	317 DOUSMAN ST	BANGKOK GARDEN C/O PACHIA STANGE

4 -66	$	551,400.00	$	711.00	313 DOUSMAN ST	HIGH BRAU LLC
4 -67	$	1,212,200.00	$	1,564.00	235-243 N BROADWAY	TOHO PROPERTIES LLC
4 -68	$	217,400.00	$	280.00	231-233 N BROADWAY	WASHINGTON LLC C/O CREATIVE REAL ESTATE
4 -71	$	2,170,700.00	$	2,800.00	211-215 N BROADWAY	SCHILLINGER PROPERTIES LLC
4 -72	$	482,700.00	$	623.00	201 N BROADWAY	201 BROADWAY LLC % AL VODICKA
4 -74	$	357,500.00	$	461.00	163 N BROADWAY	DANIEL & ILDEMAN R NIELSON
4 -75	$	379,100.00	$	489.00	159 N BROADWAY	DAVID & LISA BARTIKOFSKY
4 -76	$	70,200.00	$	91.00	157 N BROADWAY	NOC HARN LLC
4 -84	$	290,900.00	$	375.00	413-423 DOUSMAN ST	KALIZ LTD PARTNERSHIP
4 -85	$	994,400.00	$	1,283.00	505 DOUSMAN ST	FRANK LAND HOLDING LLC
5 -1524-1	$	894,100.00	$	1,153.00	200 DOUSMAN ST	TITLETOWN BREWING CO LLC
5 -1525	$	1,400,000.00	$	1,806.00	REAR DOUSMAN ST	GRAYMONT WESTERN LIME INC
5 -1525-A	$	771,700.00	$	995.00	700 MC DONALD ST	GRAYMONT WESTERN LIME INC
5 -1525-B	$	6,600.00	$	9.00	201 MATHER ST	ARTHUR W ZINGLER III
5 -1737	$	1,295,100.00	$	1,671.00	300 N BROADWAY	GREEN BAY BROADWAY DEVELOPMENT LLC
5 -1738	$	1,300,400.00	$	1,678.00	300 N BROADWAY	GREEN BAY BROADWAY DEVELOPMENT LLC
5 -1739	$	1,302,200.00	$	1,680.00	300 N BROADWAY	GREEN BAY AREA CHAMBER OF COMMERCE
5 -1740	$	11,600.00	$	15.00	321 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1741	$	9,700.00	$	13.00	331 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1742	$	9,700.00	$	13.00	333 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1743	$	9,700.00	$	13.00	335 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1744	$	9,700.00	$	13.00	337 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1745	$	9,700.00	$	13.00	339 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1746	$	9,700.00	$	13.00	341 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1747	$	9,700.00	$	13.00	343 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1748	$	9,700.00	$	13.00	345 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1749	$	9,700.00	$	13.00	347 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1750	$	9,700.00	$	13.00	349 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1756	$	509,800.00	$	658.00	420 N BROADWAY	DDL HOLDINGS LLC
5 -1757	$	2,085,500.00	$	2,690.00	520 N BROADWAY	DDL HOLDINGS LLC
5 -1758	$	100.00	$	-	305 DONALD DRIVER WY	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -1759	$	4,086,700.00	$	5,272.00	320-101 N BROADWAY	DDL HOLDINGS LLC
5 -1760	$	670,600.00	$	865.00	320-102 N BROADWAY	DDL HOLDINGS LLC
5 -1761	$	1,043,200.00	$	1,346.00	320-201 N BROADWAY	DDL HOLDINGS LLC
5 -1762	$	1,042,400.00	$	1,345.00	320-301 N BROADWAY	DDL HOLDINGS LLC
5 -1763	$	928,700.00	$	1,198.00	320-401 N BROADWAY	DDL HOLDINGS LLC
5 -1764	$	129,900.00	$	168.00	313 DONALD DRIVER WY	DDL HOLDINGS LLC
5 -54	$	143,700.00	$	185.00	200-230 MATHER ST	ARTHUR W ZINGLER III
5 -58	$	79,400.00	$	102.00	704 ALMA ST	NANCY & IDA MAE ROGERS
5 -584-2	$	45,900.00	$	59.00	308 DOUSMAN ST	DDL HOLDINGS LLC C/O KAREN KLEVESAHL
5 -584-3	$	446,600.00	$	576.00	300 DOUSMAN ST	LUGA PROPERTIES LLC
5 -588	$	160,100.00	$	207.00	319 N BROADWAY	CAESARS PALACE OF GREEN BAY LLC
5 -589	$	36,200.00	$	47.00	317 N BROADWAY	FORT HOWARD NEW TOWN RED
5 -590	$	324,200.00	$	418.00	313 N BROADWAY	FORT HOWARD NEW TOWN LLC

