



# **AGENDA OF THE GREEN BAY PLAN COMMISSION**

**MONDAY, NOVEMBER 2, 2020, 6:00 PM**  
**Virtual Meeting. Public may join via Zoom.**

**A. Zoom Meeting Information.**

- I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

**B. Roll Call.**

- I. Members: Lisa Hanson - Chair, Jacob Miller – Vice-Chair, Ald. Veronica Corpus-Dax, Sidney Bremer, Randall Petrouske, Derius Daniels and Autumn Linsmeier.

**C. Approval of the Agenda.**

- I. Approval of the agenda for the November 2, 2020, meeting of the Green Bay Plan Commission.

**D. Approval of Minutes.**

- I. Approval of the minutes from the October 12, 2020, meeting of the Green Bay Plan Commission.

**E. Regular Business.**

- I. Consideration with possible action on communication from Ald. Barb Dorff (District 1) to "Estimate potential costs and benefits of proposed Grandview development" (from June 29, 2020 Council Meeting).
2. Consideration with possible action on communication from Ald. Veronica Corpus-Dax (District 2) to refer to staff to look at regulations regarding the current zoning code and "Drive Thru" or "Pickup" lanes, and the necessity of bypass lanes and/or menu boards.

3. (ZP 20-23) Reconsideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (including Auto & Metal Salvage Operation) at 1156 Velp Avenue, submitted by Burrows Midwest, LLC/dba Midwest Scrap Metal, property owner (Ald. R. Scannell, District 7).
4. (ZP 20-31) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for an expansion of a single-family dwelling in a Varied Density Residential (R3) district at 1518 Western Avenue, submitted by Eric T. Kapla, Schoen Street Condos Rentals, LLC, property owner (Ald. C. Wery, District 8).
5. (ZP 20-31) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for an expansion of a single-family dwelling in a Varied Density Residential (R3) district at 1518 Western Avenue, submitted by Eric T. Kapla, Schoen Street Condos Rentals, LLC, property owner (Ald. C. Wery, District 8).
6. (ZP 20-32) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for a Home Based Occupation in a Low Density Residential (RI) District at 1018 Rolling Green Drive, submitted by Philip & Rita Schounard, property owners (Ald. J. Brunette, District 12).
7. (ZP 20-32) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a Home Based Occupation in a Low Density Residential (RI) District at 1018 Rolling Green Drive, submitted by Philip & Rita Schounard, property owners (Ald. J. Brunette, District 12).
8. (TA 20-02-A) Public Hearing on a request to repeal Chapter 13-1716(e), Green Bay Zoning Code regarding game day parking.
9. (TA 20-02-A) Consideration with possible action on a request to repeal Chapter 13-1716(e), Green Bay Zoning Code regarding game day parking.
10. (SV 20-02) Consideration with possible action on the request to vacate the remaining portions of Leaf Street, submitted by James S. Komisarek, property owner (Ald. M. Steuer, District 10).
11. Consideration with possible action on approval of the Downtown Green Bay Incorporated (DGBI) Business Improvement District (BID) Operating Plan for 2021.
12. Consideration with possible action on approval of the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Operating Plan for 2021.
13. Consideration with possible action on approval of the On Broadway Incorporated (OBI) Business Improvement District (BID) Operating Plan for 2021.
14. Consideration with possible action on approval of the Military Avenue Business Association (MABA) Business Improvement District (BID) Operating Plan for 2021.
15. Consideration with possible action on the 2021 nominations to the Downtown Green Bay Incorporated (DGBI) Business Improvement District (BID) Board, as approved by the DGBI BID Board.

16. Consideration with possible action on the 2021 nominations to the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Board, as approved by the OMSI BID Board.
17. Consideration with possible action on the 2021 nominations to the On Broadway Incorporated (OBI) Business Improvement District (BID) Board, as approved by the OBI BID Board.
18. Consideration with possible action on the 2021 nominations to the Military Avenue Business Association (MABA) Business Improvement District (BID) Board, as approved by the MABA BID Board.

**F. Informational.**

1. Director's Report.
2. Date of next meeting: Monday, November 23, 2020.

**G. Adjournment.**

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT [www.greenbaywi.gov](http://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.

# Virtual Meeting Instructions

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Plan Commission 11/02/20

## Zoom Meeting Information

### Join Zoom Meeting

<https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSlZGZ1FjcmlpWnZlOEVnUT09>

**Meeting ID: 841 3767 5822**

**Password: 483400**

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Meeting ID: 841 3767 5822

Password: 483400

Find your local number: <https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSlZGZ1FjcmlpWnZlOEVnUT09>

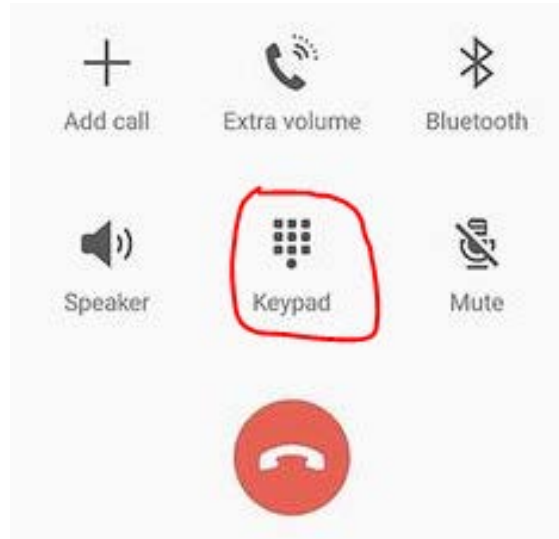
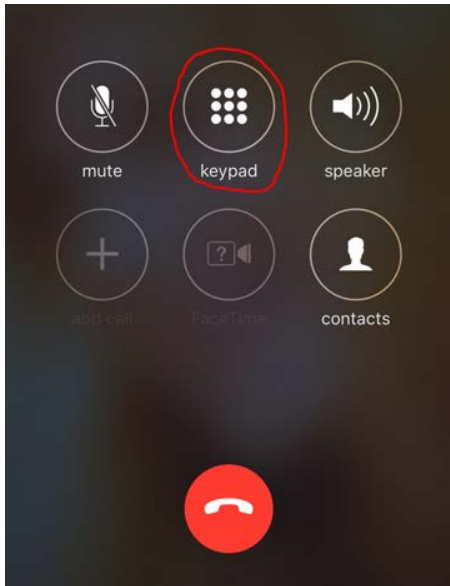


## Additional Information

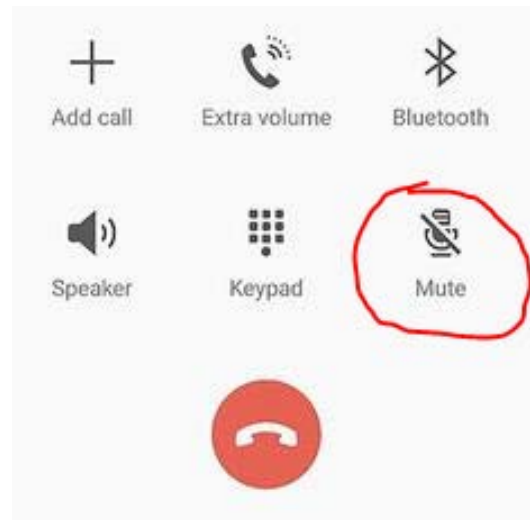
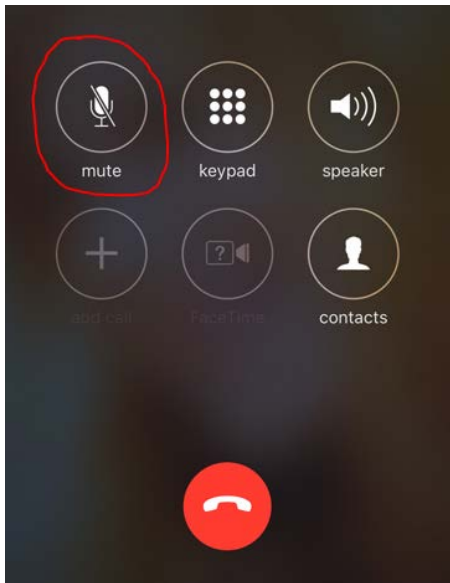
1. Wisconsin Open Meetings Law still applies
  - a. Persons interested in speaking to an item must give their name and address
  - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. All zoom meetings will have a password in the instructions. Please enter when prompted.
3. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
  - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
4. Once you are in the meeting please mute yourselves.
  - a. You may unmute yourself when you are called upon to speak.
5. Waiting room
  - a. When you call in, all callers/participants will be placed in a “waiting room.”
  - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
6. Using Zoom with a tablet or computer
  - a. Tablet—you will be asked to sign in. Download the app either with the Apple Store or the Play Store
  - b. Computer—you will be asked to sign in. You may download the app or click on the link to open Zoom in your browser.
7. Registering
  - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You’ll receive another email confirming that you’re registered for the meeting.
  - b. If you’re using a phone, your registration will still be tied to an email.
8. Raising your hand
  - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you’d need to use a computer or tablet) to let the host know you’d like to speak. You can also un-mute yourselves and start speaking.
  - b. Persons on the agenda—you can “raise your hand” but you’d need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
9. What devices should I use?
  - a. Smart phone (please see more detailed instructions on page 3)
  - b. Land line
  - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You’ll also be asked to verify your email.
  - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
  - e. For tablet and computer users—if you download the app you will be asked to verify your email.
10. Zoom etiquette
  - a. Muting yourselves when you’re not talking will prevent your background noise from interfering with others’ ability to listen to and participate in the meeting.
  - b. If you’re using a telephone, please identify yourself with your phone number and name before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourselves.
11. Closed session
  - a. Persons in the Zoom meeting will be put into a waiting room while the committee meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
  - b. Persons watching live on YouTube will see a gray screen with the City logo during closed session.
12. Persons interested in listening to the meeting can go to [www.youtube.com/CityofGreenBay](https://www.youtube.com/CityofGreenBay)

## Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
  - a. If you're using a smartphone, you can access the keypad by clicking "Keypad" on your screen



3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not need to talk, please make sure your phone is on **Mute**
  - a. If you're using a smartphone, look at your screen and click the Mute button



- b. If you're using a computer, you should see a Mute button in the Zoom application





# **MINUTES OF THE GREEN BAY PLAN COMMISSION**

**MONDAY, OCTOBER 12, 2020, 6:00 PM**  
**Virtual Meeting. Public may join via Zoom.**

## **A. ZOOM MEETING INFORMATION.**

I. This item contains documents which provide call in information and instructions for the Zoom Meeting.

## **B. ROLL CALL.**

I. Members: Lisa Hanson - Chair, Jacob Miller – Vice-Chair, Ald. Veronica Corpus-Dax, Sidney Bremer, Randall Petrouske, and Derius Daniels

Present: Ald. Veronica Corpus-Dax, Jacob Miller, Lisa Hanson, Randall Petrouske, Derius Daniels, Sidney Bremer, Autumn Linsmeier Excused:

Others present: Ald. Mark Steuer, Ald. Randy Scannell, Ald. Barb Dorff

## **C. APPROVAL OF THE AGENDA.**

I. Approval of the agenda for the October 12, 2020, meeting of the Green Bay Plan Commission.

Moved by Ald. Veronica Corpus-Dax, seconded by Derius Daniels to approve the agenda. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Lindsmeier No- None, Abstain- None

#### **D. APPROVAL OF MINUTES.**

I. Approval of the minutes from the September 28, 2020, meeting of the Green Bay Plan Commission.

Moved by Ald. Veronica Corpus-Dax, seconded by Sidney Bremer to approve the minutes. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Lindsmeier No- None, Abstain- None

#### **E. REGULAR BUSINESS.**

I. Consideration with possible action on communication from Ald. Steuer (District 10) to review Zoning Code 13.541 pertaining to “fence location and heights” in order to seek updates on revisions to increase the efficiency of the ordinance.

Moved by Ald. Veronica Corpus-Dax, seconded by Jacob Miller to refer to staff a communication from Ald. Steuer (District 10) to review Zoning Code 13.541 pertaining to “fence location and heights” in order to seek updates on revisions to increase the efficiency of the ordinance. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Lindsmeier No- None, Abstain- None

2. (ZP 20-23) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (Auto & Metal Salvage Operation) at 1156 Velp Avenue, submitted by Burrows Midwest, LLC/dba Midwest Scrap Metal, property owner. (Ald. R. Scannell, District 7)

\* This item is a continuation from the August 31 and the September 28, 2020 Plan Commission meetings.

Moved by Sidney Bremer, seconded by Randall Petrouske to open the floor for discussion. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Lindsmeier No- None, Abstain- None

Moved by Ald. Veronica Corpus-Dax, seconded by Jacob Miller to close the floor for discussion. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

Moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to approve the request with the added condition that no business shall be conducted on Sunday's. No Vote taken

Moved by Sidney Bremer, seconded by Jacob Miller to amend the motion made by Randall Petrouske and Ald. Veronica Corpus-Dax adding an additional condition of 3-months to add fencing and vegetation to the subject property. No vote take. Sidney Bremer withdrew her motion.

An amended motion moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to approve to the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (Auto & Metal Salvage Operation) at 1156 Velp Avenue, subject to the following conditions:

a) Salvage operations are prohibited along the Velp Avenue frontage within an area encompassed by the Velp Avenue right-of-way/western property line on the south extending northeast 130 ft. along the western property line and 200 ft. along the Winford Avenue right-of-way / eastern property line;

b) Area prohibited for salvage uses (referenced in condition 1) shall have pavement, curb-cuts, and other improvements removed and the area returned to vegetative ground cover;

c) Unused curb-cuts along Winford Avenue be removed and replaced with appropriate curbing as regulated by the Department of Public Works;

d) Inclusion of a landscaped buffer/vegetative screen along the south side of the fence that is a minimum of six feet in height and not less than 90 percent opaque on a year-round basis;

e) No drop-off/pick-up or other business operations are permitted after 7:00 p.m. on Monday through Friday or after 1:00 p.m. on Saturdays; No business shall be conducted on Sunday's;

f) Area prohibited for salvage uses (referenced in condition 1) be brought forward for a zone change request from the General Industrial District designation to a Commercial District designation; and

g) All conditions shall be in place prior to establishment/occupancy of the auto salvage / scrap yard use.

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

3. (ZP 20-27) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for a two-family dwelling in an Office/Residential (OR) district at 114 South Ashland Avenue, submitted by Robert Clark, property owner. (Ald. B. Johnson, District 9)

Chair Lisa Hanson read into record the rules and procedures for the all public hearings and stated that all hearings have been properly posted and published.

Chair Lisa Hanson opened the public hearing on the request to authorize a Conditional Use Permit (CUP) for a two-family dwelling in an Office/Residential (OR) district at 114 South Ashland Avenue.

Chair Lisa Hanson the asked three times if there was anyone else who wished to speak. Hearing/seeing none, the public hearing was closed.

4. (ZP 20-27) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a two-family dwelling in an Office/Residential (OR) district at 114 South Ashland Avenue, submitted by Robert Clark, property owner. (Ald. B. Johnson, District 9)

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to open the floor for discussion. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

Moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to close the floor for discussion. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

Moved by Jacob Miller, seconded by Sidney Bremer to authorize a Conditional Use Permit (CUP) for a two-family dwelling in an Office/Residential (OR) district at 114 South Ashland Avenue, subject to compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

5. (ZP 20-28) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for a secondhand store located at 1524-1526 North Irwin Avenue, submitted by Julio Fuentes, applicant. (Ald. K. Lefebvre, District 6)

Chair Lisa Hanson opened the public hearing on the request to authorize a Conditional Use Permit (CUP) for a secondhand store located at 1524-1526 North Irwin Avenue.

Chair Lisa Hanson the asked three times if there was anyone who wished to speak. Hearing/seeing none, the public hearing was closed.

6. (ZP 20-28) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a secondhand store located at 1524-1526 North Irwin Avenue, submitted by Julio Fuentes, applicant. (Ald. K. Lefebvre, District 6)

Moved by Randall Petrouske, seconded by Derius Daniels to authorize a Conditional Use Permit (CUP) for a secondhand store located at 1524-1526 North Irwin Avenue, subject to:

1) Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.

2) A site plan is submitted per Chapter 13-1800, Green Bay Zoning Code.

3) External display or sale of products are limited to the requirements found in Chapter 13-522(a)(7), Green Bay Zoning Code. (Public Hearing held 10/12/20)

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

7. (ZP 20-29) Public Hearing on the request to rezone a portion of 3200 Finger Road from Rural Residential (RR) to General Commercial (C2), submitted by Joel Ehrfurth, Mach IV Engineering & Surveying, LLC, applicant. (Ald. V. Corpus-Dax, District 2)

Chair Lisa Hanson opened the Public Hearing on the request to rezone a portion of 3200 Finger Road from Rural Residential (RR) to General Commercial (C2),

Stephanie clarified that this is not an extension of Kwik Trip and the request is from Rural Residential (RR) to Highway Commercial (C2).

Chair Lisa Hanson the asked three times if there was anyone else who wished to speak. Hearing/seeing none, the public hearing was closed.

8. (ZP 20-29) Consideration with possible action on the request to rezone a portion of 3200 Finger Road from Rural Residential (RR) to General Commercial (C2), submitted by Joel Ehrfurth, Mach IV Engineering & Surveying, LLC, applicant. (Ald. V. Corpus-Dax, District 2)

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to Open the Floor. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to Close the Floor. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to rezone a portion of 3200 Finger Road from Rural Residential (RR) to Highway Commercial (C2). Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

9. (ZP 20-30) Public Hearing on a request for a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street, submitted by Garritt Bader on behalf of GB 901 Main LLC, property owner. (Ald. R. Scannell, District 7)

Chair Lisa Hanson opened the Public Hearing on a request for a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street.

Chair Lisa Hanson the asked three times if there was anyone else who wished to speak. Hearing/seeing none, the public hearing was closed.



10. (ZP 20-30) Consideration with possible action on a request for a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street, submitted by Garritt Bader on behalf of GB 901 Main LLC, property owner. (Ald. R. Scannell, District 7)

Moved by Sidney Bremer, seconded by Ald. Veronica Corpus-Dax to open the floor. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

Moved by Sidney Bremer, seconded by Jacob Miller to close the floor. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

Moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to authorize a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street subject to approval from the Zoning & Planning Board of Appeals for the variance request eliminating the need for an emergency exit lane.

Sidney Bremer then motioned that the item be tabled until after the Zoning & Planning Board of Appeals meeting and to allow for David Bartikofsky to gather additional information as he stated he was not noticed of the request.

It was then stated that this motion cannot be voted on until the previous the motion for approval had been voted on. Sidney Bremer withdrew her motion.

An amended motion was moved by Randall Petrouske, seconded by Ald. Veronica Corpus-Dax to authorize a Conditional Use Permit (CUP) for a restaurant drive-through at 901 Main Street subject to the following conditions:

- 1) No objections from the Green Bay Fire Chief regarding EMS and fire service.
- 2) Approval from the Zoning & Planning Board of Appeals for the variance request eliminating the need for an emergency exit lane.

Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Autumn Linsmeier, No- None, Abstain- Derius Daniels

11. (DDMA 20-01) Consideration with possible action on the request to amend the City's Development District Map along Finger Road, submitted by the Department of Community and Economic Development. (Ald. B. Dorff, District 1)

Moved by Ald. Veronica Corpus-Dax, seconded by Autumn Linsmeier to amend the City's Development District Map along Finger Road. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

12. (DDMA 20-02) Consideration with possible action on the request to amend the City's Development District Map along Nicolet Drive, submitted by the Department of Community and Economic Development. (Ald. B. Dorff, District 1)

Moved by Ald. Veronica Corpus-Dax, seconded by Sidney Bremer to amend the City's Development District Map along Nicolet Drive. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

13. (DDMA 20-03) Consideration with possible action on the request to amend the City's Development District Map along N. Northview Road and Luxemburg Road, submitted by the Department of Community and Economic Development. (Ald. B. Dorff, District 1)

Moved by Ald. Veronica Corpus-Dax, seconded by Derius Daniels to amend the City's Development District Map along N. Northview Road and Luxemburg Road. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None

## **F. INFORMATIONAL.**

I. Director's Report.

Interim Director Cheryl Renier-Wigg presented the Director's Report.

2. Date of next meeting: Monday, November 2, 2020.

## **G. ADJOURNMENT.**

Moved by Jacob Miller, seconded by Sidney Bremer to adjourn. Motion carried.

Yes- Jacob Miller, Lisa Hanson, Randall Petrouske, Sidney Bremer, Ald. Veronica Corpus-Dax, Derius Daniels, Autumn Linsmeier, No- None, Abstain- None



## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

David Buck, Staff

### AGENDA ITEM # E.1

Consideration with possible action on communication from Ald. Barb Dorff (District 1) to "Estimate potential costs and benefits of proposed Grandview development" (from June 29, 2020 Council Meeting).

### BACKGROUND

Discussion to take place at meeting.

### RECOMMENDATION

Receive and place on file.

### FISCAL IMPACT

### ATTACHMENTS

None



Report to the  
Green Bay Plan Commission

**MEETING DATE**

November 2, 2020

**PREPARED BY**

**AGENDA ITEM # E.2**

Consideration with possible action on communication from Ald. Veronica Corpus-Dax (District 2) to refer to staff to look at regulations regarding the current zoning code and "Drive Thru" or "Pickup" lanes, and the necessity of bypass lanes and/or menu boards.

**BACKGROUND**

**RECOMMENDATION**

To refer to staff for review.

**FISCAL IMPACT**

**ATTACHMENTS**

None



## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

David Buck, Staff

### AGENDA ITEM # E.3

(ZP 20-23) Reconsideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a Material Recovery Facility (including Auto & Metal Salvage Operation) at 1156 Velp Avenue, submitted by Burrows Midwest, LLC/dba Midwest Scrap Metal, property owner (Ald. R. Scannell, District 7).

### BACKGROUND

\* The Plan Commission recommended approval of this CUP request with seven conditions (a-g below) on October 12, 2020. On October 20, 2020, the Green Bay Common Council referred this item back to the Plan Commission for additional consideration. The referral was based on comments submitted after the Plan Commission action that are felt to be relevant to the Plan Commissions evaluation of this petition.