5 -591	$ 11,700.00	$ 15.00	DOUSMAN ST	WIDMER PROPERTIES LLC
5 -592	$ 159,600.00	$ 206.00	400 DOUSMAN ST	CATHY T LESANDRINI & ROBERT A PHILLIPS
5 -593	$ 98,400.00	$ 127.00	402 DOUSMAN ST	SAMS INVESTMENTS LLC
5 -594	$ 179,700.00	$ 232.00	408 DOUSMAN ST	WIDMER PROPERTIES LLC
5 -595	$ 92,100.00	$ 119.00	309 N BROADWAY	DHUEY PROPERTY LLC
5 -596	$ 144,600.00	$ 187.00	412 DOUSMAN ST	WIDMER PROPERTIES LLC
5 -597	$ 295,500.00	$ 381.00	414-416 DOUSMAN ST	GNC DEVELOPMENT LLC
5 -599	$ -	$ -	314 N CHESTNUT AV	
5 -600	$ 28,600.00	$ 37.00	N CHESTNUT AV	FORT HOWARD NEW TOWN LLC
5 -602	$ 43,300.00	$ 56.00	324 N CHESTNUT AV	ON BROADWAY
5 -607	$ 305,000.00	$ 393.00	301 N MAPLE AV	EXPRESS PROPERTY LLC
5 -874	$ 17,300.00	$ 22.00	329 N BROADWAY	CST LLC
5 -875	$ 118,500.00	$ 153.00	331 N BROADWAY	CST LLC
5 -876	$ 117,100.00	$ 151.00	333 N BROADWAY	CST LLC
5 -877	$ 116,700.00	$ 151.00	335 N BROADWAY	CST LLC
5 -878	$ 13,800.00	$ 18.00	N BROADWAY	CST LLC
5 -879	$ 59,700.00	$ 77.00	341 N BROADWAY	BENZ PLEKAN REAL EST LLC
5 -882	$ 976,100.00	$ 1,259.00	401 N BROADWAY	HISTORIC RESTORATIONS LLC
5 -885	$ 319,600.00	$ 412.00	419 N BROADWAY	ROGER D BERTRAND ETAL
5 -890	$ 128,100.00	$ 165.00	431 N BROADWAY	MARTIN R LEONHARD
Total	$50,303,500.00	$64,896.00		

APPENDIX D – City Attorney Opinion

Report to the
Green Bay Plan Commission

MEETING DATE	PREPARED BY
October 22, 2018	Stephanie Hummel, Staff

AGENDA ITEM # D.4.

(PP 18-07) Consideration with possible action on the request of Military Avenue Business Association for approval of their 2019 Business Improvement District Operating Plan (Ald. C. Wery, District 8, Ald. M Steuer, District 10 and Ald. J. Vander Leest, District 11).

BACKGROUND

Per BID guidelines and state statues, the City is required to annually review the BID Operating Plans. The Military BID was established in 2013. Their 2019 Operating Plan is attached. The Military BID rate will continue to be $0.25 (industrial), $2 (office), and $2.25 (retail/entertainment) per $1,000 assessed property value. The minimum and maximum assessment amounts per parcel also remain at $250 and $2,500 respectively.