**Reason for Request:** To permit the use of the property for automobile & metal salvage operations.

#### **Zoning and Land Uses:**

Subject Property: C2 Highway Commercial & GI General Industrial Material Recover

North: GI General Industrial Warehousing

South: CI General Commercial & R-I Low Density Res Hair Salon & single-family homes

East: GI General Industrial Auto service & outdoor storage

West: GI General Industrial Manufacturing

**Comprehensive Plan:** The 2022 Smart Growth Plan designates the southern half of the subject site suitable for commercial uses and the northern half of the subject site as general Industrial. Additionally, the Velp Avenue Areawide Plan (adopted in June 2017) designates the property as Transformative Opportunity Site #3 with the most desirable and compatible land-uses to include commercial, office, mixed-use and modern industrial uses. The proposed use of the entire property for salvage operations is not consistent with the recommendations of the Comprehensive & Velp Avenue Plans.

**Additional Information following Postponement:** This item was postponement at the August 31, 2020 Plan Commission meeting as the Plan Commission wanted to allow additional time for public comment as well as requested additional information including review of current activities, alderperson comments, neighborhood contact, potential traffic impacts, potential environmental impacts, and the submission of comments from D. Nelson (received too late to be shared at the previous meeting).

An inspector from the city investigated the site on September 10th and observed that at that time the operation of the material recovery business is in compliance with their approved site and operation plan currently on file with the city. Staff has been in contact with both the Alderperson Scannell (District 7) of the district the property is located and Alderperson Steuer (District 10) whose district is located directly across Velp Avenue to the south. They indicated that they will be present at the Plan Commission meeting or provide a statement.

The Mather Heights Neighborhood Association was contacted and held a neighborhood meeting on the topic on September 21st with approximately 20 residents in attendance. In general, the neighbors were not

in favor of an industrial use of any kind on the property but more specific concerns expressed related to noise levels, poor views of the operation from the south, concern of potential environmental impacts, potential debris from transport vehicles accumulating in the area, stormwater management and drainage, protection of the southern part of the site along Velp Ave. from becoming industrial in use, and the potential for afterhours drop-off of materials at the site when it is unmanned. The city received comments from an area business called Global Recognition, who felt the inclusion of salvage operations in the area would depress property values and marketability of their property, create a negative image of the Velp Avenue Corridor limiting desire of other businesses to locate or expand, and concern that the truck traffic and speeds would negatively affect the corridor. A letter from adjacent business Alwin Manufacturing was received as well opposing the proposed CUP based on potential for water run-off, contamination, unsightliness of scrap piles, potential to attract rodents and pests, and that the use is contradictory to the recently adopted Velp Avenue Plan.

The City's traffic engineer reviewed the proposal relating to the impact this use may have on the intersection of Velp and Winford. He stated he would need additional detail on the business operation to conduct a thorough analysis but that the proposed use would likely not affect the level of service or safety situation at the intersection or along Velp Ave. He stated the intersection is newer and the design can accommodate truck traffic.

Land use is regulated through the Zoning Ordinance as well as general regulation of noise, dust, odors, and other nuisances. Salvage dealers are licensed through the WI Department of Transportation, who also regulate and monitor their operations. This license requires conformation of permits through the WI Department of Natural Resources, who are responsible for regulations related to air pollution, stormwater, waste handling, spills, and wastewater. Environmental impacts related to the salvage operation are generally regulated by the State of Wisconsin.

A large submittal from Mr. Dennis Nelson was received the afternoon of August 31st and was not able to be included within the Plan Commission packet. The submission was vetted by the Law Department to determine relevance of the contents as they relate to the land use matter at hand. The submission is included as an attachment to this staff report.

Based on information collected/received, staff added two recommended conditions of approval that include:

5. No drop-off/pick-up or other business operations be permitted after 7:00 p.m. on Monday through Friday or after 1:00 p.m. on Saturdays.
6. Area prohibited for salvage uses (referenced in condition 1) be brought forward for a zone change request from the General Industrial District designation to a Commercial District designation.

**Original Report:** The subject property is an existing 138,000 sq. ft. / 3.17 acre parcel located at the northwest corner of the Velp Avenue-Winford Avenue intersection. The lot is currently vacant of all buildings but is fully covered with impervious concrete and compacted gravel, loose gravel at the location of recently demolished 15,000 sq ft building, and the remnants of a stone and block wall/display structure. The site also contains two curb-cuts along Velp Avenue and six curb-cuts along Winford Avenue.

The request for the Conditional Use Permit (CUP) is to permit the newly established material recovery use to include automobile salvage/scrap yard operations, both defined in the Zoning Code as:

- Material recovery facility (major): A facility for the deposit, sorting, or batching, but not processing, of post-consumer recyclable materials, including limited compacting or crushing of recyclable materials.
- Auto salvage yard, scrap yard: A facility where scrap or salvage materials, including used motor vehicles, are sorted, stored, dismantled, assembled, and distributed, including wholesale and retail sales of such materials. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, plastics, and aluminum cans.

The petitioner intends to redevelop the site as a secondary scrap yard for the collection of metals and junk/salvaged vehicles as described in the submitted application. Current commercial material recovery operations began in August 2020 with operating hours Monday – Friday from 6 a.m. to 6 p.m. Proposed public operating hours for salvage are Monday-Friday from 7 a.m. to 4 p.m. and Saturdays from 7 a.m. to 12 p.m. Anticipated site modifications would be made over an undefined timeframe and include an industrial truck scale, 5,400 sq ft warehouse, 600 sq ft mobile storage container to function as an office space, outdoor storage of “rolloffs/luggers/trailers”, outdoor storage and stockpiles of scrap materials, and outdoor equipment parking/storage.

The Comprehensive plan depicts the north half of the site suitable for general industrial uses consistent with the request while the southern half is designated for commercial uses not consistent with the request. The Velp Avenue Areawide Plan’s recommendation is primarily for mixed-use and modern industrial uses such as small scale production facilities and showrooms with the general intent of reserving the Velp Avenue frontage for commercial and less intense industrial uses that will redefine Velp Avenue as a gateway corridor to the downtown with greater “curb appeal”. However the zoning designation of a majority of the site is currently GI General Industrial. To facilitate the proposed use while also retaining consistency with adopted plans, staff is recommending that the proposed material recovery/scrap operations be limited along the Velp Avenue frontage to the extent needed to provide suitable area for the development of commercial or less-intense industrial uses. After consultation with a commercial real estate professional and the City’s Economic Development staff, it was determined that a minimum of approximately 1 acre of land would be needed to be reserved for commercial redevelopment along the frontage. This equates to an area extending from the Velp Avenue right-of-way to the northeast 130’ along the western property line and 200’ along the Winford Avenue right-of-way / eastern property line (.88 acres) and staff is recommending that Salvage operations be prohibited within this area.

Evaluation of the property during standard CUP request evaluation revealed that the site is currently in a semi-blighted state with no longer used improvements remaining in place at various locations including remnants of former building, piles of gravel, two unused curb cuts on Velp Avenue, and six curb cuts on Winford Avenue, four of which appear to be unused on the submitted site plan. While many of these improvements may need to be removed in relation to recently issued demolition permits, staff believes it is important to include a condition of CUP approval that the area prohibited for salvage uses (referenced above) shall have pavement, curb-cuts, and other improvements removed and be returned to vegetative ground cover as well as the unused curb-cuts along Velp and Winford Avenues be removed.

Operations of this type and intensity with primarily outdoor industrial business require fencing as a screen within the existing Zoning Code. The site currently has a fence with fabric covering that is somewhat impervious to sight. However, this regulation assumes that other industrial or heavier commercial uses are adjacent/nearby. The close proximity to low density residential uses (across Velp Avenue to the south) can often be incompatible. Additionally, visual, noise and other impacts associated may hinder potential redevelopment of the Velp Avenue frontage. In an attempt to minimize and/or alleviate these potential issues, staff is recommending that screen/buffer be enhanced along the south side of the fencing with established buffer design for nonresidential uses in residential districts (Zoning Code Section 13-1820) which is the inclusion of a landscaped buffer/vegetative screen a minimum of six feet in height and not less than 90 percent opaque on a year-round basis.

Although the proposed use of the site is not the most desirable and not fully consistent with the long range plans adopted by the City, Staff is supporting the CUP request with the inclusion of the proposed conditions, suggested in order to achieve the highest level of compliance with adopted plans while still allowing the salvage operation to be established.

Ald. Scannell, Mather Heights Neighborhood Association, and property owners within 400 feet have been notified of the request as well as the placement of a zoning action notification sign along the Velp Avenue

frontage. Staff has received six inquiries as of the drafting of this report, three of which were simply inquiries and three of which were objections. The objections are based on concerns over noise levels of the operations, views of the materials stored outside from Velp Avenue, negative impacts on redevelopment efforts of the Velp Avenue corridor, and potential negative impact to property values of homes on the south side of Velp Avenue.

## RECOMMENDATION

Approval of the CUP request with the following conditions:

- a. Salvage operations are prohibited along the Velp Avenue frontage within an area encompassed by the Velp Avenue right-of-way/western property line on the south extending northeast 130 ft. along the western property line and 200 ft. along the Winford Avenue right-of-way / eastern property line;
- b. Area prohibited for salvage uses (referenced in condition 1) shall have pavement, curb-cuts, and other improvements removed and the area returned to vegetative ground cover;
- c. Unused curb-cuts along Winford Avenue be removed and replaced with appropriate curbing as regulated by the Department of Public Works;
- d. Inclusion of a landscaped buffer/vegetative screen along the south side of the fence that is a minimum of six feet in height and not less than 90 percent opaque on a year-round basis;
- e. No drop-off/pick-up or other business operations are permitted after 7:00 p.m. on Monday through Friday or after 1:00 p.m. on Saturdays; No business shall be conducted on Sunday's;
- f. Area prohibited for salvage uses (referenced in condition 1) be brought forward for a zone change request from the General Industrial District designation to a Commercial District designation; and
- g. All conditions shall be in place prior to establishment/occupancy of the auto salvage / scrap yard use.

## FISCAL IMPACT

## ATTACHMENTS

1. ZP 20-23 Location Map\_color
2. Ltr to Green Bay Mayor Re Velp Ave CUP Concerns 10.16.20
3. ZP 20-23 Resolution 11.2.20



-  Proposed CUP Site
-  400' Property Owner Notice



October 16, 2020

**VIA EMAIL**

Mayor Eric Genrich  
Green Bay City Hall  
100 N. Jefferson Street  
Green Bay, WI 54301

**RE: Velp Avenue Conditional Use Permit Request**

Dear Honorable Mayor Eric Genrich:

Please kindly know, I represent the Alter Trading Corporation (“Alter”). Alter is a company founded in Iowa over 120 years ago. The company has a strong and proud heritage of managing a number of successful industries throughout the United States.

One of those industries is the ownership and operation of scrapyard facilities. Altogether, the Alter Trading Corporation (which operates under the trade name Alter Metal Recycling) has over 75 metal recycling facilities throughout the U.S., including 17 successful operations in the State of Wisconsin. This includes a facility which sits in both the Village of Howard and the City of Green Bay.

As a constituent, the purpose of this correspondence is to raise an important issue facing City Hall. This past Monday, October 12, 2020, the Plan Commission of Green Bay took up the consideration of a Conditional Use Permit for a material recovery facility submitted by Burrows Midwest, LLC (“Burrows”). By way of background, the Burrows’ facility is located on Velp Avenue and is currently permitted for limited material recovery activities. They have applied for a Conditional Use Permit to expand their business which will be before you next Tuesday, October 20, 2020, for consideration by the full City Council.

Alter is a competitor of Burrows, just like they are a competitor of multiple other recycling facilities in the region. However, the purpose of this correspondence is not to discourage the City from helping businesses expand, grow, and prosper. Since we too are a constituent, however, we believe additional work needs to be done prior to Green Bay taking up the Burrows’ Conditional Use Permit request next week; in order to insure that there is a level playing field for all similarly situated businesses in the area.

For example, during last week’s Plan Commission Hearing, a series of questions were asked to Green Bay Staff Member, David Buck, who was providing background information and assisting the Commission. One of Green Bay’s other local business owners, Mr. Gerald Bigelow, commented that he had witnessed on multiple occasions, on Monday and days before, that the

property is filled with automobiles, lawn mowers, and appliances. Mr. Bigelow raised both environmental concerns as well as fear that Burrows' material recovery facility was not acting within the rules set forth by both the City and the State of Wisconsin.

One of the Plan Commission Members, after hearing Mr. Bigelow's testimony, asked Mr. Buck a series of questions. The first question was whether it was illegal for a material recovery facility to have cars set up for demolition currently at the site. Mr. Buck's response was that if that was currently happening it was illegal. The second question pertained to whether lawn mowers would be legal under the City's Code. Mr. Buck's response was again that currently it would be illegal. During the Plan Commission Hearing, however, no one asked the Burrows family, who was part of the hearing, as to whether these activities were happening now.

With this in mind, please find attached photos that were taken Tuesday morning, immediately after the public hearing. As you will note, there are several car bodies and lawn mowers present. As Mr. Buck had indicated during the Plan Commission Hearing, this activity is not allowed under the current City Code.

What is perhaps even more concerning is that the very day after the hearing, during the day a crane was brought in which moved car bodies into an open top trailer and were no longer visible from the public roadway. Further, you will note in the attached video, a crane appears to be moving cars into a hole that had been dug by the crane in the center of a very large scrap pile. We are attaching the video electronically so that you can see what is transpiring and reach your own conclusions as to the propriety of these activities.

As I mentioned above, Alter is a competitor of Burrows. However, Alter is also a company that employs over 100 people throughout Brown County, follows all regulatory requirements, and is a good steward of the environment. We think the issuance of a Conditional Use Permit giving the Burrows entity the ability to expand operations is premature. Based on the testimony of another local taxpayer, Mr. Bigelow, we recommend the City withhold taking action next Tuesday on the Conditional Use Permit, and instead commence an investigation as to the testimony that was given during the most recent Plan Commission Hearing. We think the attached video and photos are helpful, but at a minimum the City must investigate what David Buck had described as illegal activities during Monday's Plan Commission Hearing.

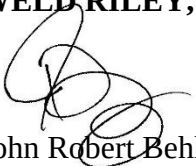
Please review the video and attached photos and we are hopeful you would consider making any business come into compliance with any of the City of Green Bay's Codes before allowing them to expand. In addition, please see attached the list of permits that are required by the State of Wisconsin, the U.S. EPA, and Brown County; in order to legally operate a full-scale scrap recycling operation as requested by Burrows in this instance. Those permits include requirements providing for proper stormwater discharge, refrigerant recovery, air emissions, PCB handling, scale certification, radiation detection, fire protection and other measures designed to protect the environment and the public. Any scrap recycling operation, including Burrows, should be required to obtain all such authorizations, licenses and permits as conditions of a CUP; in advance of starting any operations in the City.

Mayor Eric Genrich  
October 16, 2020  
Page 3

We think fair play and a positive business climate are more important than rushing to a decision given the testimony given by members of the public this past Monday. Please do not hesitate to reach out with any questions and thank you kindly for your consideration.

Very truly yours,

**WELD RILEY, S.C.**

A handwritten signature in black ink, appearing to read 'John Robert Behling', written over the printed name.

John Robert Behling  
*President & Attorney*

JRB/krf  
Enclosures

Photos from Velp Avenue on Tuesday, October 13, 2020









| <u>License Name</u>                                                                                  | <u>License Type</u> | <u>Jurisdiction Level</u> | <u>Jurisdiction</u> | <u>License Authority</u>                                                                                                                          | <u>Recurrence Pattern</u> |
|------------------------------------------------------------------------------------------------------|---------------------|---------------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| Green Bay, WI - General Permit to Discharge Under WPDES- Stormwater/ NPDES                           | Stormwater          | State-Province            | Wisconsin           | State of Wisconsin Department of Natural Resources                                                                                                | 5 Years                   |
| Green Bay, WI- Refrigerant Recovery from Salvaged or Dismantled Refrigeration Equipment Registration | Refrigerants        | State-Province            | Wisconsin           | State of Wisconsin Department of Natural Resources                                                                                                | 1 Years                   |
| Green Bay- WI X-Ray Device Registration Permit                                                       | Alloy Analyzer      | State-Province            | Wisconsin           | State of Wisconsin Department of Health Services Division of Public Health                                                                        | 1 Years                   |
| Green Bay- WI Vehicle Scale Operator License                                                         | Scale License       | State-Province            | Wisconsin           | Wisconsin Department of Agriculture, Trade and Consumer Protection                                                                                | 1 Years                   |
| Green Bay- WI Vehicle Scale Operator License- Main Truck Scale                                       | Scale License       | State-Province            | Wisconsin           | Wisconsin Department of Agriculture, Trade and Consumer Protection                                                                                | 1 Years                   |
| Green Bay, WI- Salvage Yard License (Village of Howard)                                              | Business            | County                    | Brown County        | Village of Howard, County of Brown                                                                                                                | 1 Years                   |
| Green Bay- WI Weights And Measures License                                                           | Scale License       | County                    | Brown County        | Village of Howard                                                                                                                                 | 1 Years                   |
| Green Bay, WI - SPCC - PE-Certified                                                                  | SPCC                | State-Province            | Wisconsin           |                                                                                                                                                   | 5 Years                   |
| Green Bay, WI- Motor Vehicle Salvage Dealer- Scrap Metal Processor                                   | Business            | State-Province            | Wisconsin           | Wisconsin Department of Transportation Division of Motor Vehicles<br>US EPA Office of Prevention, Pesticides, and Toxic Substances; Washington DC | 2 Years                   |
| Green Bay, WI - EPA Notification of Polychlorinated Biphenyls (PCBs)                                 | PCBs                | Country                   | United States       | 20460                                                                                                                                             |                           |
| Green Bay, WI- Seller's Permit                                                                       | Business            | State-Province            | Wisconsin           | State of Wisconsin Department of Revenue                                                                                                          |                           |
| Green Bay, WI - WDNR AIR-ROPA                                                                        | air                 | State-Province            | Wisconsin           | State of Wisconsin Department of Natural Resources                                                                                                |                           |



**RESOLUTION AUTHORIZING CONDITIONAL USE  
APPROVAL AT 1156 VELP AVENUE  
(ZP 20-23)**

**November 10, 2020**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 20-23 and the recommendation of the Plan Commission on August 31, 2020, the City of Green Bay does authorize a conditional-use permit for a Material Recovery Facility (Auto & Metal Salvage Operation) on the following described property located at 1156 Velp Avenue, submitted by Burrows Midwest, LLC/dba Midwest Scrap Metal, property owner:

Part of the Laventure Claim, West Side of the Fox River, in the City of Green Bay, Brown County, Wisconsin, more fully described as follows:

Commencing at the Brown County Surveyor's Traverse Point ID Number 40Q20: thence N60° 29' 12"E, 1589.97 feet to Brown County Surveyor's Traverse Point ID Number 40021.1; thence N59° 41'47"W, 1867 .36 feet to a point on the Westerly right of way of Winford Ave being 94.4 feet South of the North line of the Laventure Claim, and being the point of beginning; thence S26°29'53"W, 606.44 feet along said Westerly right of way; thence S45°35'30"W, 6.22 feet along said right of way to point #1294 of the recorded Transportation Project Plat Number 1450-04-4.15(Volume I. Transportation Project Plats, page 90, Document Number 2447897, Brown County Records); thence S26°28'52"W. 43.71 feet along said right of way to point 1315, said Transportation Project Plat; thence 4 7.48 feet along the arc of a 24.00 foot radius curve to the right whose long chord bears S83°09'34"W, 40.11 feet to point 1316, said Transportation Project Plat; thence N40°09'45"W, 195.45 feet along the Northerly right of way of United States Highway 141, also known as Velp Avenue to point 1317, said Transpiration Project Plat; thence N26°29' 53"E, 598.53 feet: thence S64°03 '4 7"E, 215 .00 feet to the point of beginning.

Parcel contains 138,399 sq. ft/ 3.18 acres more or less.

Parcel subject to easements and restrictions of record.

Tax Parcel No. 18-782-E

Said conditional-use permit shall be granted subject to the following conditions:

- a) Salvage operations are prohibited along the Velp Avenue frontage within an area encompassed by the Velp Avenue right-of-way/western property line on the south extending northeast 130 ft. along the western property line and 200 ft. along the Winford Avenue right-of-way / eastern property line;
- b) Area prohibited for salvage uses (referenced in condition 1) shall have pavement, curb-cuts, and other improvements removed and the area returned to vegetative ground cover;

- c) Unused curb-cuts along Winford Avenue be removed and replaced with appropriate curbing as regulated by the Department of Public Works;
- d) Inclusion of a landscaped buffer/vegetative screen along the south side of the fence that is a minimum of six feet in height and not less than 90 percent opaque on a year-round basis;
- e) No drop-off/pick-up or other business operations are permitted after 7:00 p.m. on Monday through Friday or after 1:00 p.m. on Saturdays; No business shall be conducted on Sunday's;
- f) Area prohibited for salvage uses (referenced in condition I) be brought forward for a zone change request from the General Industrial District designation to a Commercial District designation; and
- g) All conditions shall be in place prior to establishment/occupancy of the auto salvage / scrap yard use.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

db

Attachment – Map



## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

### AGENDA ITEM # E.4

(ZP 20-31) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for an expansion of a single-family dwelling in a Varied Density Residential (R3) district at 1518 Western Avenue, submitted by Eric T. Kapla, Schoen Street Condos Rentals, LLC, property owner (Ald. C. Wery, District 8).

### BACKGROUND

### RECOMMENDATION

### FISCAL IMPACT

### ATTACHMENTS

- I. ZP 20-31 Class 2 Pub PC Mtg

For Official Notice:

**Public Notification  
Proposed Conditional Use Permit (CUP)  
1518 Western Avenue  
(ZP 20-31)**

The Green Bay Plan Commission will hold a public hearing on **Monday, November 2, 2020**, at 6:00 p.m. The meeting will be conducted at a virtual location. If you wish to participate in the Public Hearing, you may access the meeting by the internet or telephone, using the access code below.