RECOMMENDATION

Approval of the 2019 Military Avenue Business Improvement District Operating Plan.

FISCAL IMPACT

ATTACHMENTS

1. 2019 Military Ave Operating Plan

BUSINESS IMPROVEMENT DISTRICT NO. 4

2019
OPERATING PLAN

TABLE OF CONTENTS

I. INTRODUCTION

A. Background

In 1984, the Wisconsin legislature created 66.1109 (formerly S. 66.608) of the Statutes (see Appendix A) enabling cities to establish Business Improvement Districts (BIDs). The purpose of the law is "to allow businesses within those districts to develop, to manage and promote the districts and to establish an assessment method to fund these activities." (1983 Wisconsin Act 184, Section 1, legislative declaration.)

The City of Green Bay approved a petition from property owners in September 2013 to create a Business Improvement District for the purpose of revitalizing and improving the Military Avenue business area on Green Bay's west side. The BID law requires that every district have an annual Operating Plan.

This document is the Operating Plan for the Military Avenue district. The Military Avenue BID Executive Director, in coordination with the Military Avenue BID Board, prepared this Plan with technical assistance from the City of Green Bay Department of Economic Development.

B. Physical Setting

The Military Avenue Business District has boundaries starting at Lombardi Avenue moving north on Military with a northern most boundary of 116 N Military on the east side of the street and 123 N Military on the west side of the street.

Including: 1560 and 1598 W Western Ave, 1603, 1614 and 1626 W Seventh St, 1559-1565 Ninth St, 1577 Langlade Ave, 1530, 1536 and 1540 Leo St, 1521, 1541, 1587, 1590, and 1606 W Shawano Ave, 1505, 1529, 1555, 1561, 1566, 1593, and 1616 W Mason St.

II. DISTRICT BOUNDARIES

Boundaries of the proposed district are shown on the map in Appendix B of this plan. A listing of the properties included in the district is provided in Appendix C.

III. PROPOSED OPERATING PLAN

A. Plan Objectives – 2019

Military Avenue, Inc. exists to create an environment that supports the continued success of the businesses and neighborhoods in the Military Avenue district located on the west side of Green Bay.

Military Avenue, Inc. fosters a spirit of collaboration and cooperation with local businesses and neighborhoods by working to improve the entire district. We do our work by marketing, branding and promoting business activities, physical improvements in the district, event planning, new business recruitment, retaining, and supporting existing businesses.

B. Proposed Activities – 2019

Principle activities to be engaged in by the district during its SIXTH year, 2019, of operation will include:

- Fully utilize the website, new sign and social media platforms, applications and other emerging technology and way finding signage.
- Explore a central, public friendly, location for events and holiday display, including holiday lighting.
- Offer and support opportunities for public art and murals throughout the district.
- Continue plantings, lawn care and maintenance projects within the street view and medians to provide a clean and professional appearance.
- Create signature events, including the Market on Military, and other marketing efforts in the district to build customer traffic and increase BID business and customer participation.
- Seek out grant funding for quality projects.

C. Proposed Budget – Year Six - 2019

Revenues	**Projected 2019**	**Change**
Planned BID Assessment Funds	$94,762	0
(BID Assessments $98,710 minus 4% delinquent)		
(Estimated) Grants /other contributions	$8,000	-$2,000
(Estimated) Event Funds	$3,000	+$3,000
Total Revenue	***$105,762***	
Expenses		
Staffing	$47,328	-$1,000
Operating	$14,800	-$765
Technology	$1,500	$700
Programs		
Design/Physical improvements	$16,485	+$135

	Economic/Business Development	$1,000	-$500
	Events	$10,250	+$1,900
	Organization/ Marketing	$2,100	-$35
Total Expenses		***$93,463.00***	
BALANCE		**$12,299**	

D. Financing Method

$98,710 is proposed to be raised through BID assessments (see Appendix C) and assume an assessment delinquency amount of ~$3,948.00 based on 4% delinquencies. We have therefore budgeted for $94,762. We are also setting a goal to obtain grants and donations to provide funding in the amount of $11,000. The BID Board shall have the authority and responsibility to prioritize expenditures and to revise the budget as necessary to match the funds actually available.

E. Organization of BID Board

Upon creation of the BID, the Mayor appointed members to the district board ("board"). The board's primary responsibility is implementation of this Operating Plan. This will require the board to negotiate with providers of services and materials to carry out the Plan; to enter into various contracts; to monitor development activity; to periodically revise the Operating Plan; to ensure district compliance with the provisions of applicable statutes and regulations; and to make reimbursements for any overpayments of BID assessments.

State law requires that the board be composed of at least five members and that a majority of the board members be owners or occupants of property within the district.

It is recommended that the BID board be structured and operate as follows:

1. Board Size – at least Five
2. Composition - At least three fifths members shall be owners or occupants of property within the district. Any non-owner or non-occupant appointed to the board shall be a resident of the City of Green Bay. The board shall elect its Chairperson from among its members.
3. Term - Appointments to the board shall be for a period of three years except that initially two members shall be appointed for a period of three years, two members shall be appointed for a period of two years, and one member shall be appointed for a period of one year.
4. Compensation – None
5. Meetings - All meetings of the board shall be governed by the Wisconsin Open Meetings Law.
6. Record Keeping - Files and records of the board's affairs shall be kept pursuant to public record requirements.

7. Staffing - The board may employ staff and/or contract for staffing services pursuant to this Plan and subsequent modifications thereof.

8. Meetings - The board shall meet regularly, at least twice each year. The board shall adopt rules of order ("by laws") to govern the conduct of its meetings.

F. Relationship to the Military Avenue Business Association.

The BID shall be a separate entity from the Military Avenue Business Association, notwithstanding the fact that members, officers and directors of each may be shared. The Association shall remain a private organization, not subject to the open meeting law, and not subject to the public record law except for its records generated in connection with the BID board or as required by law. The Association may, and it is intended, shall contract with the BID to provide services to the BID, in accordance with this Plan.

IV. METHOD OF ASSESMENT

A. Assessment Rate and Method

Assessment rate per thousand for industrial is $0.25, office $2.00, retail/entertainment $2.25. Minimum assessment rate per parcel is $250.00 Maximum assessment rate is $2,500 per parcel.

The principle behind the assessment methodology is that each property should contribute to the BID in proportion to the benefit derived from the BID. After consideration of other assessment methods, it was determined that assessed value of a property was the characteristic most directly related to the potential benefit provided by the BID. Therefore, a fixed assessment on the assessed value of the property was selected as the basic assessment methodology for this BID.

For properties whose use comprises mixed SIC codes, the property has been identified by the ground level use(s) of any buildings constructed on the property. The ground level use is presumed to be the dominant use of the property. If a ground level has more than two uses, then the property has been identified by the use that makes up more than one half of the ground level square footage. The burden is on the owner to change a property classification from that designated in <u>Appendix C</u>. It must be proven annually by the owner of the property in question to the BID board.

However, maintaining an equitable relationship between the BID assessment and the expected benefits requires an adjustment to the basic assessment method. To prevent the disproportional assessment of a small number of high value properties, a maximum assessment of $2,500.00 per parcel will be applied.

As of January 1, 2014 the property in the district had a total assessed value of over seventy-three million dollars. This plan assesses the property in the district at a rate for industrial $0.25, for office $2.00, for retail/entertainment $2.25. per $1,000.00 of assessed value, subject to the maximum assessment, for the purposes of the BID.

<u>Appendix C</u> shows the projected BID assessment for each property included in the district.