Join Zoom Meeting

<https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSlZGZ1FjcmlpWnZlOEVnUT09>

Meeting ID: 841 3767 5822

Passcode: 483400

One tap mobile

+13126266799,,84137675822# US (Chicago)

+16468769923,,84137675822# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Germantown)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 841 3767 5822

Find your local number: <https://us02web.zoom.us/j/kcTM6PWdqR>

The hearing is regarding the following:

A request to authorize a Conditional Use Permit (CUP) for an expansion of a single-family dwelling in a Varied Density Residential (R3) district at 1518 Western Avenue, submitted by Eric T. Kapla, Schoen Street Condos Rentals, LLC, property owner. (Ald. C. Wery, District 8)

Public comments will be invited at the public hearing or can be sent in writing to:

City of Green Bay

Department of Community and Economic Development

Attn: Paul Neumeyer

100 N. Jefferson St., Rm. 608

Green Bay, WI 54301

For additional information, contact Paul Neumeyer at (920) 448-3405 or

[paul.neumeyer@greenbaywi.gov](mailto:paul.neumeyer@greenbaywi.gov).

**Publication Dates: October 19, 2020 and October 26, 2020**



## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

Paul Neumeyer, Staff

### AGENDA ITEM # E.5

(ZP 20-31) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for an expansion of a single-family dwelling in a Varied Density Residential (R3) district at 1518 Western Avenue, submitted by Eric T. Kapla, Schoen Street Condos Rentals, LLC, property owner (Ald. C. Wery, District 8).

### BACKGROUND

**Reason for Request:** To allow for an expansion of the existing nonconforming single-family dwelling.

**Surrounding Zoning and Land Uses:**

Subject Property: Varied Density Residential (R3) - Single-family home/multiple-family units

North: Varied Density Residential (R3) - Railroad/Multi-family dwellings

South: Varied Density Residential (R3) - Single-family dwellings

East: Varied Density Residential (R3) - Multi-family dwellings

West: Varied Density Residential (R3) - Single-family dwellings

**Comprehensive Plan:** The 2022 Smart Growth Plan designates this area as low density residential uses. The current multi-family uses at 1520 Western Avenue were permitted under the current R3 zoning and predates the Comprehensive Plan recommendation. Future land use for the subject property should be considered for a higher density residential land use to be consistent with existing surrounding uses.

**Consistency Analysis:** While Ch. 66.1001 Wis. Stats. does not specifically require conditional uses to meet the consistency requirement, the proposed conditional use permit is consistent with the comprehensive plan.

**Report:** The subject property is zoned Varied Density Residential (R3) and contains a single-family home at 1518 Western Avenue; there is a multi-family dwelling on the same parcel to the north at 1520 Western Avenue. The single-family home is considered nonconforming to the current R3 zoning.

The property owner is proposing to expand the footprint of the single-family dwelling by adding an attached garage to the north. A nonconforming use cannot be expanded without compliance with current zoning standards. The CUP is the tool that would correct the nonconformity and allow the expansion.

Approval of the request will allow the applicant to make an expansion to the principal use and replace an enclosed parking space that was removed to make way for the existing drive to service the multi-family development to the rear. Planning staff feels approval of this request is appropriate and does not detract from surrounding permitted land uses. Alderman Wery and adjacent property owners have been notified of the request. As of the drafting of this report, staff has not received an inquiry or objection to the request.

### RECOMMENDATION

Approval of the request, subject to:

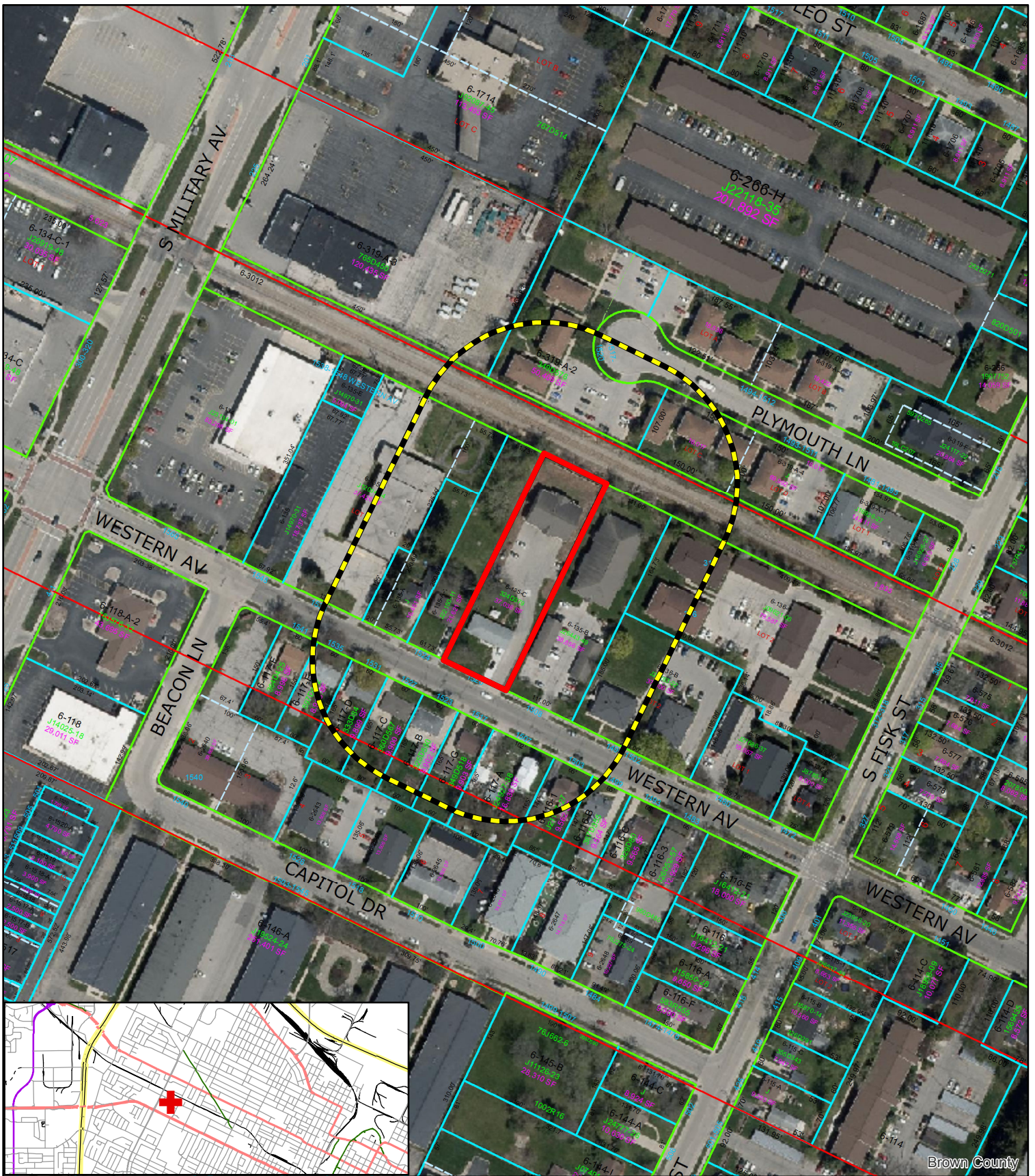
- a. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit.
- b. Future expansions are permitted not to exceed 50% of the footprint of the existing structure.

## **FISCAL IMPACT**

## **ATTACHMENTS**

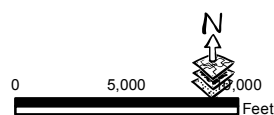
- I. ZP 20-31 letter





**Zoning Petition (ZP 20-31)**  
**Proposed Conditional Use Permit (CUP)**  
**1518 Western Avenue**

- Subject Area
- 200' Property Owner Notice



This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.  
 Map prepared by PN





## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

### AGENDA ITEM # E.6

(ZP 20-32) Public Hearing on the request to authorize a Conditional Use Permit (CUP) for a Home Based Occupation in a Low Density Residential (RI) District at 1018 Rolling Green Drive, submitted by Philip & Rita Schounard, property owners (Ald. J. Brunette, District 12).

### BACKGROUND

### RECOMMENDATION

### FISCAL IMPACT

### ATTACHMENTS

- I. ZP 20-32 Class 2 Pub PC Mtg

For Official Notice:

**Public Notification  
Proposed Conditional Use Permit (CUP)  
1018 Rolling Green Drive  
(ZP 20-32)**

The Green Bay Plan Commission will hold a public hearing on **Monday, November 2, 2020**, at 6:00 p.m. The meeting will be conducted at a virtual location. If you wish to participate in the Public Hearing, you may access the meeting by the internet or telephone, using the access code below.

Join Zoom Meeting

<https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSlZGZ1FjcmlpWnZlOEVnUT09>

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 841 3767 5822

Find your local number: <https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSlZGZ1FjcmlpWnZlOEVnUT09>

The hearing is regarding the following:

A request to authorize a Conditional Use Permit (CUP) for a Home Based Occupation in a Low Density Residential (RI) District at 1018 Rolling Green Drive, submitted by Philip & Rita Schounard, property owners. (Ald. J. Brunette, District 12)

Public comments will be invited at the public hearing or can be sent in writing to:

City of Green Bay  
Department of Community and Economic Development  
Attn: Paul Neumeyer  
100 N. Jefferson St., Rm. 608  
Green Bay, WI 54301

For additional information, contact Paul Neumeyer at (920) 448-3405 or [paul.neumeyer@greenbaywi.gov](mailto:paul.neumeyer@greenbaywi.gov).

**Publication Dates: October 19, 2020 and October 26, 2020**



## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

Paul Neumeyer, Staff

### AGENDA ITEM # E.7

(ZP 20-32) Consideration with possible action on the request to authorize a Conditional Use Permit (CUP) for a Home Based Occupation in a Low Density Residential (RI) District at 1018 Rolling Green Drive, submitted by Philip & Rita Schounard, property owners (Ald. J. Brunette, District 12).

### BACKGROUND

**Reason for Request:** To allow for a building expansion of charitable meal preparation kitchen as a Home Based Occupation.

**Surrounding Zoning and Land Uses:**

Subject: Low Density Residential (RI) - Single-family dwellings

North: Low Density Residential (RI) - Single-family dwellings

South: Low Density Residential (RI) - Single-family dwellings

East: Low Density Residential (RI) - Single-family dwellings

West: Low Density Residential (RI) - Single-family dwellings

**Comprehensive Plan:** The 2022 Smart Growth Plan designates this area as low to medium density residential uses.

**Consistency Analysis:** While Ch. 66.1001 Wis. Stats. does not specifically require conditional uses to meet the consistency requirement, the proposed conditional use permit is consistent with the comprehensive plan.

**Report:** The applicants reside in a single-family dwelling located at 1018 Rolling Green Drive and intend to put an addition to their garage in the form of an expanded kitchen for meal preparation and distribution for needy individuals. The property owners have formed a 501(c) nonprofit organization, as part of their mission to provide meals to those in need, known as Crisis Cafe. Home Based Occupations are a permitted accessory use in the RI District with the following development standards:

13-1609. Accessory uses. (Amd. GO 36-09)

(a) Home-based occupation.

(1) Home-based occupations may include small professional offices, service establishments, musical instruction, or home crafts which are typically considered accessory to a dwelling unit.

(2) A home-based occupation shall not involve the conduct of a retail or wholesale business, a manufacturing business, a commercial food service requiring a license, or auto service or repair for any vehicles other than those registered to residents of the property.

(3) A home-based occupation shall be carried on wholly within the main building or within a permitted accessory building.

(4) Exterior alterations or modifications that change the residential character or appearance of the dwelling, any accessory buildings, or the property itself shall be prohibited.

(5) No person other than residents of the principal dwelling may be employed in the home-based occupation.

- (6) Service occupations shall serve no more than two parties at a time where a party is defined as one client or a group of no more than four individuals representing one client. A party is also defined as one family.
- (7) There shall be no exterior storage of equipment or supplies associated with the home-based occupation. Neither an enclosed trailer nor an open trailer that is empty shall be considered "equipment" and may be parked outside in compliance with section 13-1724.
- (8) The required off-street parking area provided for the principal use shall not be reduced or made unusable by the home-based occupation. There shall be parking of no more than one motor vehicle (not exceeding 10,000 pounds) associated with the home-based occupation, and parking of vehicles and trailers shall comply with Section 13-1724.
- (9) There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat, or glare at or beyond the property line.
- (10) The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.
- (11) Shipment and delivery of products, merchandise, or supplies shall be limited to between the hours of 8:00 a.m. and 6:00 p.m. and shall occur only in single rear-axle straight-trucks or smaller vehicles normally used to serve residential neighborhoods.
- (12) A home-based occupation may have an identification sign conforming to the standards for signs in residential districts, as specified in Chapter 13-2000, Signs.
- (13) The use of a dwelling unit for a home-based occupation shall be clearly incidental and subordinate to its use for residential purposes by including no more than 25% of the habitable floor area of the dwelling unit in the conduct of the home-based occupation.
- (14) Any home-based occupation that exceeds the standards of this section is permitted only through a conditional use permit, as outlined in Chapter 13-200, Administration.
- (15) No home-based occupation shall be permitted or approved as a conditional use that is found to impair the character of the residential neighborhood or that is found to pose a risk to health or safety in excess of that which is common to a residential neighborhood. Examples of such conditions may include, but are not necessarily limited to, the following:
- a. Business activities or uses that generate excessive traffic relative to the type of street that it fronts upon and the level of traffic that existed prior to the home-based occupation.
  - b. Business activities or uses that regularly require parking on the street.
  - c. Business activities or uses that involve the presence of non-resident individuals from potentially dangerous populations such as individuals under arrest, on parole, under extended supervision or probation, or registered as sex offenders.
  - d. Business activities or uses that create a greater risk of disease, fire, explosion, or other hazard.

It was determined by the Zoning Administrator that the building addition and use were considered too intensive for the R1 zoning district as a home-based occupation in Development Standard (2) above and staff suggested that Development Standard (14) be considered. A copy of the site plan and narrative from the applicants is attached.

The proposal was to create a 720 square foot addition that would house three residential grade stoves and a multiple bay sink along with a full bathroom and office space. Based on the requirements above under Development Standard (13) which would require that an addition could be no greater than 652 ft.<sup>2</sup> as that is approximately 1/4 of the habitable space in which a Home Based occupation will be permitted. The project area has been scaled back to meet this requirement.

The City Plumbing Inspector, based on the amount of meals produced, has required that a commercial plumbing plan be submitted for the proposed wash bays that would eventually require a grease trap. Staff initially reached out to Brown County Health Department based on the proposed use as meal preparation, however, due to the nonprofit nature of the operation, the Health Department would not require a license. Although a Health Department inspection is not required, staff has included a condition that at a minimum, the applicant receives a special advisory inspection from Brown County Health on an annual basis.

Planning staff feels approval of this request is not a detriment to the neighborhood as identified in the Development Standards (15) above. Alderman Brunette and adjacent property owners have been notified of the request. As of the drafting of this report, staff has not received an inquiry or objection to the request.

## RECOMMENDATION

Approval of the request, subject to:

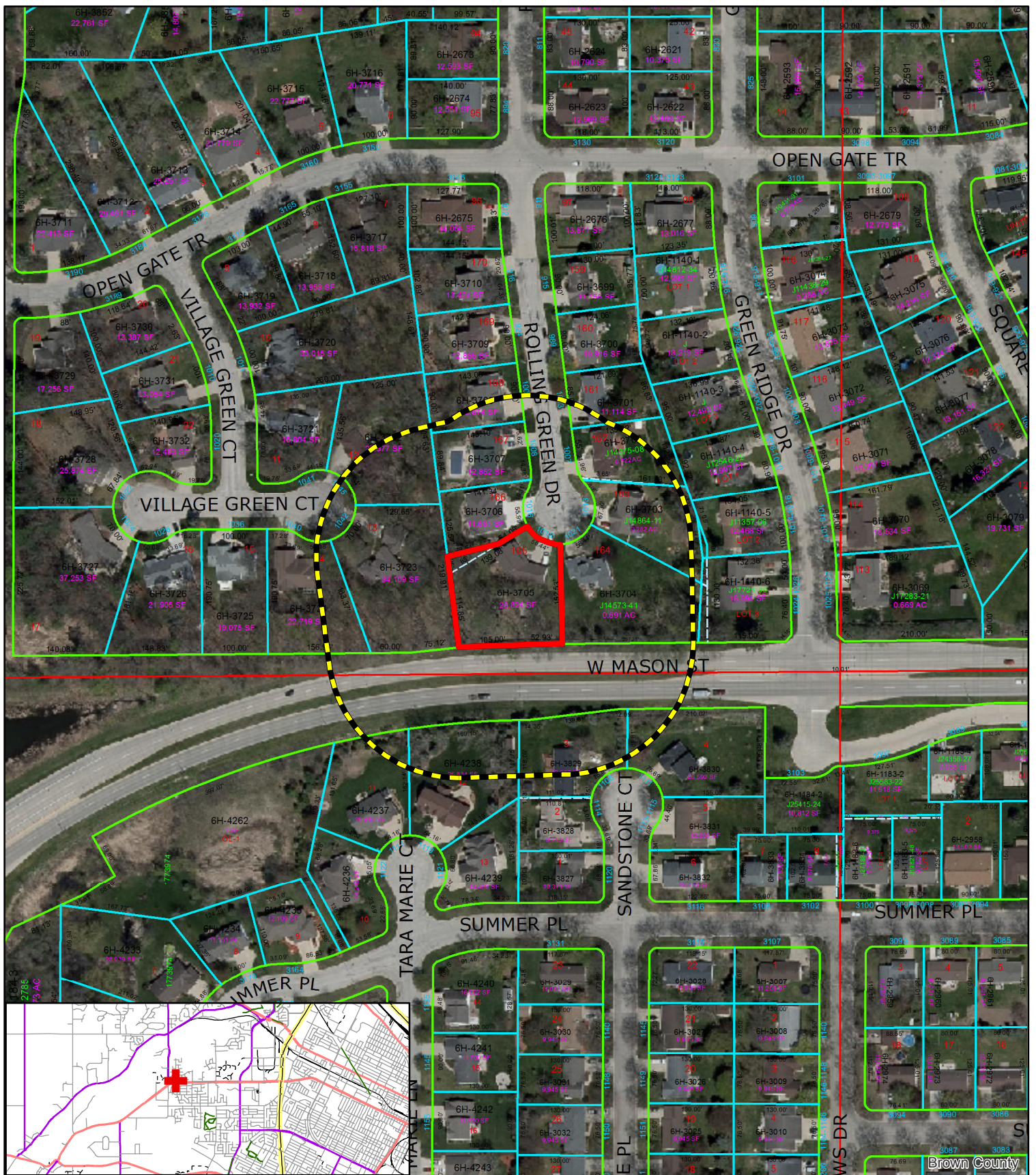
- a. Compliance with all other regulations of the Green Bay Municipal Code not covered under the Conditional Use Permit as well as the applicable requirements in Chapter 13-1609, Home Based Occupations, Green Bay Zoning Code.
- b. If the proposed use ends or the ownership of the property is changed, the approved use shall cease immediately.
- c. There shall be no direct retail distribution, no wholesale food deliveries and no meals shall be served or distributed on the premise as indicated in the applicant's narrative.
- d. On an annual basis, the applicant receives a substantially compliant special advisory inspection from the Brown County Health Department.
- e. The Home Based Occupation may be subject to review on a yearly basis or when the Planning Director or Plan Commission has reason to believe that the conditions are not being adhered to or that there are problems associated with the approved use as a Home Based Occupation. Such review may warrant review by the Plan Commission and the Green Bay Common Council. The Conditional Use Permit (CUP) may be revoked based on the findings of the Plan Commission and the Common Council.

## FISCAL IMPACT

## ATTACHMENTS

1. ZP 20-32 letter
2. App - Narrative
3. Site Plan Bldg Elevations





**Zoning Petition (ZP 20-32)**  
**Proposed Conditional Use Permit (CUP)**  
**1018 Rolling Green Drive**

- Subject Area
- 200' Property Owner Notice

0 5,000 10,000  
 Feet



This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.  
 Map prepared by PN



October 12, 2020

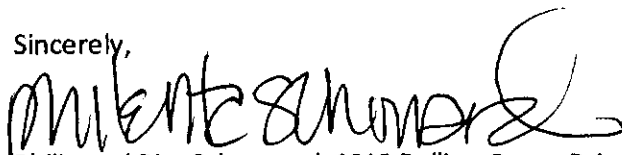
City of Green Bay Planning Commission,

Attached is our application for a Conditional Use Permit. We desire to build a 652 sq ft addition to the back of our garage. This addition will contain a prep kitchen in which we solely intend to run our non-profit, Crisis Café. Crisis Café provides meals to those hurting in our community. Our goal is not only to provide a meal to a person who is suffering, but to walk beside them and foster a long-term relationship with them. We then hope to provide a connection to someone in the community who can further assist them. Since the pandemic began, we have not only seen an increase in need for hot meals for the those in our community, but also the need for encouragement from someone who truly cares, therefore increasing the demand of our services. We have served the homeless, elderly, those home bound due to Covid, and single parents below poverty level attempting to work and school their children. Due to our growth, we researched the possibility of growth with Paul Neumeyer and he directed us to present plans for a home-based occupation kitchen. Additionally, Phil is licensed with a Safe Serv permit and we follow safe food preparation guidelines religiously. We deliver meals that are well planned and balanced.

The reason for the Conditional Use Permit is in relation to the plumbing. The plumbing inspector is requiring us to install a grease trap interceptor due to the volume of meals he believes we may be producing. A grease trap interceptor is used in commercial applications and we are in a residential neighborhood. Please consider this request for the Conditional Use Permit sincerely. This is the most economical and convenient way to continue the work of this community ministry, and yet balance family time and our jobs. Crisis Cafe operates on the generous donations of those who believe in what we do, and we desire to use those funds wisely and continue growing and serving our community. The scope of our ministry is to deliver meals as mentioned above. We deliver these meals ourselves. We shop for our ingredients locally; we do not have wholesale delivery trucks bring goods to us. We do NOT serve meals on site and no one comes to pick meals up at our residence. We are not presenting ourselves as a restaurant, nor do we consider ourselves a restaurant.

We appreciate and thank you in advance for your consideration and review of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip and Rita Schounard", written in a cursive, flowing style.