B. Excluded and Exempt Property

The BID law requires explicit consideration of certain classes of property. In compliance with the law the following statements are provided.

1. State Statute 66.1109(1)(f)lm: The district will contain property used exclusively for manufacturing purposes, as well as properties used in part for manufacturing. These properties will be assessed according to the method set forth in this plan because it is assumed that they will benefit from development in the district.

2. State Statute 66.1109(5)(a): Property known to be used exclusively for residential purposes will not be assessed; such properties will be identified as BID Exempt Properties in Appendix C, as revised each year.

3. In accordance with the interpretation of the City Attorney regarding State Statute 66.1109(1)(b), property exempt from general real estate taxes has been excluded from the district. Privately owned tax-exempt property adjoining the district and which is expected to benefit from district activities may be asked to make a financial contribution to the district on a voluntary basis.

V. RELATIONSHIP TO GREEN BAY COMPREHENSIVE PLAN AND ORDERLY DEVELOPMENT OF THE CITY

A. City Plans

The plan for Military Avenue is to transform the corridor into a signature street with a cohesive identity. This will be accomplished by elevating the level of aesthetics, functionality and safety with improved site and building design. The balance of land uses along Military Avenue must shift in recognition of current and expected future market conditions and to better manage the supply and demand of real estate. Sections of the corridor will transition to finer blocks of mixed-use development that better relate to the scale of surrounding neighborhoods.

Implementation of this plan will result not only in attracting new businesses to Military Avenue, but also in creating an environment that supports the continued success of existing, beneficial businesses. Limited amounts of redevelopment may result in tear down and reconstruction. But in most cases, redevelopment will occur in smaller steps like landscaping parking areas, upgrading building façades, or adding decorative lighting. Military Avenue will become a more complete corridor that caters to local residents and employees who use multiple modes of transportation. This transition is a necessary response to the changing market and context, and will create a more economically sustainable future for Military Avenue. *(Military Avenue Market Analysis and Corridor Design Plan, Executive Summery, Pages 7-8. Adopted by the City of Green Bay: 3/1/2011)*

B. City Role in District Operation

The City of Green Bay has committed to helping private property owners in the district promote its development. To this end, the City expected to play a significant role in the creation of the Business Improvement District and in the implementation of the Operating Plan. In particular, the City will:

1. Provide technical assistance to the proponents of the district through adoption of the Plan, and provide assistance as appropriate thereafter.

2. Monitor and, when appropriate, apply for outside funds that could be used in support of the district.

3. Collect assessments, maintain in a segregated account, and disburse the monies of the district.

4. Receive annual audits as required per sec. 66.1109 (3) (c) of the BID law.

5. Provide the board, through the Tax Commissioner's Office on or before June 30th of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1st of each Plan year, for purposes of calculating the BID assessments.

6. Encourage the State of Wisconsin, Brown County and other units of government to support the activities of the district.

VI. FUTURE YEAR OPERATING PLANS

A. Phased Development

It is anticipated that the BID will continue to revise and develop the Operating Plan annually, in response to changing development needs and opportunities in the district, in accordance with the purposes and objectives defined in the initial Operating Plan.

Section 66.1109 (3) (a) of the BID law requires the board and the City to annually review and make changes as appropriate in the Operating Plan. Greater detail about subsequent year's activities will be provided in the required annual Plan updates, and approval by the Common Council of such Plan updates shall be conclusive evidence of compliance with this Plan and the BID law.

In later years, the BID Operating Plan will continue to apply the assessment formula, as adjusted, to raise funds to meet the next annual budget. However, the method of assessing shall not be materially altered, except with the consent of the City of Green Bay.

B. Amendment, Severability and Expansion

This BID has been created under authority of Section 66.1109 of the Statutes of the State of Wisconsin. Should any court find any portion of this Statute invalid or unconstitutional its decision will not invalidate or terminate the BID and this BID Plan shall be amended to conform to the law without need of reestablishment.