Philip and Rita Schounard, 1018 Rolling Green Drive., Green Bay, WI

SQUARE FOOTAGE:  
ADDITION: 120

PLAN SPECIFICATIONS:  
• THE CONDITIONS LISTED BELOW ARE STANDARD FOR THIS PLAN ONLY.  
• EXCEPTIONS ARE NOTED ON THE PLAN ITSELF.  
• GENERAL CONTRACTOR TO VERIFY ALL EXISTING DIMENSIONS AND ADJUST NEW DIMENSIONS ACCORDINGLY.

WALL INFORMATION:  
ADDITION FOUNDATION:  
6" X 4'-0" POURED CONCRETE  
ADDITION EXTERIOR:  
FIRST FLOOR: 2" X 4" X 9'-0" STUDS @ 16" O.C.  
ADDITION INTERIOR:  
FIRST FLOOR: 2" X 4" X 9'-0" STUDS @ 16" O.C.  
• TALL WALLS ARE EXTERIOR WALLS WITH STUDS TALLER THAN 10'-0" AND NEED TO BE DESIGNED BY ENGINEERED WOOD PRODUCTS SUPPLIER.  
• TAPERED WALLS ARE TO BE FRAMED TO UNDERSIDE OF 60SBOORS ROOF TRUSSES.

FLOOR SYSTEM(S):  
ADDITION:  
4" REINFORCED CONCRETE SLAB

ROOF SYSTEM:  
ENGINEERED WOOD TRUSSES @ 24" O.C.  
DESIGNED FOR BROWN COUNTY - ZONE 2  
STD. LOADING (PER SQ. FT.):  
30" TOLL, 10" TCDL, 10" BCDL  
\*\*\* ADDITIONAL LOADING FOR SPREAD \*\*\*  
\*\*\* WOOD STORAGE TRUSSES \*\*\*

DEFLECTION: LLL/240 DLA/180  
DURATION OF LOAD: 1.15%  
• FRAMER TO REFERENCE TRUSS LAYOUT PLANS TO VERIFY EXACT LOCATIONS OF GARDEN TRUSSES AND THEIR RESPECTIVE BEARING REQUIREMENTS & UPLIFT ANCHORING REQUIREMENTS

HEADERS:  
• STD. HEADERS: (2) 2X10 HEM-FIR SELECT STRUCTURAL  
• TOP OF WINDOW R.O.S. @ 1'-10 1/4" ABOVE SUBFLOOR  
• MINIMUM OF (2) TRIM STUDS AT EACH END FOR ALL OPENINGS 8'-0" AND LARGER

WINDOWS:  
• ALLIANCE VINYL  
• MANUFACTURER TO PROVIDE SUPPLIER WITH EXACT R.O. SIZES AND DETAILS. SUPPLIER TO VERIFY THAT ALL CODE REQUIREMENTS ARE MET.

GENERAL INFORMATION:  
• THE FOLLOWING ITEMS ARE TO BE LOCATED IN THE FOUNDATION BY THE GENERAL CONTRACTOR:  
BASEMENT WINDOWS  
ELECTRIC SERVICES  
WATER HEATER  
SUMP PUMP & PUMP  
FURNACE  
• BUILDER TO PROVIDE HEADERS AT CONCRETE OPENINGS IF NOT NOTED ON THE FOUNDATION PLAN  
• POURED CONCRETE FOOTINGS TO BEAR ON UNDISTURBED SOIL BELOW THE FROST LINE  
• STEEL COLUMNS TO SUPPORT 12,000#  
• INTERIOR BEARING WALLS TO SIT ON CONTINUOUS CONCRETE FOOTINGS. STUDS @ 16" O.C. WITH BLOCKING OR LATERAL BRACING  
• CONCRETE CONTRACTOR AND BUILDER ARE RESPONSIBLE TO DETERMINE SITE SOIL CONDITIONS AND FOLLOW STANDARDS PER SPS 320.24. THE MOST RESTRICTIVE STANDARDS OF SPS 320.25 - SPS 321.8, ACI 308.4, AND ACI 332.4 FOR ALL FOOTINGS & WALL REINFORCEMENT, IF NEEDED, MUST BE FOLLOWED  
• ASSUMED SOIL CAPACITY IS 3,000 PSF. FTG. SIZES MUST BE ADJUSTED FOR VARYING SITE DETERMINED SOIL BEARING CONDITIONS  
• ALL LUMBER IN PERMANENT CONTACT W/ CONCRETE MUST BE PRESURE TREATED LUMBER AS PER W/ SPS 321.0  
• DUE TO UNKNOWN GRADE CONDITIONS, ACTUAL STEPS IN FOUNDATION WALLS AND LOCATION OF WINDOW WELLS TO BE DETERMINED ON SITE BY GENERAL CONTRACTOR  
• FRAMER IS RESPONSIBLE FOR TRANSFERRING POINT LOADS FROM ABOVE, THROUGH THE FLOOR SYSTEM(S) AND WALLS, W/ SOLID BLOCKING DOWN TO CONCRETE FOUNDATION WALLS BELOW  
• PLAN IS DRAWN ACCORDINGLY FOR 3 1/4" CASING  
• BUILDER TO PROVIDE ATTIC SCUTTLE AND LOCATION  
• FIRE SEPARATION MUST BE PROVIDED BETWEEN HOUSE AND GARAGE (SEE CODE FOR DETAILS)  
• ALL CABINET LAYOUTS ARE CONCEPTUAL. CONSULT CABINET DESIGNER/PROVIDER FOR EXACT SIZES AND LOCATIONS OF CABINETS, APPLIANCES, AND WINDOWS

IMPORTANT NOTE:  
• IT IS AGREED THAT ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING AND CHECKING THESE PLANS FOR ACCURACY, THE GENERAL CONTRACTOR/OWNER MUST REVIEW ALL DIMENSIONS, DETAILS AND NOTES BEFORE BEGINNING ANY CONSTRUCTION AND IS HEREBY HELD RESPONSIBLE FOR ANY DISCOVERED DISCREPANCIES.  
• IT IS UNDERSTOOD THAT THE WISCONSIN SAFETY AND PROFESSIONAL SERVICES CODE AND LAYOUT DRAWINGS FOR FLOOR AND ROOF TRUSSES SHALL TAKE FINAL PRECEDENCE OVER THESE ARCHITECTURAL PLANS.

MAILING ADDRESS:  
P.O. BOX 10001  
GREEN BAY, WI 54307-10001  
OFFICE:  
GREEN BAY, WI 54303  
GREEN BAY, WI 54303  
PHONE (920)436-5080  
FAX (920)436-5094  
COMPONENTS:  
CONCRETE, TRUSSES, GREEN BAY, WI 54303  
PHONE (920)436-5080  
FAX (920)436-5094

Wisconsin  
BUILDING SUPPLY

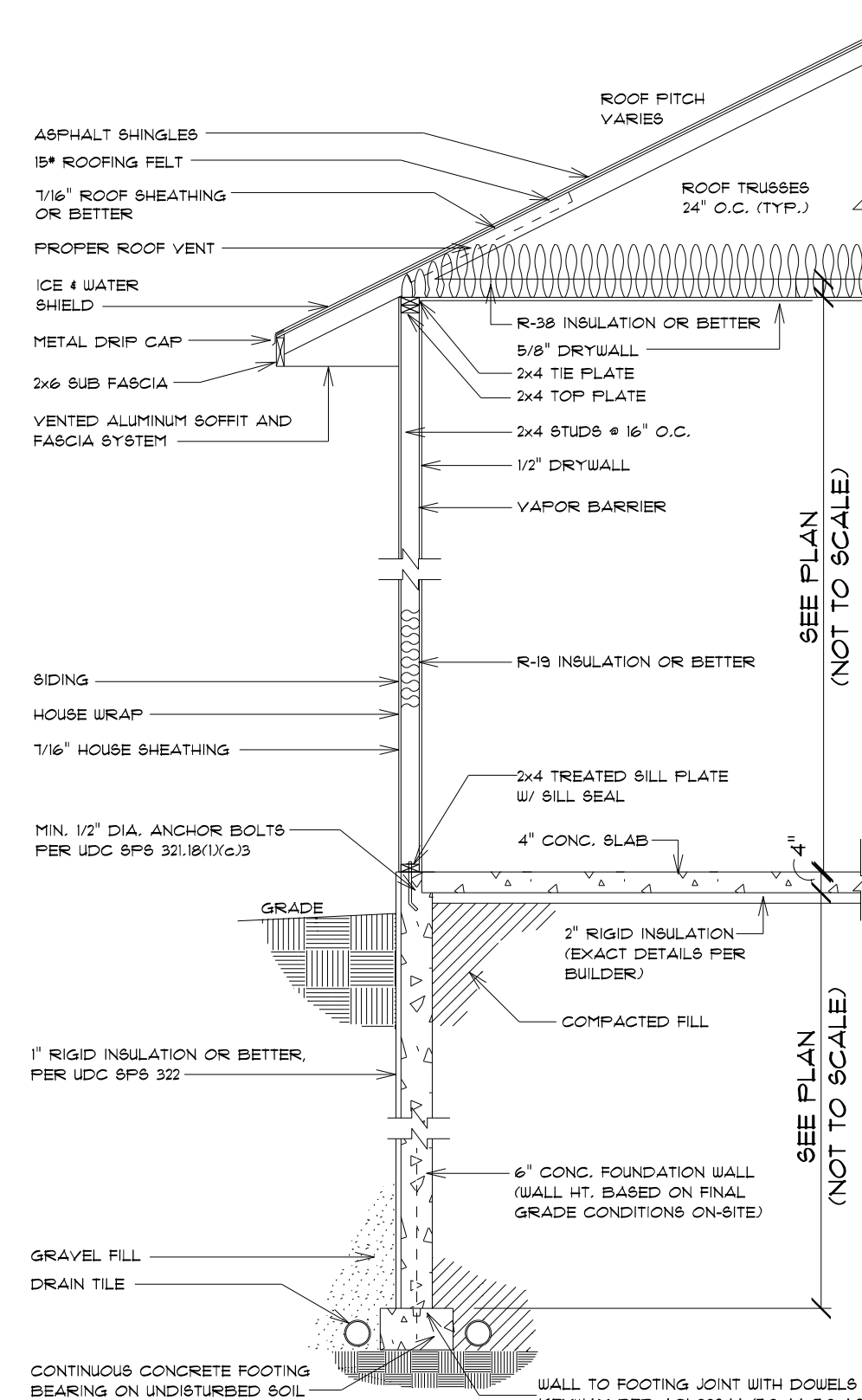
PHIL SCHOUNARD

CUSTOMER DESIGNED FOR:

JOB NAME: CRISIS CAFE KITCHEN ADDITION  
DATE: JUNE 29, 2020  
DRAWN BY: JILL VERHAAGH  
PLAN #: 20-284-M  
BASED OFF OF PLAN 20-284-M

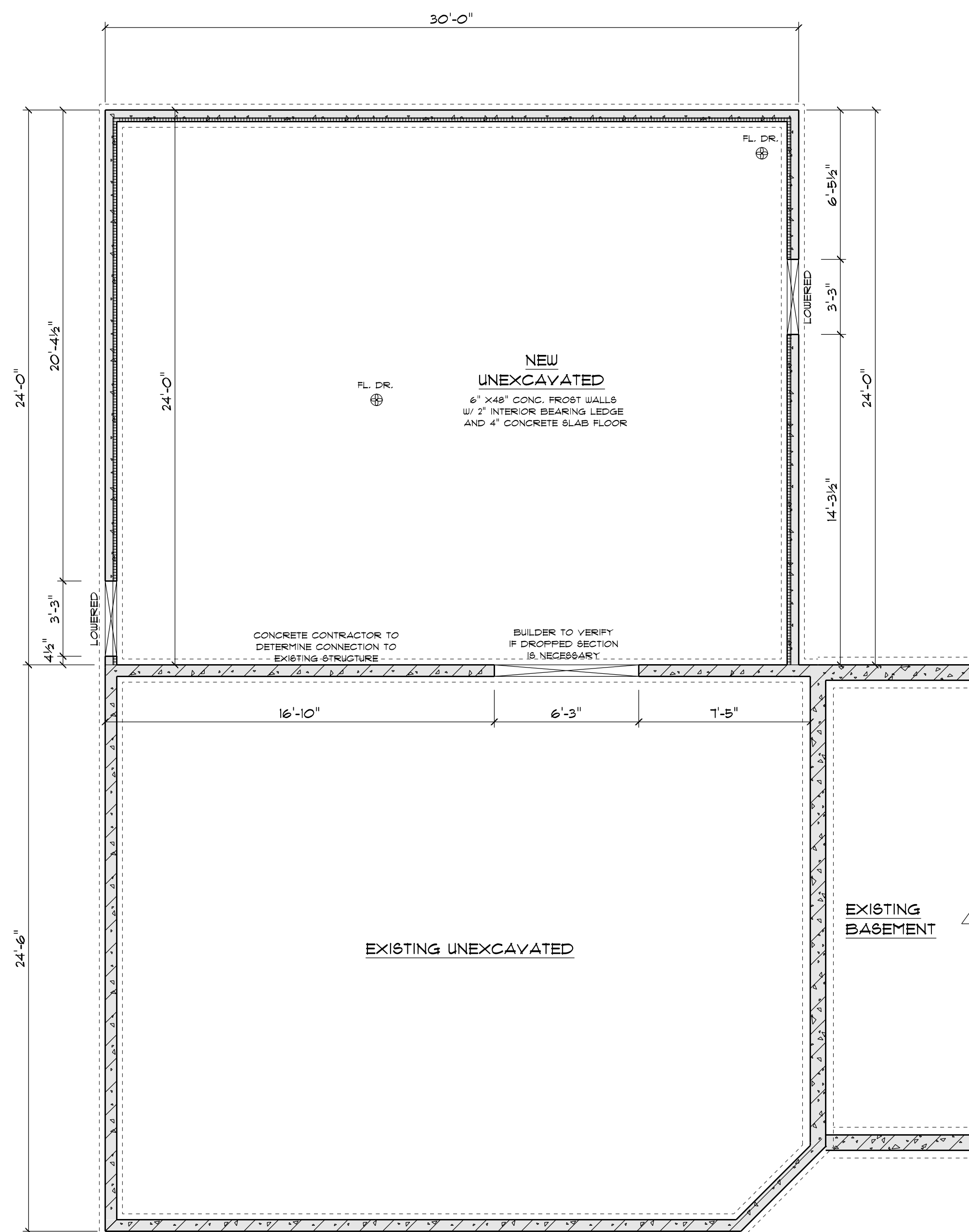
NOTE:  
THIS CONSTRUCTION PLAN CURRENTLY DOESN'T NOTATE PROPER WALL BRACING REQUIREMENTS. PLEASE CONTACT LOCAL BUILDING OFFICIAL TO SEE IF WALL BRACING PLAN IS REQUIRED. WBS CAN FACILITATE A WALL BRACING PLAN FOR AN ADDITIONAL FEE IF WALL BRACING PLAN IS REQUIRED.

NOTE:  
EXTERIOR DIMENSIONS ARE NOT SHOWN TO REFLECT HOUSE FRAMING WALLS HELD OUT TO FLUSH WITH FOUNDATION FOAM.  
-ADJUST DIMENSIONS AS NEEDED TO ACCOMMODATE FOUNDATION FOAM DEPTH- (DETAILS PER CONTRACTOR)

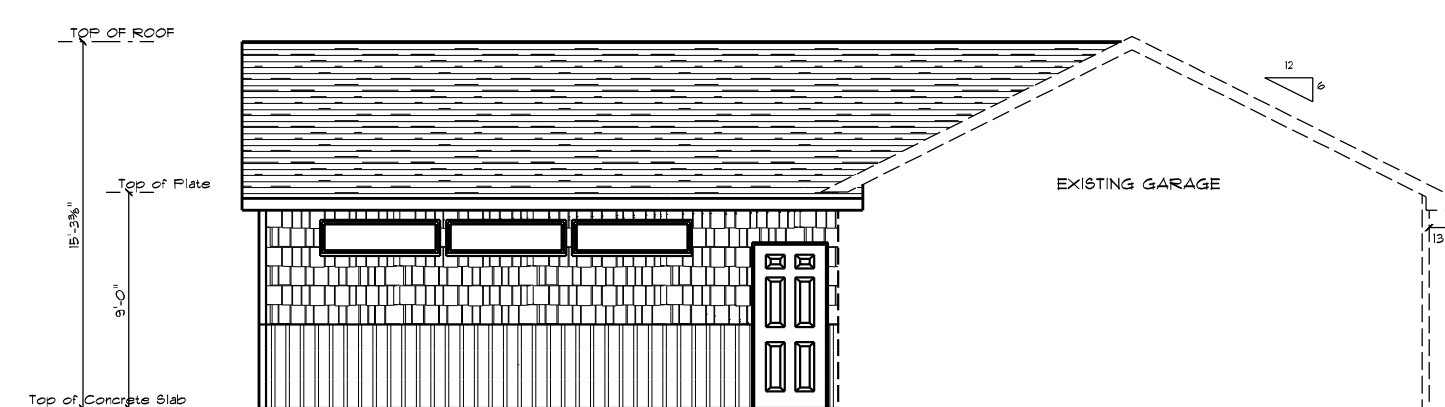


TYPICAL RANCH SECTION  
SCALE: 3/8" = 1'-0"

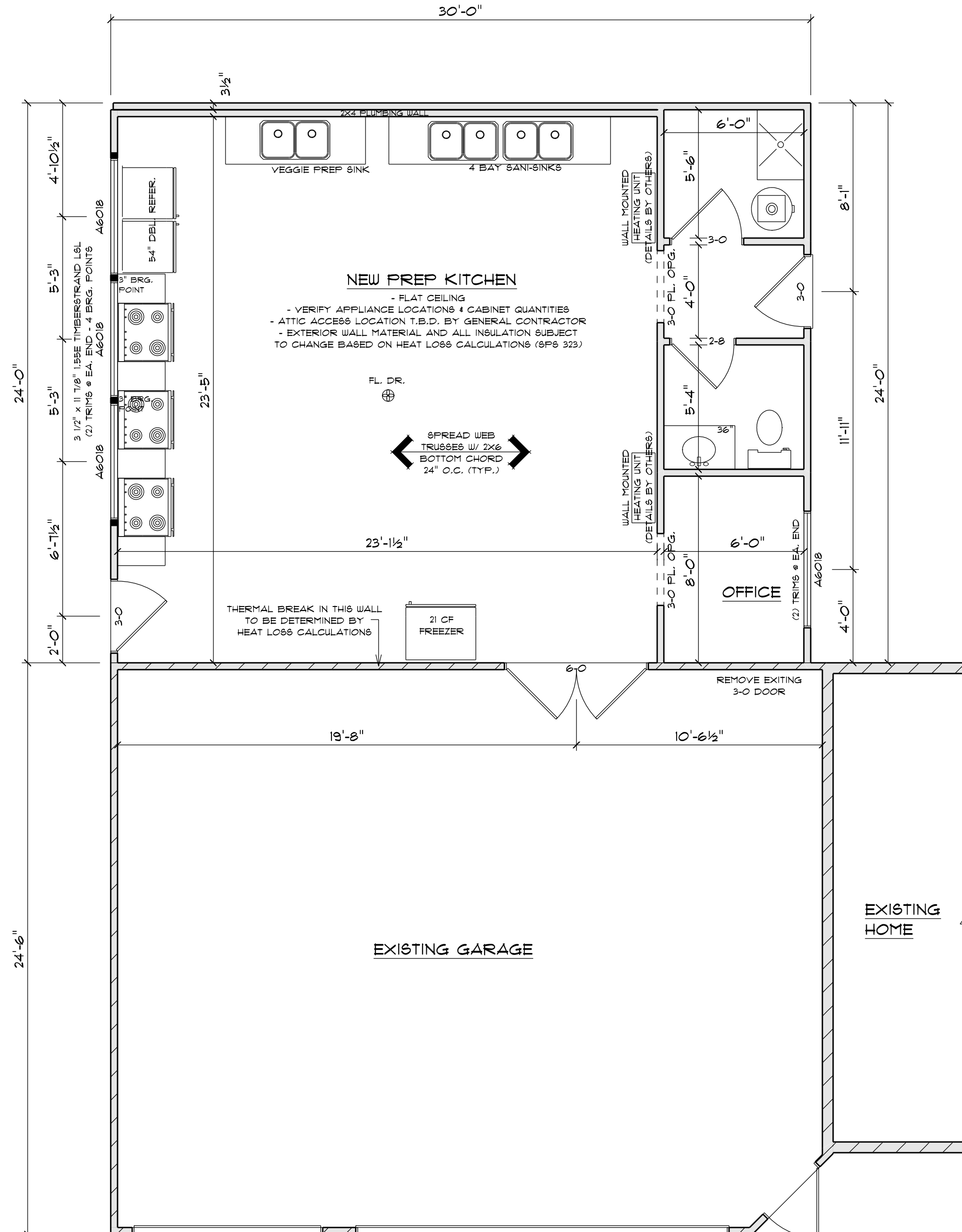
ALL ITEMS TO BE VERIFIED BY CONTRACTOR



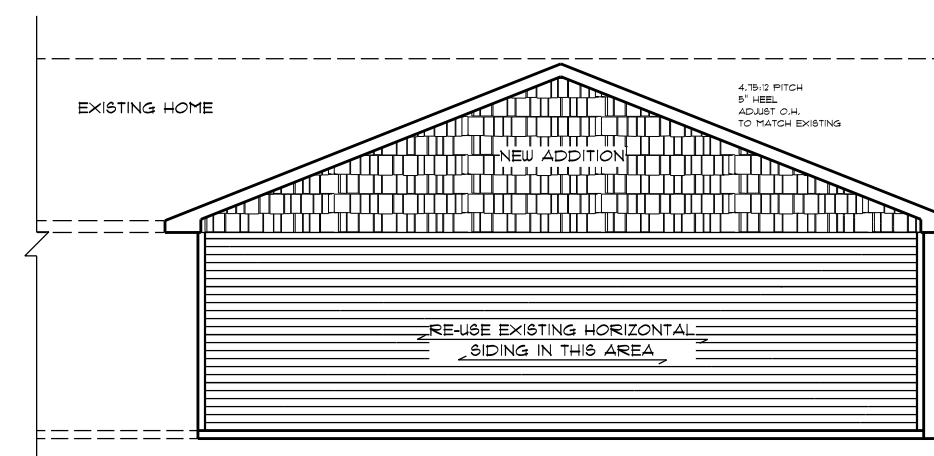
FOUNDATION PLAN  
SCALE: 1/4" = 1'-0"



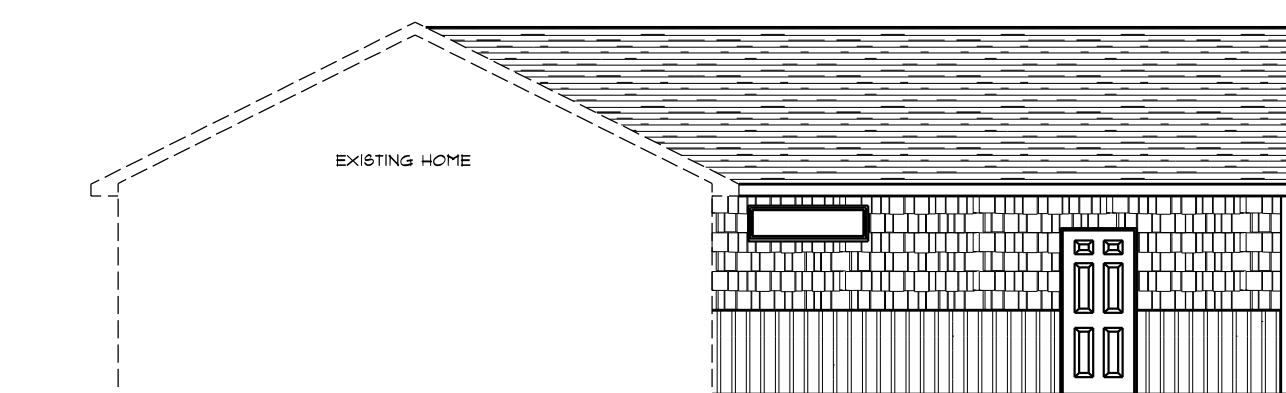
LEFT ELEVATION  
SCALE: 1/8" = 1'-0"



FLOOR PLAN  
SCALE: 1/4" = 1'-0"



REAR ELEVATION  
SCALE: 1/8" = 1'-0"



RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"



Report to the  
Green Bay Plan Commission

**MEETING DATE**

November 2, 2020

**PREPARED BY**

**AGENDA ITEM # E.8**

(TA 20-02-A) Public Hearing on a request to repeal Chapter 13-1716(e), Green Bay Zoning Code regarding game day parking.

**BACKGROUND**

**RECOMMENDATION**

**FISCAL IMPACT**

**ATTACHMENTS**

- I. TA 20-02-A Class 2 Pub PC Mtg

For Official Notice:

**Public Notification  
Request to Repeal Section 13-1716(e),  
Green Bay Zoning Code Regarding Game Day Parking  
(TA 20-02-A)**

The Green Bay Plan Commission will hold a public hearing on **Monday, November 2, 2020**, at 6:00 p.m. The meeting will be conducted at a virtual location. If you wish to participate in the Public Hearing, you may access the meeting by the internet or telephone, using the access code below.

Join Zoom Meeting

<https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSlZGZ1FjcmlpWnZlOEVnUT09>

Meeting ID: 841 3767 5822

Passcode: 483400

One tap mobile

+13126266799,,84137675822# US (Chicago)

+16468769923,,84137675822# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

+1 301 715 8592 US (Germantown)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 841 3767 5822

Find your local number: <https://us02web.zoom.us/j/kcTM6PWdqR>

The hearing is regarding the following:

A request to repeal Section 13-1716(e), Green Bay Zoning Code, regarding game day parking.

Public comments will be invited at the public hearing or can be sent in writing to:

City of Green Bay

Department of Community and Economic Development

Attn: Paul Neumeyer

100 N. Jefferson St., Rm. 608

Green Bay, WI 54301

For additional information, contact Paul Neumeyer at (920) 448-3405 or [paulne@greenbaywi.gov](mailto:paulne@greenbaywi.gov).

**Publication Date: October 19, 2020 and October 26, 2020**





## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

Paul Neumeyer, Staff

### AGENDA ITEM # E.9

(TA 20-02-A) Consideration with possible action on a request to repeal Chapter 13-1716(e), Green Bay Zoning Code regarding game day parking.

### BACKGROUND

**Aldersperson/District:** All

**Reason for Request:** A correction to the order of Code requirements.

**Report:** As part of the previous amendment to Chapter 13-1716(e), the Law Department has requested that Chapter 13-1716(e) be repealed due to the renumbering of codes that were part of game day parking previously considered under TA 20-02.

The text amendment for TA 20-02, Section 13-1716(e) concerned “Parking for single- and two-family uses,” and game day parking ordinance that was amended applied to all zoning areas under a new Section 13-1716-5. Currently, there are two competing sections related to game day parking.

As a result, the current version of 13-1716(e), which contains the previous game day parking provision, was actually replaced by 13-1716-5 and should now be repealed. This current modification was not anticipated as part of the initial amendment.

### RECOMMENDATION

To repeal Chapter 13-1716(e), Green Bay Zoning Code regarding game day parking.

### FISCAL IMPACT

### ATTACHMENTS

None





## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

Madison Smith

### AGENDA ITEM # E.10

(SV 20-02) Consideration with possible action on the request to vacate the remaining portions of Leaf Street, submitted by James S. Komisarek, property owner (Ald. M. Steuer, District 10).

### BACKGROUND

The applicant owns parcel 6-1677. There is no access to the applicant's property as Leaf Street has already been partially vacated. The proposed right-of-way was intended to be created in 1950, however, the street has been abandoned. Parcels 6-1677, 6-1678, 6-1679, and 6-1680 have no access to their properties and are land locked. The vacated portions would be removed from public right-of-way and be transferred to the adjoining parcels. A vacation is when a public right-of-way or a public service easement is "abandoned" by the City. Once the subject right-of-way or easement is abandoned, the public use of the land or easement area is relinquished without restrictions to the property owner.

Leaf Street from North Thomas Street was partially vacated by the City in 2003, making there no deeded access to the north for Leaf Street to be extended to North Locust Street. It is the applicant's intention to turn their property over to the Fort Howard Memorial Park.

Ald. M. Steuer, adjacent property owners, and reviewing agencies have been notified of this request. There are no objections at this time.

### RECOMMENDATION

To vacate the remaining portions of Leaf Street..

### FISCAL IMPACT

### ATTACHMENTS

1. SV 20-02 Location Map
2. DESCRIPTION OF ALL REMAINING LEAF STREET RW
3. SV 20-02 Additional Info Map
4. Resolution - Vacating Leaf Street SV 20-02 Vacation Resolution



DESCRIPTION OF ALL THE REMAINING PORTION OF LEAF STREET  
(LYING WESTERLY OF TAX PARCEL NUMBERS 6-1677, 6-1678, 6-1679, 6-1680)

That part of the Leaf Street rights-of-way lying westerly of and adjacent to Lots 17 through 20, Westfield Subdivision, City of Green Bay, Brown County, Wisconsin as recorded in Volume 10 of Plats, Page 42, as Document Number 546567, described as follows:

Beginning at the Southwesterly corner of said Lot 17, Westfield Subdivision;

thence N25°-59'-15"E, 264.0 feet along the Westerly line of said Lots 17 through 20, to the Northwestern corner of said Lot 20;

thence N64°-48'-30"W, 60.00 feet, along the Westerly extension of the North line of said Lot 20, to the Westerly right-of-way line of Leaf Street;

thence S25°-59'-15"W, 264.0 feet along the Westerly line of said Leaf Street right-of-way, to a point on the Westerly extension of the South line of said Lot 17;

thence S64°-48'-30"E, 60.00 feet, along said Westerly extension of the South line of said Lot 17, to the point of beginning.





AREA TO BE VACATED  
SUBJECT TO SEWER & ACCESS EASEMENTS



AREA TO BE VACATED  
WITHOUT SEWER EASEMENT



AREA TO BE RESERVED  
FOR FUTURE R/W ON OFFICIAL  
STREET MAP

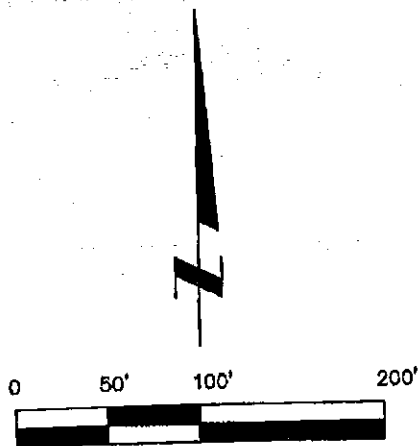


R/W AREA TO BE REMOVED  
FROM OFFICIAL STREET MAP



R/W AREA TO BE REMOVED &  
SEWER & ACCESS EASEMENTS  
TO BE RESERVED ON OFFICIAL  
STREET MAP

6-44  
FORT HOWARD MILITARY RESERVE  
LOT 71



60  
LEAF ST

20  
6-1680

11  
6-1671

19  
6-1679

12  
6-1672

18  
6-1678

13  
6-1673

17  
6-1677

14  
6-1674

16  
6-1676

15  
6-1675

6-47-B

LOT 72

6-47-E  
4CSM289  
LOT 1

12  
6-1737

7  
6-1732

11  
6-1736

8  
6-1733

10  
6-1735

9  
6-1734

80

LOCUST ST

6-45  
12CSM  
LOT

6-45  
2CSM  
LOT

10  
6-16

9  
6-16

8  
6-16

7  
6-16

6-1666

6-47-

6-47-

6  
6-17

5  
6-

4  
6-172

70

R/W VARIES 80 THOMAS ST

18

80

18

Resolution

Document Number

Document Title

2073629

CATHY WILLIQUETTE  
BROWN COUNTY RECORDER  
GREEN BAY, WI

RECORDED ON  
10/24/2003 10:57:00AM

REC FEE: 21.00  
TRANS FEE:  
EXEMPT #  
PAGES: 6

Recording Area

Name and Return Address

210  
G B City Clerk  
100 N Jefferson St  
G B WI 54301-5026

Parcel Identification Number (PIN)

"This page is part of this legal document DO NOT REMOVE "

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document.  
Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m) WRDA 2/99



RESOLUTION VACATING PORTIONS OF  
THE 1200 BLOCK OF LEAF STREET,  
LOCATED NORTHWEST FROM THE  
INTERSECTION OF THOMAS STREET  
AND LOCUST STREET

October 21, 2003

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That based on the request for vacation filed heretofore, the report of the Plan Commission, and the public hearing held on the matter, it appears to be in the public interest that portions of the 1200 block of Leaf Street, located northwest from the intersection of Thomas Street and Locust Street, described on the attachment hereto, be, and the same is hereby vacated, abandoned, and discontinued, subject to the following conditions:

1. Parcel 6-1736 should be combined with Parcel 6-1733.
2. Parcel 6-1737 should be combined with Parcel 6-44.
3. The westerly 40.0 feet of both of the above described parcels shall be retained for sewer and public access. The access should be surfaced if the cul-de-sac is built.
4. The subject vacation area shall be attached to the property owners to the east.
5. Removal of the proposed Leaf Street right-of-way from the Official Maps as it affects the rear of 1229 and 1231 Locust Street, described as follows:

That part of Lot 72, Fort Howard Military Reserve, City of Green Bay, Brown County, Wisconsin, beginning at the southwest corner of Lot 16, Westfield Subdivision; thence westerly along the westerly extension of the south line of said Lot 16, Westfield Subdivision to the southwest corner of Leaf Street as described in Westfield Subdivision; thence southerly along the west line of the "Reserved Leaf Street" to the northwest corner of Leaf Street as described in Laverne Plat; thence easterly along the north line of Laverne Plat to the northwest corner of Lot 12, Laverne Plat; thence northerly along the east line of the "Reserved Leaf Street" to the southwest corner of Lot 16, Westfield Subdivision and the point of beginning.  
Subject to: The westerly 40.0 feet of the above described portion of Leaf Street to be "Removed" from the Official Maps shall be reserved for sewer and public access easements. Parcels affected being Tax Parcels 6-47-B and 6-47-E.

**DESCRIPTIONS OF TWO PORTIONS OF  
LEAF STREET TO BE VACATED**

Southerly Portion to be Vacated

That part of Leaf Street lying westerly of Lots 10, 11, and 12, Laverne Plat, City of Green Bay, Brown County, Wisconsin described as follows:

Beginning at the northwest corner of said Lot 12, Laverne Plat; thence S25°-59'-15" W, 221.11 feet along the west line of said Lots 12, 11, and 10; thence southeasterly along the arc of a 12.00 foot radius curve to the left 18.85 feet, said curve having a chord which bears S19°-00'-22" E, 16.97 feet; thence N64°-00'-00" W, 12.00 feet; thence N34°-38'-09" W, 68.85 feet to the southwest corner of Lot 72, Fort Howard Military Reserve; thence N25°-59'-15" E, 198.60 feet along the west line of said Leaf Street to the intersection with the westerly extension of said Lot 12; thence S64°-42'-54" E, 60.00 feet along said extension of the north line of Lot 12 to the point of beginning.

Northerly Portion to be Vacated

That part of Leaf Street lying westerly of Lot 16, Westfield Subdivision, City of Green Bay, Brown County, Wisconsin described as follows:

Beginning at the northwest corner of said Lot 16, Westfield Subdivision; thence S25°-59'-15" W, 67.07 feet along the west line of said Lot 16 to the southwest corner of said Lot 16; thence N64°-44'-30" W, 60.00 feet along the westerly extension of the south line of said Lot 16 to the west line of Leaf Street; thence N25°-59'-19" E, 67.00 feet along said west line of Leaf Street to the intersection with the westerly extension of the north line of said Lot 16; thence S64°-48'-30" E, 60.00 feet along said extension of the north line of Lot 16 to the point of beginning.

HOWARD CEMETERY  
HOWARD CEMETERY  
HOWARD CEMETERY  
Y SUBD "M" & REPLAT OF PARK "G"  
BLOCKS II-JJ-KK  
OF FORT HOWARD CEMETERY  
CEMETERY  
EMORIAL  
DEN  
EL CEMETERY NO.2  
L CEMETERY NO.3

6-44  
40.269 AC

6-45  
2234002  
3.579 ac

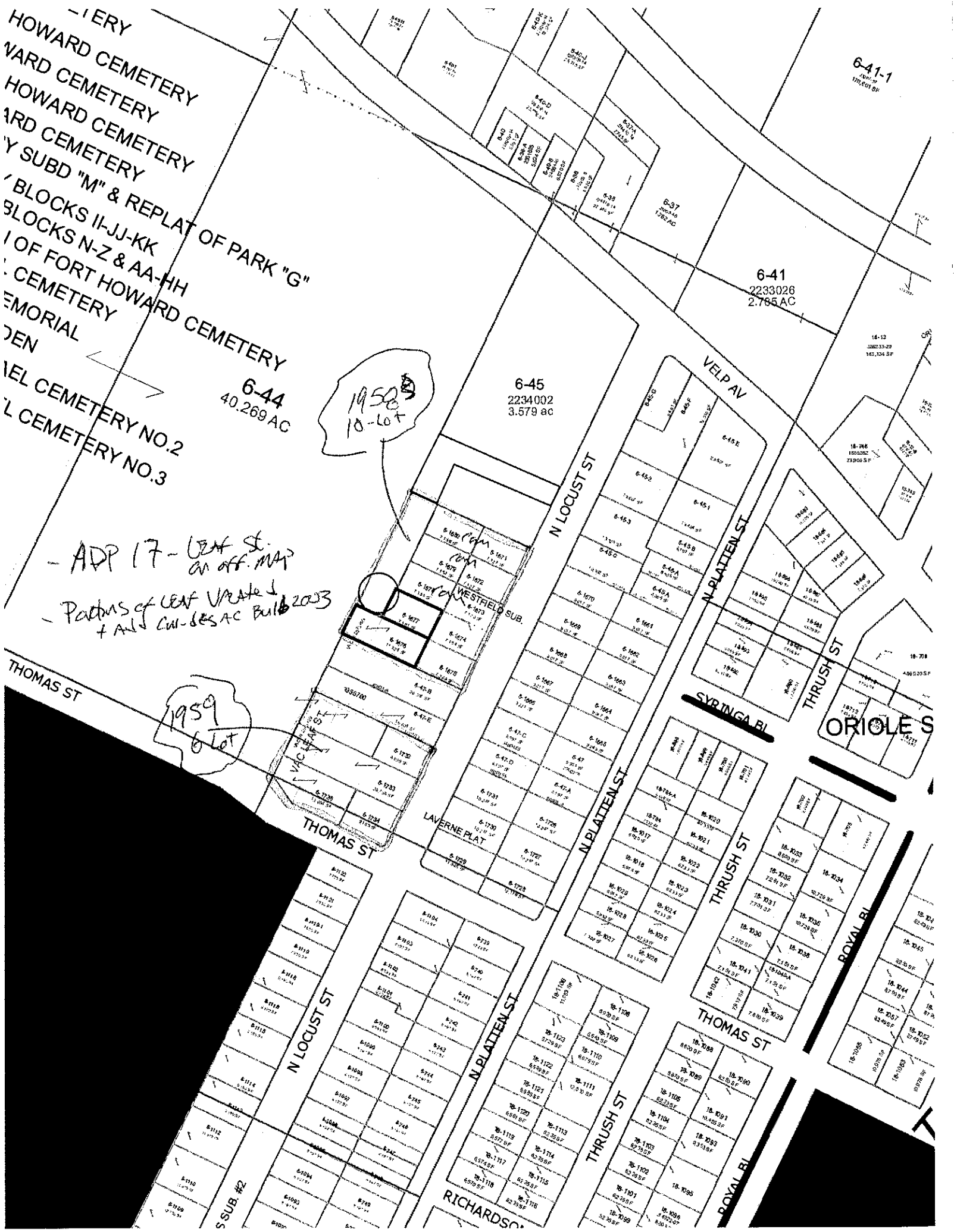
6-41  
2233026  
2.785 AC

6-41-1  
186,000 SF  
176,601 SF

1958  
10-Lot

1959  
6 Lot

- ADP 17 - LEAF ST.  
ON OFF. MAP  
- PARTS OF LEAF VACATED  
+ ADJ CWR-685 AC BUILD 2003



**RESOLUTION REGARDING VACATION  
OF AN UNIMPROVED PUBLIC RIGHT-OF-WAY  
LEAF STREET  
(SV 20-02)**

**NOVEMBER 10, 2020**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, a request has been filed with the Common Council requesting vacation of an uncompleted Leaf Street, located between parcels 6-1677, 6-1678, 6-1679, and 6-1680, as depicted on the attached map; and

WHEREAS, the public interest may require that the aforesaid street be abandoned, vacated, and discontinued; and

WHEREAS, the Plan Commission of the City of Green Bay has given approval to such abandonment, vacation, and discontinuance.

NOW, THEREFORE, BE IT RESOLVED that it appears to be in the public interest that the uncompleted right-of-way of Leaf Street be abandoned, vacated, and discontinued by the City of Green Bay subject to the above-referenced conditions, and that a hearing be held on the abandonment, vacation, and discontinuance of the same on January 5, 2021 at 6:00 p.m. in the Council Chambers, City Hall, 100 North Jefferson Street, Green Bay, Wisconsin.

BE IT FURTHER RESOLVED that a notice of such hearing be served on the owners of the frontage of the lots and lands abutting on the portion of the street sought to be abandoned, vacated, and discontinued at least 30 days before such hearing, and that notice of such hearing be published in the official newspaper of the City of Green Bay once a week for three successive weeks before the date of hearing.

BE IT FURTHER RESOLVED that the City Attorney, upon adoption of this resolution, cause a lis pendens to be prepared and filed with the Register of Deeds for Brown County, Wisconsin, pursuant to §840.11, Wis. Stats.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this Resolution to be filed with the Register of Deeds for Brown County, Wisconsin.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

MS

Attachments (legal description and map)





## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

Wendy Townsend, Economic  
Coordinator

### AGENDA ITEM # E.11

Consideration with possible action on approval of the Downtown Green Bay Incorporated (DGBI) Business Improvement District (BID) Operating Plan for 2021.

### BACKGROUND

The City of Green Bay BID Handbook requires approval of the BID Annual Operating Plans by the City's Plan Commission. Attached is Downtown Green Bay Incorporated (DGBI) Business Improvement Districts (BID) Operating Plan for 2021, which has been approved by the DGBI BID board and City Attorney Chavez.

### RECOMMENDATION

Approval of the Downtown Green Bay Incorporated (DGBI) Business Improvement Districts (BID) Operating Plan for 2021.

### FISCAL IMPACT

### ATTACHMENTS

1. 2021 DGBI OP Attorney Letter 10.23.20
2. 2021 DGBI Operating Plan



Law Department

Vanessa R. Chavez  
City Attorney

October 23, 2020

Wendy Townsend, Project and Program Manager  
City of Green Bay  
100 North Jefferson Street, Room 608  
Green Bay, WI 54301

**RE: Proposed Operating Plan for Business Improvement District No. 1**

Dear Ms. Townsend:

The purpose of this correspondence is to respond to your request for a legal review of the proposed 2021 Operating Plan for Business Improvement District No. 1 (hereafter "Plan"). Your request asks the City Attorney's Office to provide an opinion with respect to the Plan's compliance with the requirements of Wisconsin Statute § 66.1109(l)(f).

Our office has reviewed the Plan, a copy of which is attached hereto, and based upon such review, are of the opinion that the Plan meets the requirements of Wisconsin Statute § 66.1109 (l)(f), subsections 1 through 4.

Thank you for your attention to this matter.

Sincerely,

Vanessa R. Chavez  
City Attorney

**Operating Plan - 2021  
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](http://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 2021 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 2021 include:

1. **BUSINESS DEVELOPMENT** - This pillar of DGBI will initiate strategies to advance corporate, residential, and retail development. Business recruitment and retention initiatives will be in collaboration with regional and local partners ( ie New North, Start Up Hub, City of Green Bay, etc.) Key focus areas for 2021 include serving as a resource to businesses impacted by COVID-19, and development of a marketing plan for available properties, in collaboration with our Marketing team.
2. **PHYSICAL IMPROVEMENTS** – DGBI will continue to provide and facilitate district enhancements such as planters, banners, cleanups, and holiday décor. In addition, DGBI will support and/or implement placemaking efforts, all with the goal of improving the first impressions of the district to be a walkable, livable and inclusive downtown.
3. **MARKETING** – DGBI will utilize digital and traditional media to market the brand of the Downtown District. These efforts will target Brown County residents first, and visitors to Green Bay second. Marketing efforts will be further enhanced through the branding of our website, newsletters, and printed materials. The goal of these marketing efforts is to promote and recruit businesses, attract residents, and encourage visitors to the Downtown District. The Marketing Department plans to work closely with the Business Development team and the Events team to create specific marketing plans for business recruitment and each event.
4. **EVENTS** – DGBI will continue to activate the downtown district with engaging events that aim to support downtown businesses while attracting residents and visitors from all walks of life to the district.