Should the legislature amend the Statute to narrow or broaden the process of a BID so as to exclude or include as assessable properties a certain class or classes of properties, then this BID Plan may be amended by the Common Council of the City of Green Bay as and when it conducts its annual Operating Plan approval and without necessity to undertake any other act. This is specifically authorized under Section 66.1109 (3)(b).

APPENDICES

A. STATUTE
B. DISTRICT BOUNDARIES
C. 2015 CITY ASSESSMENTS
1. CITY BID ASESSMENT REPORT INDUSTRIAL
2. CITY BID ASSESSMENT REPORT OFFICE
3. CITY BID ASSESSMENT REPORT RETAIL

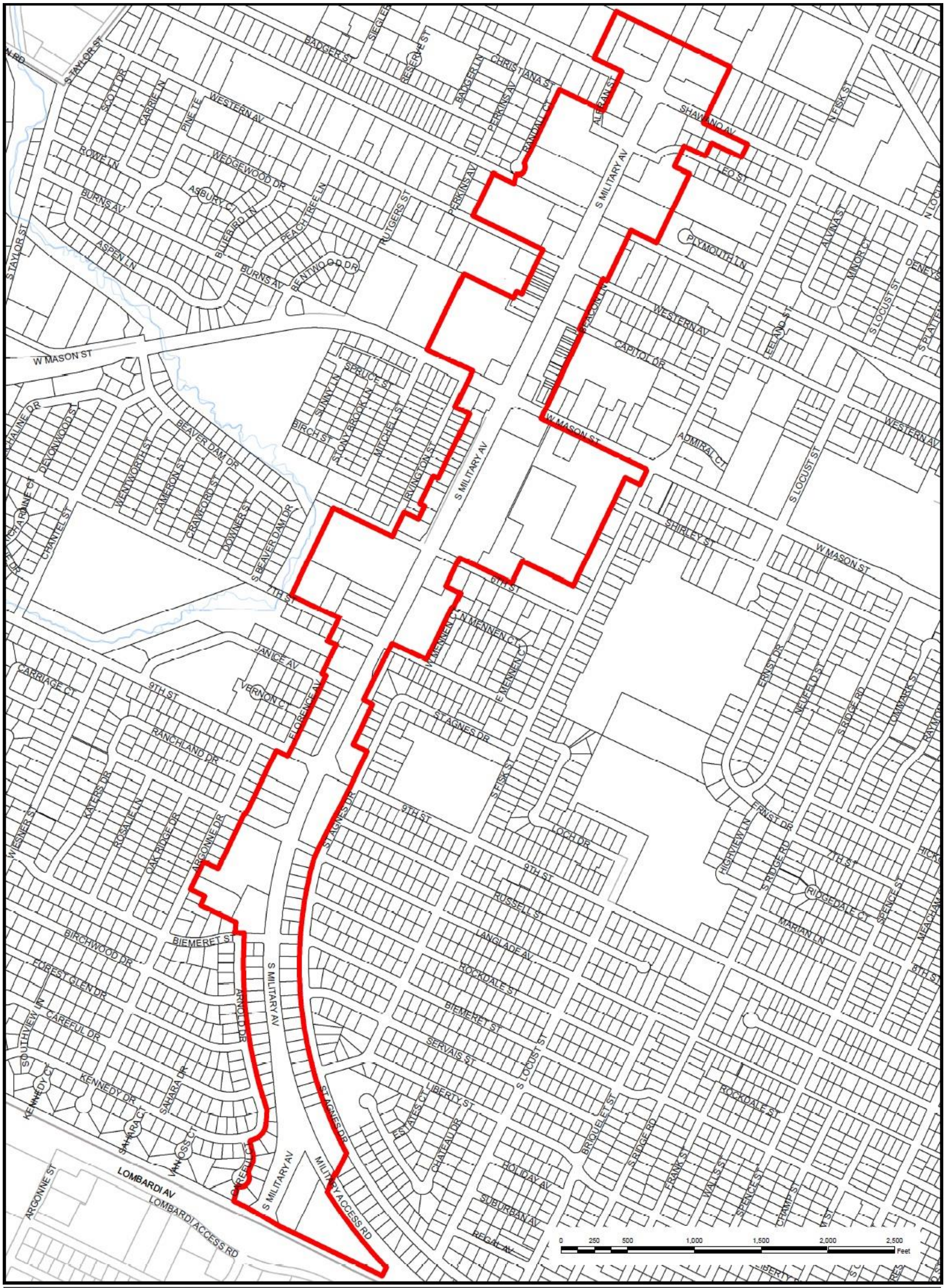
APPENDICE A

Wisconsin State Statute "BID Law"

66.1109 Business improvement districts.
(1) In this section:
(a) "Board" means a business improvement district board appointed under sub. (3) (a).
(b) "Business improvement district" means an area within a municipality consisting of contiguous parcels and may include railroad rights-of-way, rivers, or highways continuously bounded by the parcels on at least one side, and shall include parcels that are contiguous to the district but that were not included in the original or amended boundaries of the district because the parcels were tax-exempt when the boundaries were determined and such parcels became taxable after the original or amended boundaries of the district were determined.
(c) "Chief executive officer" means a mayor, city manager, village president or town chairperson.
(d) "Local legislative body" means a common council, village board of trustees or town board of supervisors.
(e) "Municipality" means a city, village or town.
(f) "Operating plan" means a plan adopted or amended under this section for the development, redevelopment, maintenance, operation and promotion of a business improvement district, including all of the following:
1. The special assessment method applicable to the business improvement district.
1m. Whether real property used exclusively for manufacturing purposes will be specially assessed.
2. The kind, number and location of all proposed expenditures within the business improvement district.
3. A description of the methods of financing all estimated expenditures and the time when related costs will be incurred.
4. A description of how the creation of the business improvement district promotes the orderly development of the municipality, including its relationship to any municipal master plan.
5. A legal opinion that subds. 1. to 4. have been complied with.
(g) "Planning commission" means a plan commission under s. 62.23, or if none a board of public land commissioners, or if none a planning committee of the local legislative body.
(2) A municipality may create a business improvement district and adopt its operating plan if all of the following are met:
(a) An owner of real property used for commercial purposes and located in the proposed business improvement district designated under par. (b) has petitioned the municipality for creation of a business improvement district.
(b) The planning commission has designated a proposed business improvement district and adopted its proposed initial operating plan.
(c) At least 30 days before creation of the business improvement district and adoption of its initial operating plan by the municipality, the planning commission has held a public hearing on its proposed business improvement district and initial operating plan. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the proposed initial operating plan and a copy of a detail map showing the boundaries of the proposed business improvement district shall be sent by certified mail to all owners of real property within the proposed business improvement district. The notice shall state the boundaries of the proposed business improvement district and shall indicate that copies of the proposed initial operating plan are available from the planning commission on request.
(d) Within 30 days after the hearing under par. (c), the owners of property to be assessed under the proposed initial operating plan having a valuation equal to more than 40% of the valuation of all property to be assessed under the proposed initial operating plan, using the method of valuation specified in the proposed initial operating plan, or the owners of property to be assessed under the proposed initial operating plan having an assessed valuation equal to more than 40% of the assessed valuation of all property to be assessed under the proposed initial operating plan, have not filed a petition with the planning commission protesting the proposed business improvement district or its proposed initial operating plan.
(e) The local legislative body has voted to adopt the proposed initial operating plan for the municipality.
(3)
(a) The chief executive officer shall appoint members to a business improvement district board to implement the operating plan. Board members shall be confirmed by the local legislative body and shall serve staggered terms designated by the local legislative body. The board shall have at least 5 members. A majority of board members shall own or occupy real property in the business improvement district.
(b) The board shall annually consider and may make changes to the operating plan, which may include termination of the plan, for its business improvement district. The board shall then submit the operating plan to the local legislative body for its approval. If the local legislative body disapproves the operating plan, the board shall consider and may make changes to the operating plan and may continue to resubmit the operating plan until local legislative body approval is obtained. Any