C. Proposed Expenditures – 2021

| DGBI & Charities 2021                                 |                  |                  |
|-------------------------------------------------------|------------------|------------------|
|                                                       | 2021 Budget      | 2020 Budget      |
| <b>Income</b>                                         |                  |                  |
| 4030 · Contributions Income                           |                  |                  |
| 4071 · OMSI Administrative Fees                       | \$59,782         | \$68,848         |
| 4072A - Special Events Revenue/Sponsorships           | \$287,390        | \$310,010        |
| 7010 Interest Income (Money Market Account) & Misc.   | \$50             | \$1,500          |
| CARES Funding from the City of Green Bay              | \$0              |                  |
| PPP Reimbursement                                     | \$67,270         |                  |
| SBA EIDL Loan Reimbursement                           | \$7,000          |                  |
| 4740 · BID Revenue                                    | \$267,429        | \$265,762        |
| <b>Total Income</b>                                   | <b>\$688,921</b> | <b>\$646,120</b> |
| <b>Expense</b>                                        |                  |                  |
| Total 5800 · Administrative Expense                   |                  |                  |
| DGBI Staff                                            | \$129,860        | \$125,981        |
| OMSI Staff                                            | \$59,693         | \$56,360         |
| Charities Staff                                       | \$157,581        | \$149,189        |
| SEP Contribution                                      | \$8,831          | \$8,544          |
| Payroll Taxes                                         | \$27,000         | \$25,000         |
| Workmen's Comp                                        | \$1,300          | \$1,800          |
| Employee Health Insurance                             | \$3,000          | \$3,000          |
| *Gray columns to be paid 62% by OMSI & Charities      |                  |                  |
| Total Admin including DGBI, OMSI & Charities Staffing | <b>\$387,265</b> | <b>\$369,874</b> |
| 6000 · Operating Expense                              |                  |                  |
| 6020 · Building Rent & Utilities                      | \$26,400         | \$24,600         |
| 6060 · Telephone & Internet                           | \$3,320          | \$4,000          |
| 6084 · Business Insurance                             | \$8,000          | \$8,000          |
| 6100 · Office Supplies                                | \$1,600          | \$2,200          |
| 6120 · Postage                                        | \$250            | \$250            |
| 6140 · Dues and Subscriptions                         | \$1,600          | \$1,600          |
| 6150 · Banking Charges                                | \$180            | \$800            |
| 6160 · Non-Profit Licenses/Fees/Personal Prop. Taxes  | \$100            | \$100            |
| 6220 · Accounting (Audit)                             | \$12,000         | \$11,500         |
| 6240 · Training/Education/Staff Search/Recruitment    | \$1,500          | \$1,500          |
| 6300 · Business Expense/Travel/Meetings/Parking/Misc. | \$2,000          | \$2,500          |
| 6420 · Repairs & Maintenance                          | \$1,200          | \$1,434          |
| 6490 · Equipment, Copy Machine, Technology            | \$2,500          | \$2,500          |
| 6490A-Office 365                                      | \$700            | \$750            |
| <b>Total 6000 · Operating Expense</b>                 | <b>\$61,350</b>  | <b>\$61,734</b>  |



|                                                                                                                                                                                   |                  |                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|
| <b>6800 · Program Expense</b>                                                                                                                                                     |                  |                  |
| <b>6830 · Physical Improvements</b>                                                                                                                                               | \$18,200         | \$16,700         |
| Holiday Wreath Lighting & Décor (\$2,000 for 85 wreaths to be lit and Window Decorating Initiative)                                                                               |                  |                  |
| Clean Team and Adopt-a-Block for litter and weeds (\$2,000 for cleaning, weeding, and Gumbuster supplies, as well as incentives for Adopt-A-Block participants)                   |                  |                  |
| Banner Repair and Maintenance (\$600 for maintenance and parts for 200 summer and winter banners located throughout the district)                                                 |                  |                  |
| Public Art (\$2000 to contribute toward a public art piece in 2021)                                                                                                               |                  |                  |
| Planters and Hanging Baskets (\$11,600 to plant and maintain 46 planters with summer and winter plantings as well as 12 hanging baskets planted and maintained in summer months.) |                  |                  |
| <b>6840 · Business Development</b>                                                                                                                                                | \$12,650         | \$12,875         |
| <b>6860 · Marketing &amp; Public Relations</b>                                                                                                                                    | \$26,730         | \$28,322         |
| <b>Special Event Expenses</b>                                                                                                                                                     | \$158,095        | \$156,615        |
|                                                                                                                                                                                   |                  |                  |
| <b>Total Program &amp; Special Event Expenses</b>                                                                                                                                 | <b>\$215,675</b> | <b>\$214,512</b> |
| <b>Total Expense</b>                                                                                                                                                              | <b>\$664,290</b> | <b>\$646,120</b> |
| <b>Net Income</b>                                                                                                                                                                 | <b>\$24,632</b>  | <b>\$0</b>       |

#### 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 **\$267,429** will be raised through assessments. The Downtown Green Bay BID has an Administrative Agreement with Olde Main Street in which they will receive \$59,782 in 2021 to pay for a portion of staffing, rent, utilities, and other operating expenses. We are also setting a goal to obtain sponsorships, and event revenues in the amount of \$287,390 in 2021. Additional funding sources also include monies received in 2020 because of COVID-19 through the Small Business Administration PPP and EIDL Advances. The amounts of \$67,270 and \$7,000 are anticipated to be forgiven in 2021 and to be used as a funding source for our Operating Plan. 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 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 ASSESSMENT

#### 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 2021 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 2020 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 2019 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)Im: 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 30<sup>th</sup> of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1<sup>st</sup> 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 2020 activities, and information on specific assessed values, budget amounts and assessment amounts are based on 2019 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. 2020 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 [subs. 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, 2016.

400 200 0 400 feet

District Boundary

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

# APPENDIX D- 2020 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             | \$ 239,000    | \$ 669     |
| 3            | 11-92    | 416-418 N MONROE AV     |                                    | \$ -          | \$ -       |
| 3            | 12-115   | 119-121 N ADAMS ST      | NEUFIELD ENTERPRISES LLC           | \$ 326,700    | \$ 745     |
| 3            | 12-116   | 117 N ADAMS ST          | GIORCOR57 LLC                      | \$ 200,800    | \$ 458     |
| 3            | 12-117   | 115 N ADAMS ST          | GREEN GENES REAL ESTATE            | \$ 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            | 12-13    | 223-229 N WASHINGTON ST | WIDMER PROPERTIES LLC              | \$ 629,100    | \$ 1,434   |
| 3            | 12-138   | 312 CHERRY ST           | FRANKENTHAL BUILDING LLC           | \$ 116,500    | \$ 266     |
| 3            | 12-145   | 218 N ADAMS ST          | VICE ENTERPRISES LLC               | \$ 1,045,500  | \$ 2,384   |
| 3            | 12-147   | 306-312 PINE ST         | A & E INVESTMENT CORP              | \$ 576,400    | \$ 1,314   |
| 3            | 12-148   | 304 N ADAMS ST          | 304 NORTH ADAMS GREEN BAY LLC      | \$ 18,310,200 | \$ 41,747  |
| 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     | WALNUT WASHINGTON LLC              | \$ 347,400    | \$ 792     |

|   |          |                         |                                           |               |          |
|---|----------|-------------------------|-------------------------------------------|---------------|----------|
| 3 | 12-354   | 102-112 N WASHINGTON ST | WALNUT WASHINGTON LLC                     | \$ 791,900    | \$ 1,806 |
| 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   | 114 PINE ST             | FE WATERMARK LLC                          | \$ 276,400    | \$ 630   |
| 3 | 12-366   | 301 N WASHINGTON ST     | FE WATERMARK LLC                          | \$ 294,500    | \$ 671   |
| 3 | 12-367   | 301 N WASHINGTON ST     | 325NORTH WASHINGTON 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         | FAMILY SERVICES OF NORTHEAST WISCONSIN    | \$ 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     | GREEN BAY RADIATOR LLC                    | \$ 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        | FAE HOLDINGS 453826R LLC                  | \$ 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        | FAE HOLDINGS 453826R LLC                  | \$ 46,200     | \$ 35    |
| 4 | 11-124   | 516 N MADISON ST        | FAE HOLDINGS 453826R LLC                  | \$ 46,200     | \$ 35    |
| 4 | 11-125   | 510 ELM ST              | FAE HOLDINGS 453826R LLC                  | \$ 88,800     | \$ 67    |
| 4 | 11-13    | 201 N JEFFERSON ST      | ASSOCIATED KELLOGG BANK                   | \$ 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             | CITY OF GREEN BAY                         | \$ -          | \$ -     |
| 4 | 11-174   | 225-229 N MADISON ST    | ASSOCIATED KELLOGG BANK                   | \$ 610,100    | \$ 434   |
| 4 | 11-185   | 501 CHERRY ST           | ASSOCIATED BANK NA                        | \$ 230,200    | \$ 175   |
| 4 | 11-188   | 201 N MONROE AV         | ASSOCIATED BANK NA                        | \$ 1,300,000  | \$ 988   |
| 4 | 11-191   | 605 CHERRY ST           | CITY OF GREEN BAY                         | \$ -          | \$ -     |
| 4 | 11-2     | 330 N ADAMS ST          | 304 NORTH ADAMS GREEN BAY LLC             | \$ 202,600    | \$ 154   |
| 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              | \$ 312,700   | \$ 238   |
| 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              | \$ 2,730,500 | \$ 2,075 |
| 4 | 11-222   | 503 E WALNUT ST     | GREEN BAY BUSINESS CENTER III LLC              | \$ 51,500    | \$ 39    |
| 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              | \$ 580,000   | \$ 441   |
| 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                                | \$ 595,700   | \$ 453   |
| 4 | 11-254   | 117 S MADISON ST    | SAS REAL ESTATE LLC                            | \$ 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     | SAS REAL ESTATE LLC                            | \$ 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 | 12-130   | 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 KELLOGG BANK                        | \$ 4,039,900 | \$ 3,070 |

|   |           |                            |                                                |               |           |
|---|-----------|----------------------------|------------------------------------------------|---------------|-----------|
| 4 | 12-144    | 214-216 N ADAMS ST         | ASSOCIATED KELLOGG BANK                        | \$ 318,700    | \$ 242    |
| 4 | 12-175    | 400 N WASHINGTON ST        | SCHREIBER FOODS INC ATTN<br>TAX DEPARTMENT     | \$ 42,857,900 | \$ 32,572 |
| 4 | 12-184-A  | 401 N WASHINGTON ST        | CITYDECK LANDING LLC T WALL<br>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 | 12-197    | 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         | SPRING LAKE CHURCH                             |               |           |
| 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<br>ST | VARSITY HOLDINGS LLC                           | \$ 603,000    | \$ 458    |
| 4 | 12-282    | 110-126 S WASHINGTON<br>ST | MANCOSKE KRAMER REAL<br>ESTATE                 | \$ 125,100    | \$ 95     |
| 4 | 12-283    | 110-126 S WASHINGTON<br>ST | NICOLET NATIONAL BANK                          | \$ 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        | FE WATERMARK LLC                               | \$ 1,206,800  | \$ 917    |
| 4 | 12-369    | 301 N WASHINGTON ST        | FE WATERMARK LLC                               | \$ 533,100    | \$ 405    |
| 4 | 12-370    | 301 N WASHINGTON ST        | FE WATERMARK LLC                               | \$ 20,300     | \$ 15     |
| 4 | 12-371    | 301 N WASHINGTON ST        | FE WATERMARK LLC                               | \$ 2,167,600  | \$ 1,647  |
| 4 | 12-372    | 301 N WASHINGTON ST        | FE WATERMARK LLC                               | \$ 287,400    | \$ 218    |
| 4 | 12-373    | 301 N WASHINGTON ST        | FE WATERMARK LLC                               | \$ 1,469,700  | \$ 1,117  |
| 4 | 12-374    | 301 N WASHINGTON ST        | FE WATERMARK LLC                               | \$ 282,300    | \$ 215    |
| 4 | 12-375    | 301 N WASHINGTON ST        | FE WATERMARK 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            | BELLING BUILDING LLC                           | \$ 261,600    | \$ 199    |
| 4 | 12-38-7-1 | 130 E WALNUT ST            | TRAVLYNN PROPERTIES LLC                        | \$ 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<br>TAX DEPARTMENT  | \$ 364,000   | \$ 277   |
| 4 | 13-1     | 200 S WASHINGTON ST        | NICOLET REAL ESTATE AND<br>INVESTMENTS CORP | \$ 3,806,500 | \$ 2,893 |
| 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<br>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<br>PARTNERSHIP LLP         | \$ 82,800    | \$ 63    |
| 4 | 13-118   | 345 S JEFFERSON ST         | JEFFERSON STREET<br>PARTNERSHIP LLP         | \$ 482,800   | \$ 367   |
| 4 | 13-119   | 333 S JEFFERSON ST         | THOMAS J & KATHLEEN A<br>KITSLAAR           | \$ 77,800    | \$ 59    |
| 4 | 13-120   | 325 S JEFFERSON ST         | DANIEL E & PATRICIA A COLVIN<br>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<br>THORNE               | \$ 200,400   | \$ 152   |
| 4 | 13-123   | 311 S JEFFERSON ST         | ERIC R. WIMBERGER                           | \$ 118,000   | \$ 90    |
| 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<br>III LLC        | \$ 172,500   | \$ 131   |
| 4 | 13-132   | 225-231 S JEFFERSON ST     | CITY OF GREEN BAY C/O<br>ENGINEERING DEPT   | \$ 157,700   | \$ 120   |
| 4 | 13-133   | 221 S JEFFERSON ST         | CITY OF GREEN BAY C/O<br>ENGINEERING DEPT   | \$ 79,200    | \$ 60    |
| 4 | 13-135   | 200 S MONROE AV            | FIRST UNITED METHODIST<br>CHURCH GREEN BAY  | \$ -         | \$ -     |
| 4 | 13-153   | 340 S MONROE AV            | WARREN FAMILY FUNERAL<br>HOMES INC          | \$ 829,000   | \$ 630   |
| 4 | 13-163   | 408 S MONROE AV            | MADISON MONROE<br>INVESTMENTS LLP           | \$ 679,900   | \$ 517   |
| 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<br>ATT: KEN         | \$ 919,600   | \$ 699   |
| 4 | 13-179   | 413-415 S MADISON ST       | MCE PROPERTIES LLC                          | \$ 235,700   | \$ 179   |
| 4 | 13-18    | 444 S ADAMS ST             | AMERICAN FOODS GROUP LLC                    | \$ 1,305,200 | \$ 992   |
| 4 | 13-183   | 420-500 S WASHINGTON<br>ST | WASHINGTON STREET RIVER<br>PROPERTIES LLC   | \$ 3,832,300 | \$ 2,913 |
| 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                    | \$ 379,400   | \$ 288   |
| 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     | FAMILY SERVICES OF NORTHEAST WISCONSIN INC      |              |          |
| 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       | MARILYN R GARDNER                               | \$ 25,900    | \$ 20    |
| 4 | 15-104  | 508 S MADISON ST    | MARILYN R GARDNER                               | \$ 112,500   | \$ 85    |
| 4 | 15-105  | 426 MARTIN ST       | MARILYN R GARDNER                               | \$ 41,600    | \$ 32    |
| 4 | 15-106  | 420 MARTIN ST       | MARILYN R GARDNER                               | \$ 83,400    | \$ 63    |
| 4 | 15-107  | 526 S MADISON ST    | MARILYN R GARDNER                               | \$ 57,700    | \$ 44    |
| 4 | 15-108  | 530 S MADISON ST    | MARILYN R GARDNER                               | \$ 105,600   | \$ 80    |
| 4 | 15-117  | 533 S JEFFERSON ST  | MARILYN R GARDNER                               | \$ 54,900    | \$ 42    |

|   |        |                    |                                   |                       |                   |
|---|--------|--------------------|-----------------------------------|-----------------------|-------------------|
| 4 | 15-118 | 527 S JEFFERSON ST | JADEITE INC C/O JOHN<br>MARTINSON | \$ 649,600            | \$ 494            |
| 4 | 15-23  | 501 S ADAMS ST     | COSMO LLC C/O JOHN F BUTZ         | \$ 127,500            | \$ 97             |
|   |        |                    | <b>Total</b>                      | <b>\$ 238,188,300</b> | <b>\$ 267,429</b> |

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



Report to the  
Green Bay Plan Commission

**MEETING DATE**

November 2, 2020

**PREPARED BY**

Wendy Townsend, Economic  
Coordinator

**AGENDA ITEM # E.12**

Consideration with possible action on approval of the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Operating Plan for 2021.

**BACKGROUND**

The City of Green Bay's BID Handbook requires approval of the BID Annual Operating Plans by the City's Plan Commission. Attached is the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Operating Plan for 2021, which has been approved by the OMSI BID Board and City Attorney Chavez.

**RECOMMENDATION**

Approval of the attached Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Operating Plan for 2021.

**FISCAL IMPACT**

**ATTACHMENTS**

1. 2021 OMSI OP Attorney Letter 10.23.20
2. 2021 OMSI Operating Plan



Law Department

Vanessa R. Chavez  
City Attorney

October 23, 2020

Wendy Townsend, Project and Program Manager  
City of Green Bay  
100 North Jefferson Street, Room 608  
Green Bay, WI 54301

**RE: Proposed Operating Plan for Business Improvement District No. 2**

Dear Ms. Townsend:

The purpose of this correspondence is to respond to your request for a legal review of the proposed 2021 Operating Plan for Business Improvement District No. 2 (hereafter "Plan"). Your request asks the City Attorney's Office to provide an opinion with respect to the Plan's compliance with the requirements of Wisconsin Statute § 66.1109(l)(f).

Our office has reviewed the Plan, a copy of which is attached hereto, and based upon such review, are of the opinion that the Plan meets the requirements of Wisconsin Statute § 66.1109 (l)(f), subsections 1 through 4.

Thank you for your attention to this matter.

Sincerely,

Vanessa R. Chavez  
City Attorney

**Operating Plan - 2021  
Olde Main Street, Inc.**

**BUSINESS IMPROVEMENT DISTRICT**

**2021 OPERATING PLAN**



Olde Main Street, Inc.  
130 E. Walnut St. Suite 501  
Green Bay, WI 54301  
Phone: (920) 437-5972  
[downtowngreenbay.com](http://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 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 2021 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 2021 include:

1. **BUSINESS DEVELOPMENT** –OMSI will initiate strategies to advance corporate, residential, and retail development. Business recruitment and retention initiatives will be in collaboration with regional and local partners (i.e. New North, Start Up Hub, City of Green Bay, etc.) Key focus areas for 2021 include serving as a resource to businesses impacted by COVID-19 and establishment of a loyalty program with the growing number of residential tenants, and nearby hospitality and retail businesses. Motivating, supporting, and promoting the impact that the East River Trail development will have on the Olde Main Street District will continue.
2. **MARKETING** – OMSI will engage in event and physical improvements 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, and the increase in residential development, to potential businesses and residents. We will work to highlight placemaking efforts within the district. These efforts will be further enhanced through the branding of our website, newsletter, and other digital and printed materials. The goal of these marketing efforts is to position Olde Main Street as a progressive, artistic, and culture-focused commercial and residential area in the eyes of our community.