change to the special assessment method applicable to the business improvement district shall be approved by the local legislative body.
(c) The board shall prepare and make available to the public annual reports describing the current status of the business improvement district, including expenditures and revenues. The report shall include an independent certified audit of the implementation of the operating plan obtained by the municipality. The municipality shall obtain an additional independent certified audit upon termination of the business improvement district.
(d) Either the board or the municipality, as specified in the operating plan as adopted, or amended and approved under this section, has all powers necessary or convenient to implement the operating plan, including the power to contract.
(4) All special assessments received from a business improvement district and all other appropriations by the municipality or other moneys received for the benefit of the business improvement district shall be placed in a segregated account in the municipal treasury. No disbursements from the account may be made except to reimburse the municipality for appropriations other than special assessments, to pay the costs of audits required under sub. (3) (c) or on order of the board for the purpose of implementing the operating plan. On termination of the business improvement district by the municipality, all moneys collected by special assessment remaining in the account shall be disbursed to the owners of specially assessed property in the business improvement district, in the same proportion as the last collected special assessment.
(4m) A municipality shall terminate a business improvement district if the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, file a petition with the planning commission requesting termination of the business improvement district, subject to all of the following conditions:
(a) A petition may not be filed under this subsection earlier than one year after the date the municipality first adopts the operating plan for the business improvement district.
(b) On and after the date a petition is filed under this subsection, neither the board nor the municipality may enter into any new obligations by contract or otherwise to implement the operating plan until the expiration of 30 days after the date of hearing under par. (c) and unless the business improvement district is not terminated under par. (e).
(c) Within 30 days after the filing of a petition under this subsection, the planning commission shall hold a public hearing on the proposed termination. Notice of the hearing shall be published as a class 2 notice under ch. 985. Before publication, a copy of the notice together with a copy of the operating plan and a copy of a detail map showing the boundaries of the business improvement district shall be sent by certified mail to all owners of real property within the business improvement district. The notice shall state the boundaries of the business improvement district and shall indicate that copies of the operating plan are available from the planning commission on request.
(d) Within 30 days after the date of hearing under par. (c), every owner of property assessed under the operating plan may send written notice to the planning commission indicating, if the owner signed a petition under this subsection, that the owner retracts the owner's request to terminate the business improvement district, or, if the owner did not sign the petition, that the owner requests termination of the business improvement district.
(e) If after the expiration of 30 days after the date of hearing under par. (c), by petition under this subsection or subsequent notification under par. (d), and after subtracting any retractions under par. (d), the owners of property assessed under the operating plan having a valuation equal to more than 50% of the valuation of all property assessed under the operating plan, using the method of valuation specified in the operating plan, or the owners of property assessed under the operating plan having an assessed valuation equal to more than 50% of the assessed valuation of all property assessed under the operating plan, have requested the termination of the business improvement district, the municipality shall terminate the business improvement district on the date that the obligation with the latest completion date entered into to implement the operating plan expires.
(5)
(a) Real property used exclusively for residential purposes and real property that is exempted from general property taxes under s. 70.11 may not be specially assessed for purposes of this section.
(b) A municipality may terminate a business improvement district at any time.
(c) This section does not limit the power of a municipality under other law to regulate the use of or specially assess real property.
History: *1983 a. 184; 1989 a. 56 s. 258; 1999 a. 150 s. 539; Stats. 1999 s. 66.1109; 2001 a. 85.*

APPENDICE B



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City of Green Bay Military Ave BID Boundary

BID Boundary