3. **EVENTS** – OMSI will continue to plan events to further enhance the corridor’s brand as the Arts District. In addition, other events will be designed to support existing businesses while attracting new businesses, creatives and visitors to the area.
4. **PHYSICAL IMPROVEMENTS AND FIRST IMPRESSIONS**- Olde Main Street, Inc. will continue to provide and facilitate district enhancements that include planters, banners, cleanups, and holiday décor. A focus remains on public art to further brand Olde Main Street as the Arts District.
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 – 2021**

| <b>OMSI 2021 Budget</b>                    |                    |                    |
|--------------------------------------------|--------------------|--------------------|
|                                            | <b>2021 Budget</b> | <b>2020 Budget</b> |
| <b>Revenues</b>                            |                    |                    |
| BID Assessments                            | \$57,988           | \$56,942           |
| Contributions & Sponsorships*              | \$47,225           | \$50,650           |
| Planter Program Revenue                    | \$8,550            | \$7,600            |
| <b>Total Revenue</b>                       | <b>\$113,763</b>   | <b>\$115,192</b>   |
| <b>Expenses</b>                            |                    |                    |
| Administrative Fees                        | \$59,782           | \$68,848           |
| <b>Operating</b>                           |                    |                    |
| Insurance                                  | \$2,300            | \$2,300            |
| Postage & Meetings & Misc.                 | \$300              | \$300              |
| Legal/Accounting/Audit                     | \$7,800            | \$8,000            |
| Training/Education/Mileage/Dues & Subs.    | \$500              | \$500              |
| Equipment/Office Supplies                  | \$700              | \$700              |
| <b>Total Admin &amp; Operating Expense</b> | <b>\$71,382</b>    | <b>\$80,648</b>    |
| <b>Programs</b>                            |                    |                    |
| Physical Improvements                      |                    |                    |
| Greenspace/Planter Program                 | \$10,800           | \$12,000           |
| District Appearance                        | \$500              | \$500              |
| Three Corner Marker Flag                   | \$250              | \$300              |
| Holiday Decorations and Banner Maint.      | \$100              | \$1,000            |
| Public Art*                                | \$2,000            | \$0                |
| <b>Total Physical Improvements</b>         | <b>\$13,650</b>    | <b>\$13,800</b>    |
| Business Development                       |                    |                    |
| Business Recruitment & Retention           | \$2,000            | \$1,125            |
| <b>Total Business Development</b>          | <b>\$2,000</b>     | <b>\$1,125</b>     |
| Marketing & Events                         |                    |                    |
| Website                                    | \$804              | \$1,644            |
| Branding/Guides/Public Awareness           | \$3,179            | \$3,510            |
| Gallery Nite/Art Events                    | \$3,000            | \$3,000            |
| Summer in the Park                         |                    | \$4,000            |
| Mardi Gras on Main                         |                    | \$0                |
| Theater / Comedy in the Park               | \$3,000            | \$1,500            |
| Annual Meeting                             | \$1,000            | \$650              |
| Small Business Saturday                    | \$400              | \$400              |
| Summer Solstice                            |                    | \$3,800            |

|                                   |                  |                  |
|-----------------------------------|------------------|------------------|
| Galentines Day                    | \$400            | \$200            |
| New Events/Music                  | \$5,000          | \$500            |
| <i>Total Marketing and Events</i> | \$16,783         | \$19,204         |
|                                   |                  |                  |
| <b>Total Programs</b>             | <b>\$32,433</b>  | <b>\$34,129</b>  |
|                                   |                  |                  |
| <b>Total Expense</b>              | <b>\$103,815</b> | <b>\$114,777</b> |
| Net Income                        | \$ 9,949         | \$ 415           |

#### 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 **\$57,988** will be raised through assessments. We are also setting a goal to obtain sponsorships, and event revenues in the amount of \$47,225 in 2021. Additionally, in we anticipate collecting \$8,550 in sponsorships to pay for planters that are placed around the district. 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 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 2021 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 2020 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 2020 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 2020 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)Im: 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 30<sup>th</sup> of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1<sup>st</sup> 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 2021 activities, and information on specific assessed values, budget amounts and assessment amounts are based on 2021 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. 2020 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- 2020 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       | RFS Green Bay LLC 6030 Bethel View Rd. #203 Cumming , GA 30040   | \$ 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                                                    | \$ 80,600   | \$ 81      |
| 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 -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  | Main Street Green Bay Properties LLC 130 E. Walnut St. Suite 404 | \$ 47,900   | \$ 48      |
| 10  | 9 -34     | 1023 MAIN ST       | Main Street Green Bay Properties LLC 130 E. Walnut St. Suite 404 | \$ 227,600  | \$ 228     |
| 10  | 9 -52     | 423-427 N CLAY ST  | Main Street Green Bay Properties LLC                             | \$ 134,900  | \$ 135     |
| 10  | 9 -56     | 1108 CEDAR ST      | POMP S TIRE SERVICE INC                                          | \$ 112,200  | \$ 112     |
| 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          | NEIGHBORHOOD HOUSING SERVICES               | \$ 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                               | \$ 158,000 | \$ 395   |
| 11 | 11-99  | 620 MAIN ST            | HAROLD A LIEBERGEN                          | \$ 150,000 | \$ 375   |
| 11 | 14-27  | 312-318 N ROOSEVELT ST | 318 N ROOSEVELT LLC                         | \$ 98,200  | \$ 246   |
| 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 -272 | 1242 MAIN ST           | COPPENS PROPERTIES LLC                      | \$ 70,600  | \$ 176   |
| 11 | 8 -273 | 1244 MAIN ST           | JOHNSON VENTURES                            | \$ 183,500 | \$ 459   |
| 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           | SANEHA REAL ESTATE INC                      | \$ 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                                            | \$ 338,600 | \$ 847   |
| 11 | 8 -8    | 1428-1430 MAIN ST   | MELOTTE DISTRIBUTING INC                                         | \$ 126,900 | \$ 317   |
| 11 | 8 -839  | 1228-11 MAIN ST     | JOHN SIMPSON                                                     | \$ 39,300  | \$ 98    |
| 11 | 8 -840  | 1230-11 MAIN ST     | JOHN SIMPSON                                                     | \$ 34,300  | \$ 86    |
| 11 | 8 -841  | 1232-01 MAIN ST     | JOHN SIMPSON                                                     | \$ 15,900  | \$ 40    |
| 11 | 8 -842  | 1232-11 MAIN ST     | JOHN SIMPSON                                                     | \$ 48,200  | \$ 121   |
| 11 | 8 -843  | 1234-01 MAIN ST     | JOHN SIMPSON                                                     | \$ 26,900  | \$ 67    |
| 11 | 8 -844  | 1234-11 MAIN ST     | JOHN SIMPSON                                                     | \$ 34,300  | \$ 86    |
| 11 | 8 -845  | 1234-12 MAIN ST     | JOHN SIMPSON                                                     | \$ 37,100  | \$ 93    |
| 11 | 8 -846  | 1234-21 MAIN ST     | JOHN SIMPSON                                                     | \$ 51,600  | \$ 129   |
| 11 | 8 -847  | 1234-31 MAIN ST     | THE BRIDGE RECORDING STUDIO LLC                                  | \$ 111,400 | \$ 278   |
| 11 | 8 -848  | 1236-11 MAIN ST     | JOHN SIMPSON                                                     | \$ 35,200  | \$ 88    |
| 11 | 8 -849  | 1236-21 MAIN ST     | JOHN SIMPSON                                                     | \$ 34,300  | \$ 86    |
| 11 | 8 -850  | 321-01 ST GEORGE ST | WILLIAMS HOLDINGS LLC                                            | \$ 111,400 | \$ 278   |
| 11 | 8 -851  | 1238-11 MAIN ST     | LIZA RAE LLC                                                     | \$ 120,300 | \$ 301   |
| 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                                        | \$ 470,800 | \$ 1,177 |
| 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 -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  | \$ 165   |
| 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 | \$ 75    |
| 11 | 9 -33   | 1033-1035 MAIN ST   | Main Street Green Bay Properties LLC 130 E. Walnut St. Suite 404 | \$ 103,600 | \$ 259   |
| 11 | 9 -33-2 | 1031 MAIN ST        | Main Street Green Bay Properties LLC 130 E. Walnut St. Suite 404 | \$ 50,900  | \$ 127   |

|    |          |                      |                                                                  |              |          |
|----|----------|----------------------|------------------------------------------------------------------|--------------|----------|
| 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    | Main Street Green Bay Properties LLC 130 E. Walnut St. Suite 404 | \$ 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 -48    | 901 MAIN ST          | GB901 Main LLC                                                   | \$ 1,698,500 | \$ 3,000 |
| 11 | 9 -49    | 900 CEDAR ST         | DAVID BARTIKOFSKY                                                | \$ 191,200   | \$ 478   |
| 11 | 9 -50    | 1018 CEDAR ST        | Main Street Green Bay 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                                                  | \$ 274,000   | \$ 685   |
| 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                                               | \$ 394,000   | \$ 985   |
| 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         | Tasty Treats Real Estate LLC                                     | \$ 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        | \$ 32,100            | \$ 96            |
| 12 | 9 -25  | 1139 MAIN ST      | CYRUS DEVELOPMENT SERVICES LLC        | \$ 388,700           | \$ 1,166         |
| 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 -54  | 420 N CLAY ST     | POMP S TIRE SERVICE INC               | \$ 80,600            |                  |
|    |        |                   | <b>Total</b>                          | <b>\$ 28,480,700</b> | <b>\$ 57,988</b> |

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





## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

Wendy Townsend, Economic  
Coordinator

### AGENDA ITEM # E.13

Consideration with possible action on approval of the On Broadway Incorporated (OBI) Business Improvement District (BID) Operating Plan for 2021.

### BACKGROUND

The City of Green Bay's BID Handbook requires approval of the BID Annual Operating Plans by the City's Plan Commission. Attached is the On Broadway Incorporated (OBI) Business Improvement District (BID) Operating Plan for 2021, which has been approved by the OBI BID Board and City Attorney Chavez.

### RECOMMENDATION

Approval of the On Broadway Incorporated (OBI) Business Improvement District (BID) Operating Plan for 2021.

### FISCAL IMPACT

### ATTACHMENTS

1. 2021 OBI OP Attorney Letter 10.20.20
2. Operating Plan OBI 2021



Law Department

Vanessa R. Chavez  
City Attorney

October 23, 2020

Wendy Townsend, Project and Program Manager  
City of Green Bay  
100 North Jefferson Street, Room 608  
Green Bay, WI 54301

**RE: Proposed Operating Plan for Business Improvement District No. 3**

Dear Ms. Townsend:

The purpose of this correspondence is to respond to your request for a legal review of the proposed 2021 Operating Plan for Business Improvement District No. 3 (hereafter "Plan"). Your request asks the City Attorney's Office to provide an opinion with respect to the Plan's compliance with the requirements of Wisconsin Statute § 66.1109(l)(f).

Our office has reviewed the Plan, a copy of which is attached hereto, and based upon such review, are of the opinion that the Plan meets the requirements of Wisconsin Statute § 66.1109 (l)(f), subsections 1 through 4.

Thank you for your attention to this matter.

Sincerely,

Vanessa R. Chavez  
City Attorney



**2021 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, providing 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**

The impact of Covid-19 has been severe to the businesses in the district including On Broadway, Inc. (OBI), the organization charged with advancing district goals. Income generated from special events hosted by OBI supports BID activities and leverages their ability to accelerate those priorities through the hiring of staff and maintaining a physical presence. It is imperative we support the ongoing operations of OBI to maximize the long-term investment of the BID.

Principle activities to be engaged in by the district during its next year of operation, if the environment allows, 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. 50 planters will be planted in the spring with flowers, 20 planters with fall décor, weed management throughout district during the growing season, weed management and perennial plantings in 48 tree boxes, 25 bowls with winter décor, coordinated trash pickups once per month, and 30 trees with annual lighting.
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. Help sustain operations and solvency of On Broadway, Inc. by providing an administrative allocation for payment of rent, telephones, internet, office supplies, utilities and salaries that are necessary to perform services to the businesses in the district.

Proposed Expenditures – Year Next

**Proposed Budget**

**Administrative**

**Admin Allocation**

To assist with payment of administrative expenses including but not limited to rent, telephones, internet, office supplies, utilities, and salaries necessary to execute the proposed activities.

|  |    |        |
|--|----|--------|
|  | \$ | 66,628 |
|  | \$ | 2,000  |

**BBID Annual Audit**

2020 audit

|                      |    |        |
|----------------------|----|--------|
| Total Administrative | \$ | 68,628 |
|----------------------|----|--------|

**Total**

|  |    |        |
|--|----|--------|
|  | \$ | 68,628 |
|--|----|--------|

**B. Financing Method**

It is proposed to raise \$68,628 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.

**C. 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.

#### D. 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, 2020, the property in the proposed district had a total assessed value of \$53.2 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)Im: 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. - *Chapter 22: 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 30<sup>th</sup> of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1<sup>st</sup> 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.

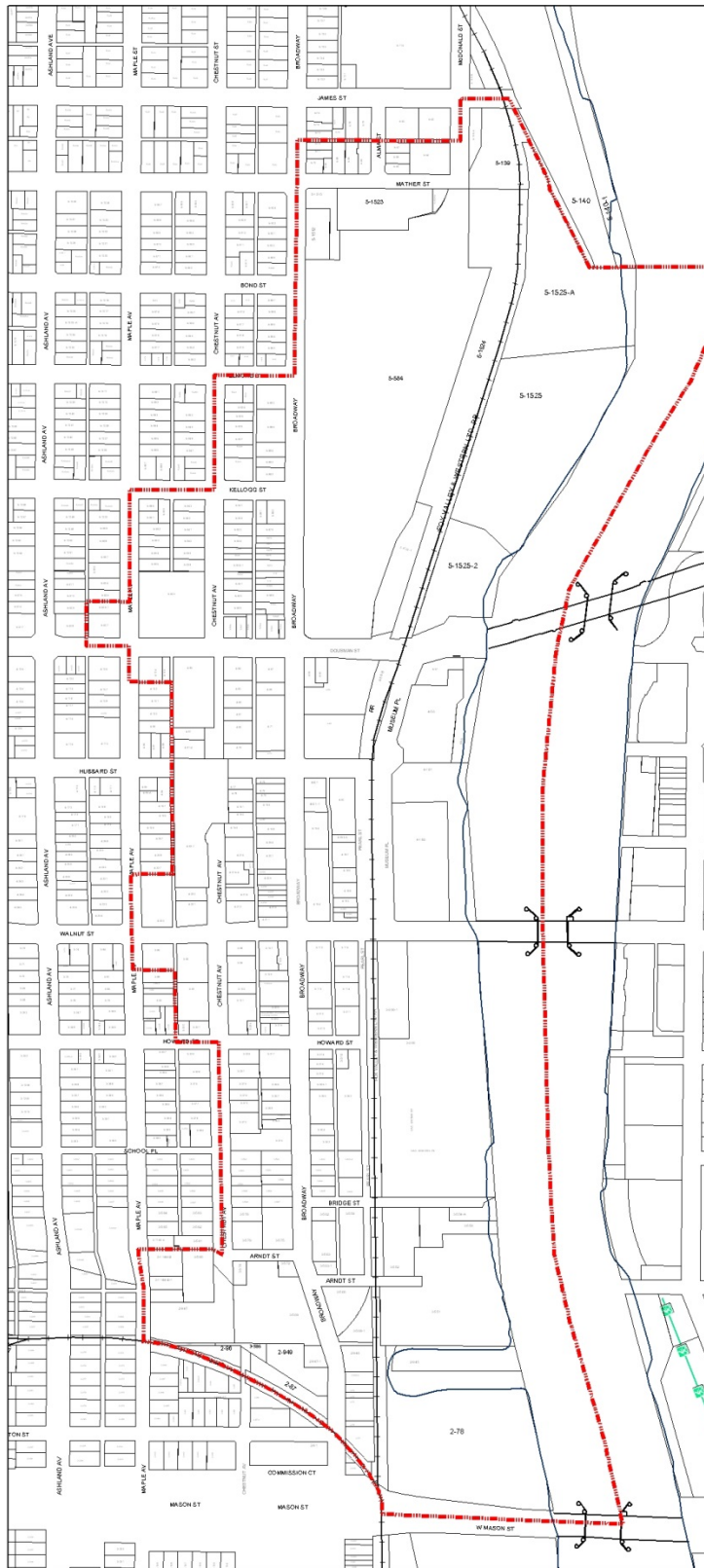
(b) A municipality may terminate a business improvement district at any time.

(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



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

| GISLink | TotalAssessedValue | BID     | PropertyAddress    | OwnerName                                        |
|---------|--------------------|---------|--------------------|--------------------------------------------------|
| 2-72    | \$131,600          | \$170   | 519 S Broadway     | Joseph L. Aerts                                  |
| 2-76    | Exempt             | \$0     | 525 S Broadway     | Redevelopment Authority of the City of Green Bay |
| 2-77    | Exempt             | \$0     | 531 S Broadway     | Redevelopment Authority of the City of Green Bay |
| 2-947   | Exempt             | \$0     | 419 S Maple Ave    | Redevelopment Authority of the City of Gb        |
| 3-85    | \$615,600          | \$794   | 515 W Walnut St    | Kwik Trip Inc                                    |
| 3-92    | \$200,100          | \$258   | 118 S Chestnut Ave | Democratic Party of Brown County                 |
| 3-96    | \$420,500          | \$542   | 509 W Walnut St    | Newcmg Properties LLC                            |
| 3-98    | \$40,300           | \$52    | 409 W Walnut St    | Historic West LLC                                |
| 3-99    | \$62,200           | \$80    | 100 S Chestnut Ave | Historic West LLC                                |
| 3-100   | \$104,200          | \$134   | 117 S Chestnut Ave | Bmo Harris Bank Na                               |
| 3-101   | \$212,200          | \$274   | 125 S Chestnut Ave | Bmo Harris Bank Na                               |
| 3-104-A | \$70,100           | \$90    | 116 S Broadway     | Raymond G. Salter                                |
| 3-105   | \$240,700          | \$311   | 112 S Broadway     | Bosley Properties LLC                            |
| 3-106   | \$234,500          | \$303   | 110 S Broadway     | Raymond G. Salter                                |
| 3-107   | \$389,200          | \$502   | 405 W Walnut St    | Historic West LLC                                |
| 3-110   | \$364,700          | \$470   | 317 W Walnut St    | Zeise Marital Trust                              |
| 3-113   | \$379,000          | \$489   | 123 S Broadway     | DuBois Real Estate Holdings, LLC                 |
| 3-114   | \$220,000          | \$284   | 120 S Pearl St     | Sma Construction Services LLC                    |
| 3-116   | \$52,600           | \$68    | 100 S Pearl St     | Abby Holdings LLC                                |
| 3-306-1 | \$539,200          | \$696   | 201 W Walnut St    | Abby Holdings LLC                                |
| 3-306   | \$2,412,000        | \$3,111 | 111 W Walnut St    | Green Bay Acquisition Co 4 Inc                   |
| 3-310   | \$22,300           | \$29    | 307 Howard St      | Holly A. Hebel                                   |
| 3-311   | \$61,000           | \$79    | 100 S Pearl St     | Abby Holdings LLC                                |
| 3-312   | \$102,700          | \$132   | 127 S Broadway     | DuBois Real Estate Holdings, LLC                 |
| 3-313   | \$64,200           | \$83    | 131 S Broadway     | Dubois Real Estate Holdings LLC                  |
| 3-314   | \$135,000          | \$174   | 201 S Broadway     | Holly A. Hebel                                   |
| 3-315   | \$22,300           | \$29    | 205 S Broadway     | Roger C. Anderson                                |
| 3-316   | \$38,600           | \$50    | 211 S Broadway     | Jessifer, LLC                                    |
| 3-317   | Exempt             | \$0     | 200 S Broadway     | Green Bay Area Public School District            |
| 3-320   | \$238,200          | \$307   | 128 S Broadway     | Slcre LLC                                        |
| 3-322   | \$93,900           | \$121   | 124 S Broadway     | Raymond G. Salter                                |
| 3-325   | \$5,600            | \$7     | 412 Howard St      | Bmo Harris Bank Na                               |
| 3-362   | \$119,300          | \$154   | 301 S Pearl St     | Green Bay Acquisition Co 4 Inc                   |
| 3-363   | \$35,500           | \$46    | S Broadway         | Legois Maureen A Survivors Trust                 |
| 3-364   | \$27,000           | \$35    | 223 S Broadway     | Nicker Bobs Craft Mall LLC                       |
| 3-369-A | \$78,400           | \$101   | 226 S Broadway     | Mitchell T. Hyde                                 |
| 3-562   | \$12,200           | \$16    | 325 S Broadway     | Rbj Holdings LLC                                 |
| 3-563-1 | \$187,400          | \$242   | 339 S Broadway     | Guppo LLC                                        |
| 3-563   | \$82,300           | \$106   | 327 S Broadway     | Rbj Holdings LLC                                 |
| 3-569   | Exempt             | \$0     | 420 S Broadway     | Redevelopment Authority of City of Green Bay     |

|         |             |         |                    |                                           |
|---------|-------------|---------|--------------------|-------------------------------------------|
| 3-572   | Exempt      | \$0     | 402 S Broadway     | Redevelopment Authority of the City of Gb |
| 3-588   | \$100,100   | \$129   | 316 S Broadway     | Chao T. Moua                              |
| 3-589   | \$7,800     | \$10    | 312 S Broadway     | Dawn M. McCoy                             |
| 3-590   | \$8,600     | \$11    | 304 S Broadway     | Dawn M. McCoy                             |
| 3-591   | \$176,800   | \$228   | 300 S Broadway     | Sanctuary Spas LLC                        |
| 3-642   | \$181,900   | \$235   | 301 S Broadway     | Vaj Holdings LLC                          |
| 3-643   | \$131,500   | \$170   | 307 S Broadway     | Nicker Bobs Carft Mall LLC                |
| 3-644   | \$26,400    | \$34    | 309 S Broadway     | Rbj Holdings LLC                          |
| 3-1300  | \$106,900   | \$138   | 126 S Broadway     | Urban Concepts, LLC                       |
| 3-1301  | \$138,800   | \$179   | 126 S Broadway     | Joseph H. Burke                           |
| 4-59    | \$202,000   | \$261   | N Broadway         | Parking Lot U LLC                         |
| 4-60    | \$2,120,100 | \$2,735 | 164 N Broadway     | BayCare Health Systems, LLC               |
| 4-61-1  | \$593,400   | \$765   | 154 N Broadway     | 154 N Broadway LLC                        |
| 4-62    | \$552,400   | \$713   | 200 N Broadway     | Theresa M. Beerntsen                      |
| 4-65    | \$405,700   | \$523   | 317 Dousman St     | Michael E. Stange                         |
| 4-66    | \$551,400   | \$711   | 313 Dousman St     | High Brau LLC                             |
| 4-67    | \$1,212,200 | \$1,564 | 235 N Broadway     | Toho Properties, LLC                      |
| 4-68    | \$217,400   | \$280   | 231 N Broadway     | Washington LLC                            |
| 4-71    | \$2,170,700 | \$2,800 | 211 N Broadway     | Schillinger Properties LLC                |
| 4-72    | \$482,700   | \$623   | 201 N Broadway     | 201 Broadway LLC                          |
| 4-74    | \$357,500   | \$461   | 163 N Broadway     | Ildeman R. Nielson                        |
| 4-75    | \$379,100   | \$489   | 159 N Broadway     | David Bartikofsky                         |
| 4-76    | \$70,200    | \$91    | 157 N Broadway     | Noc Harn LLC                              |
| 4-84    | \$290,900   | \$375   | 413 Dousman St     | Kaliz Ltd Partnership                     |
| 4-85    | \$994,400   | \$1,283 | 505 Dousman St     | Frank Land Holding LLC                    |
| 4-104   | \$356,900   | \$460   | 517 Dousman St     | Bo Enterprises LLC                        |
| 4-154   | \$1,179,700 | \$1,522 | 142 N Broadway     | Lorenzen Holdings LLC                     |
| 4-156   | \$210,500   | \$272   | 151 N Broadway     | Noc Harn LLC                              |
| 4-157   | \$85,000    | \$110   | 147 N Broadway     | Lawrence Frye                             |
| 4-158   | \$268,500   | \$346   | 143 N Broadway     | Sand and Sun, LLC                         |
| 4-159   | \$29,600    | \$38    | 144 N Chestnut Ave | Sand and Sun, LLC                         |
| 4-187   | \$31,400    | \$41    | 133 N Pearl St     | Petes Annex LLC                           |
| 4-188   | \$18,600    | \$24    | 119 N Pearl St     | Petes Annex LLC                           |
| 4-189   | \$35,000    | \$45    | 127 N Pearl St     | Petes Annex LLC                           |
| 4-190   | \$12,000    | \$15    | 115 N Pearl St     | Petes Annex LLC                           |
| 4-191   | \$5,900     | \$8     | 111 N Pearl St     | Petes Annex LLC                           |
| 4-192   | \$3,900     | \$5     | 105 N Pearl St     | Petes Annex LLC                           |
| 4-193   | \$7,600     | \$10    | 100 N Pearl St     | Petes Annex LLC                           |
| 4-194   | \$2,434,600 | \$3,141 | 310 W Walnut St    | Petes Annex LLC                           |
| 4-201-1 | \$205,300   | \$265   | 127 N Broadway     | Widmer Properties LLC                     |
| 4-201   | \$214,500   | \$277   | 133 N Broadway     | Bett LLC                                  |
| 4-204   | \$151,300   | \$195   | 123 N Broadway     | Game Holdings LLC                         |
| 4-205   | \$266,700   | \$344   | 121 N Broadway     | Xa Lee                                    |

|          |             |         |                       |                                                |
|----------|-------------|---------|-----------------------|------------------------------------------------|
| 4-206    | \$223,400   | \$288   | 119 N Broadway        | Eric J. Woller                                 |
| 4-210    | \$532,500   | \$687   | 109 N Broadway        | Czachor & Polack Development LLC               |
| 4-215-A  | \$92,400    | \$119   | 122 N Chestnut Ave    | Green Bay Community Theatre Inc                |
| 4-216    | \$76,400    | \$99    | 138 N Chestnut Ave    | Bett LLC                                       |
| 4-221    | \$117,100   | \$151   | 500 W Walnut St       | Walnut Auto Investments LLC                    |
| 4-223    | \$598,300   | \$772   | 514 W Walnut St       | Sorensen Development Inc                       |
| 4-253-A  | \$9,500     | \$12    | N Pearl St            | Petes Annex LLC                                |
| 4-254    | \$372,000   | \$480   | 139 N Broadway        | See Ventures LLC                               |
| 4-263    | \$224,900   | \$290   | 111 N Broadway Unit 1 | Che Properties LLC                             |
| 4-264    | \$224,900   | \$290   | 111 N Broadway Unit 2 | Docking Station LLC                            |
| 4-265    | \$235,600   | \$304   | 111 N Broadway Unit 3 | Whetter Daniel D & Carrie L Joint Revoc Trust  |
| 4-266    | \$183,400   | \$237   | 111 N Broadway Unit 4 | Access R LLC                                   |
| 5-54     | \$143,700   | \$185   | 200 Mather St         | Arthur W. Zingler III                          |
| 5-58     | \$79,400    | \$102   | 704 Alma St           | Nancy Rogers                                   |
| 5-584-2  | \$45,900    | \$59    | 308 Dousman St        | DDL Holdings, LLC                              |
| 5-584-3  | \$446,600   | \$576   | 300 Dousman St        | Luga Properties, LLC                           |
| 5-588    | \$160,100   | \$207   | 319 N Broadway        | Caesars Palace of Green Bay LLC                |
| 5-589    | \$36,200    | \$47    | 317 N Broadway        | Fort Howard New Town Redevelopment LLC         |
| 5-590    | \$324,200   | \$418   | 313 N Broadway        | Fort Howard New Town Redevelopment LLC         |
| 5-591    | \$11,700    | \$15    | 410 Dousman St-Rear   | Widmer Properties LLC                          |
| 5-592    | \$159,600   | \$206   | 400 Dousman St        | Cathy T. Lesandrini                            |
| 5-593    | \$98,400    | \$127   | 402 Dousman St        | Sams Investments LLC                           |
| 5-594    | \$179,700   | \$232   | 408 Dousman St        | Widmer Properties LLC                          |
| 5-595    | \$92,100    | \$119   | 309 N Broadway        | Dhuey Property, LLC                            |
| 5-596    | \$144,600   | \$187   | 412 Dousman St        | Widmer Properties LLC                          |
| 5-597    | \$295,500   | \$381   | 414 Dousman St        | GNC Development LLC                            |
| 5-599    | Exempt      | \$0     | 314 N Chestnut Ave    | Green Bay Redevelopment Authority              |
| 5-600    | \$28,600    | \$37    | N Chestnut Ave        | Fort Howard New Town Redevelopment LLC         |
| 5-602    | \$43,300    | \$56    | 324 N Chestnut Ave    | DDL Holdings, LLC                              |
| 5-607    | \$305,000   | \$393   | 301 N Maple Ave       | Express Property LLC                           |
| 5-874    | \$17,300    | \$22    | 329 N Broadway        | Cst LLC                                        |
| 5-875    | \$118,500   | \$153   | 331 N Broadway        | Cst LLC                                        |
| 5-876    | \$117,100   | \$151   | 333 N Broadway        | Cst LLC                                        |
| 5-877    | \$116,700   | \$151   | 335 N Broadway        | Cst LLC                                        |
| 5-878    | \$13,800    | \$18    | N Broadway            | Cst LLC                                        |
| 5-879    | \$59,700    | \$77    | 341 N Broadway        | Benzplekan Real Estate LLC                     |
| 5-882    | \$976,100   | \$1,259 | 401 N Broadway        | Historic Restorations, LLC                     |
| 5-885    | \$319,600   | \$412   | 419 N Broadway        | Bertrand Roger D Family Trust 3rd Restate Etal |
| 5-890    | \$128,100   | \$165   | 431 N Broadway        | Martin R. Leonhard                             |
| 5-1524-1 | \$880,800   | \$1,136 | 200 Dousman St        | Titletown Brewing Co LLC                       |
| 5-1525-A | \$771,700   | \$995   | 700 Mc Donald St      | Graymont Western Lime Inc                      |
| 5-1525-B | \$6,600     | \$9     | 201 Mather St         | Arthur W. Zingler III                          |
| 5-1525   | \$1,400,000 | \$1,806 | 128 Dousman St        | Graymont Western Lime Inc                      |

|              |                     |                 |                         |                                    |
|--------------|---------------------|-----------------|-------------------------|------------------------------------|
| 5-1737       | \$1,295,100         | \$1,671         | 300 N Broadway          | Green Bay Broadway Development LLC |
| 5-1738       | \$1,300,400         | \$1,678         | 300 N Broadway          | Green Bay Broadway Development LLC |
| 5-1739       | \$1,302,200         | \$1,680         | 300 N Broadway Unit 300 | Green Bay Area Chamber of Commerce |
| 5-1740       | \$12,100            | \$16            | 321 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1741       | \$10,900            | \$14            | 331 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1742       | \$11,000            | \$14            | 333 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1743       | \$11,200            | \$14            | 335 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1744       | \$11,400            | \$15            | 337 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1745       | \$11,600            | \$15            | 339 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1746       | \$11,600            | \$15            | 341 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1747       | \$11,500            | \$15            | 343 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1748       | \$11,300            | \$15            | 345 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1749       | \$11,100            | \$14            | 347 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1750       | \$9,700             | \$13            | 349 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1756-1     | \$48,000            | \$62            | Kellogg St              | DDL Holdings LLC                   |
| 5-1756       | \$509,800           | \$658           | 420 N Broadway          | DDL Holdings LLC                   |
| 5-1757       | \$5,012,000         | \$6,465         | 520 N Broadway          | DDL Holdings LLC                   |
| 5-1758       | \$100               | \$0             | 305 Donald Driver Way   | DDL Holdings, LLC                  |
| 5-1759       | \$4,086,700         | \$5,272         | 320 N Broadway          | DDL Holdings LLC                   |
| 5-1760       | \$956,600           | \$1,234         | 340 N Broadway Unit 180 | DDL Holdings LLC                   |
| 5-1761       | \$1,043,200         | \$1,346         | 340 N Broadway Unit 200 | DDL Holdings LLC                   |
| 5-1762       | \$1,042,400         | \$1,345         | 340 N Broadway Unit 300 | DDL Holdings LLC                   |
| 5-1763       | \$928,700           | \$1,198         | 340 N Broadway Unit 440 | DDL Holdings LLC                   |
| 5-1764       | \$129,900           | \$168           | 313 Donald Driver Way   | DDL Holdings LLC                   |
| <b>Total</b> | <b>\$53,200,000</b> | <b>\$68,628</b> |                         |                                    |

## APPENDIX D – City Attorney Opinion



Report to the  
Green Bay Plan Commission

**MEETING DATE**

November 2, 2020

**PREPARED BY**

Wendy Townsend, Economic  
Coordinator

**AGENDA ITEM # E.14**

Consideration with possible action on approval of the Military Avenue Business Association (MABA) Business Improvement District (BID) Operating Plan for 2021.

**BACKGROUND**

The City of Green Bay's BID Handbook requires approval of the BID Annual Operating Plans by the City's Plan Commission. Attached is the Military Avenue Business Association (MABA) Business Improvement Districts (BID) Operating Plan for 2021, which has been approved by the MABA BID Board and City Attorney Chavez.

**RECOMMENDATION**

Approval of the Military Avenue Business Association (MABA) Business Improvement District (BID) Operating Plan for 2021.

**FISCAL IMPACT**

**ATTACHMENTS**

1. 2021 MABA OP Attorney Letter 10.20.20
2. Operating Plan MABA 2021





Law Department

Vanessa R. Chavez  
City Attorney

October 20, 2020

Wendy Townsend, Project and Program Manager  
City of Green Bay  
100 North Jefferson Street, Room 608  
Green Bay, WI 54301

**RE: Proposed Operating Plan for Business Improvement District No. 4**

Dear Ms. Townsend:

The purpose of this correspondence is to respond to your request for a legal review of the proposed 2021 Operating Plan for Business Improvement District No. 4 (hereafter "Plan"). Your request asks the City Attorney's Office to provide an opinion with respect to the Plan's compliance with the requirements of Wisconsin Statute § 66.1109(l)(f).

Our office has reviewed the Plan, a copy of which is attached hereto, and based upon such review, are of the opinion that the Plan meets the requirements of Wisconsin Statute § 66.1109 (l)(f), subsections 1 through 4.

Thank you for your attention to this matter.

Sincerely,

Vanessa R. Chavez  
City Attorney

**Operating Plan - 2021**  
**Military Avenue , Inc.**

**BUSINESS IMPROVEMENT DISTRICT NO. 4**

**2021**  
**OPERATING PLAN**



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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 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 – 2021

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 – 2021

Principle activities to be engaged in by the district during its EIGHTH year, 2021, of operation will include:

- Fully utilize the new website (2020), monument sign, social media platforms, applications and other emerging technology. Look into way finding signage.
- Explore a central, public friendly, location for events and holiday display, including holiday lighting.
- Offer and support continued 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.
- Invest in public amenities such as bike racks, benches, and garbage cans.
- Find resources and programs to increase health and safety measures and address the economic impact on businesses due to closures in 2020.

#### C. Proposed Budget – Year – EIGHT - 2021

| <b>Revenues</b>                       | <b>Projected 2021</b> | <b>Change from 2020</b> |
|---------------------------------------|-----------------------|-------------------------|
| Planned BID Assessment Funds          | \$99,388              | \$678                   |
| (BID Assessments minus 7% delinquent) | -\$6957               | \$3,009                 |
| (Estimated) Donations/Partnerships    | \$2,000               | \$0                     |
| (Estimated) Grants /Restricted Income | \$5,000               | \$0                     |
| (Estimated) Event Funds/Sponsorships  | \$5,000               | \$0                     |
| (Estimated) Interest Income           | \$1,000               | \$0                     |
| Carry Over from 2020 audit/review     | \$74,952              |                         |
| <b>Total Revenue</b>                  | <b>\$180,383</b>      | <b>\$1,569</b>          |
| <b>Expenses</b>                       |                       |                         |
| Staffing                              | \$47,528              | \$200                   |

|                                                                                                                                                                                                                                                                                                       |                  |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------|
| Operating Expenses<br>rent, insurance, audit, accounting, supplies, etc.                                                                                                                                                                                                                              | \$15,400         | +\$600    |
| Technology                                                                                                                                                                                                                                                                                            | \$2,400          | +900      |
| Programs                                                                                                                                                                                                                                                                                              |                  |           |
| Design/Physical improvements<br>Street pole banners throughout district, Planter boxes winter and summer, throughout district<br>weed control at medians, monument sign Wi-Fi and operations at Lombardi and Military<br>intersection, plus funds for a new Public Amenities project across district. | \$45,136         | +\$27,651 |
| Economic/Business Development<br>Business recruitment and support, plus funds for a new Planning/Visioning update.                                                                                                                                                                                    | \$31,000         | \$0       |
| Events<br>Summer and Winter Market on Military, Small Business Saturday, Joint Advertising, EBT costs,<br>new events with identity focus based on visioning.                                                                                                                                          | \$10,200         | \$0       |
| Organization/ Marketing<br>Social media, marketing, advertising, website hosting.                                                                                                                                                                                                                     | \$3,100          | \$0       |
| <b>Total Expenses</b>                                                                                                                                                                                                                                                                                 | <b>\$154,764</b> |           |
| <b>BALANCE</b>                                                                                                                                                                                                                                                                                        | <b>\$25,619</b>  |           |

#### D. Financing Method

\$99,388 is proposed to be raised through BID assessments ([see Appendix C](#)) and assume an assessment delinquency amount of ~\$6,957 based on 7% delinquencies, increased from last years 4%. We have therefore budgeted for \$92,431. We are also setting a goal to obtain grants, sponsorships, fees, and donations to provide funding in the amount of \$12,000. 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 Appendix C. 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.

Appendix C 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 Summary, 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 30<sup>th</sup> of each Plan year, with the official City records and the assessed value of each tax key number with the district, as of January 1<sup>st</sup> 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. 2019 CITY ASSESSMENTS
  - 1. CITY BID 20 ASSESSMENT REPORT INDUSTRIAL
  - 2. CITY BID 21 ASSESSMENT REPORT OFFICE
  - 3. CITY BID 22 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.

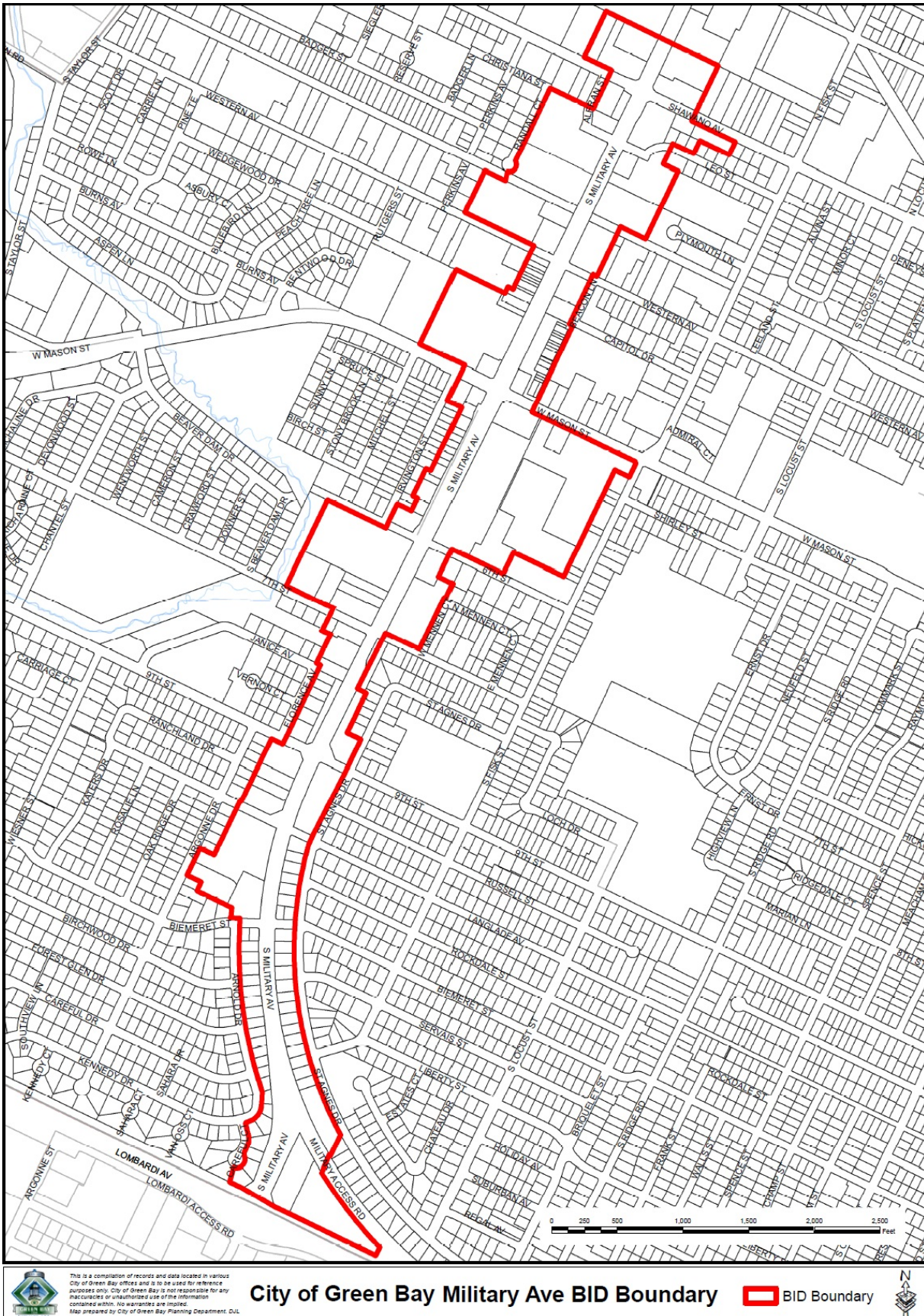
(b) A municipality may terminate a business improvement district at any time.

(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





## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

Wendy Townsend, Economic  
Coordinator

### AGENDA ITEM # E.15

Consideration with possible action on the 2021 nominations to the Downtown Green Bay Incorporated (DGBI) Business Improvement District (BID) Board, as approved by the DGBI BID Board.

### BACKGROUND

In accordance with the City of Green Bay's BID Handbook, BID Board nominations will be approved by the Plan Commission. The 2021 nominations to the Downtown Green Bay Incorporated (DGBI) Business Improvement District (BID) Board, as approved by the DGBI BID Board are as follows:

- Jesse Wotruba - Fox Harbor - reappointment for 3 years
- Ian Griffith - Berners Schober - for a 3 year term
- Greg Babcock - Wanezek, Jaekels, Daul and Babcock, SC - for a 3 year term

### RECOMMENDATION

Staff recommends the 2021 nominations to the Downtown Green Bay Incorporated (DGBI) Business Improvement District (BID) Board:

- Jesse Wotruba - Fox Harbor - reappointment for 3 years
- Ian Griffith - Berners Schober - for a 3 year term
- Greg Babcock - Wanezek, Jaekels, Daul and Babcock, SC - for a 3 year term

### FISCAL IMPACT

### ATTACHMENTS

None



## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

Wendy Townsend, Economic  
Coordinator

### AGENDA ITEM # E.16

Consideration with possible action on the 2021 nominations to the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Board, as approved by the OMSI BID Board.

### BACKGROUND

In accordance with the City of Green Bay's BID Handbook, BID Board nominations will be approved by the Plan Commission. The 2021 nominations to the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Board, as approved by the OSMI BID Board are as follows:

- Ryan Kuehn - Kuehn Printing - reappointment for 3 years
- Tiona Petrouske - American Family - reappointment for 3 years
- Patrick Stoa - VP of Macco Financial Group - appointment for 3 years

### RECOMMENDATION

Staff recommends the 2021 nominations to the Olde Main Street Incorporated (OMSI) Business Improvement District (BID) Board:

- Ryan Kuehn - Kuehn Printing - reappointment for 3 years
- Tiona Petrouske - American Family Insurance - reappointment for 3 years
- Patrick Stoa - Macco Financial Group - appointment for 3 years

### FISCAL IMPACT

### ATTACHMENTS

None



## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

Wendy Townsend, Economic  
Coordinator

### AGENDA ITEM # E.17

Consideration with possible action on the 2021 nominations to the On Broadway Incorporated (OBI) Business Improvement District (BID) Board, as approved by the OBI BID Board.

### BACKGROUND

In accordance with the City of Green Bay's BID Handbook, BID Board nominations will be approved by the Plan Commission. The 2021 nominations to the On Broadway Incorporated (OBI) Business Improvement District (BID) Board, as approved by the OBI BID Board are as follows:

- Brent Weycker - Business/Developer - reappointment for 3 years
- Kurt Schweisow - Pete's Garage - reappointment for 3 years
- Brendt Peeters - Schreiber Foods - reappointment for 3 years
- Stephanie Bruss - DOTI - reappointment for 3 years

### RECOMMENDATION

Staff recommends the 2021 nominations to the On Broadway Incorporated (OBI) Business Improvement District (BID) Board.

- Brent Weycker - Business/Developer - reappointment for 3 years
- Kurt Schweisow - Pete's Garage - reappointment for 3 years
- Brendt Peeters - Schreiber Foods - reappointment for 3 years
- Stephanie Bruss - DOTI - reappointment for 3 years

### FISCAL IMPACT

### ATTACHMENTS

None





## Report to the Green Bay Plan Commission

### MEETING DATE

November 2, 2020

### PREPARED BY

Wendy Townsend, Economic  
Coordinator

### AGENDA ITEM # E.18

Consideration with possible action on the 2021 nominations to the Military Avenue Business Association (MABA) Business Improvement District (BID) Board, as approved by the MABA BID Board.

### BACKGROUND

In accordance with the City of Green Bay's BID Handbook, BID Board nominations will be approved by the Plan Commission. The 2021 nominations to the Military Avenue Business Association (MABA) Business Improvement District (BID) Board, as approved by the MABA BID Board are as follows:

- Adam Kersten - Kersten Realty - reappointment for 3 years
- Ralph Jensen - Pro Data Iv- reappointment for 3 years

### RECOMMENDATION

Staff recommends the 2021 nominations to the Military Avenue Business Association (MABA) Business Improvement District (BID) Board:

- Adam Kersten - Kersten Realty - reappointment for 3 years
- Ralph Jensen - Pro Data Iv - reappointment for 3 years

### FISCAL IMPACT

### ATTACHMENTS

None