



AGENDA OF THE COMMON COUNCIL

TUESDAY, OCTOBER 4, 2016, 7:00 P.M.

**COUNCIL CHAMBERS
ROOM 203, CITY HALL**

- Roll call.
- Pledge of Allegiance.
- Invocation.
- Approval of minutes of the September 20, 2016, meeting.
- Approval of the Agenda.
- Report by the Mayor.
- Announcements.

PUBLIC HEARINGS

Zoning Ordinance No. 17-16

An ordinance rezoning property located at 1022 Ninth Street from Low Density (R1) District to Office/Residential (OR) District.

Zoning Ordinance No. 18-16

An ordinance rezoning property located at 1638 and 1652 University Avenue from Light Industrial (LI) District to General Commercial (C1) District.

Zoning Ordinance No. 19-16

An ordinance rezoning property located at 717 Nicolet Avenue from Low Density Residential (R1) District to Office/Residential (OR) District.

Zoning Ordinance No. 20-16

An ordinance rezoning property located at 908-910 Velp Avenue from General Commercial (C1) District to Low Density Residential (R1) District.

REFERRAL OF PETITIONS & COMMUNICATIONS

1. Referral of communications and petitions received by the City Clerk.

Late communications.

REPORTS FOR COUNCIL ACTION

2. Report of the Plan Commission.
3. Report of the Redevelopment Authority.

The Council may convene in closed session pursuant to Sections 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the sale of public properties, investing of public funds or conducting other specified public business as necessary for competitive or bargaining reasons. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

4. Report of the Traffic, Bicycle, and Pedestrian Commission.
5. Report of the Improvement & Service Committee.
6. Report of the Protection & Welfare Committee.
7. Report of the Protection & Welfare Committee granting Operator Licenses.

RECEIVE & PLACE ON FILE

Account Trial Balance for August, 2016.

RESOLUTIONS

8. Resolution drawing final payments for contractors.
9. Resolution authorizing Wisconsin RPC and DNR Emerald Ash Borer Mitigation Grant Program.

10. Resolution approving Hold Harmless Agreement at 237 N. Broadway to place objects in the City's right-of-way.
11. Resolution approving Hold Harmless Agreement at 409 N. Broadway to place objects in the City's right-of-way.
12. Resolution approving Hold Harmless Agreement at the intersection of East Mason Street and South Quincy Street in the City's right-of-way.
13. Resolution accepting streets.

ORDINANCES - FIRST READING

14. General Ordinance No. 22-16
An ordinance amending Section 29.208 of the Code relating to parking regulations.
15. Miscellaneous Ordinance NO. 2-16
An ordinance adopting a amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to property generally located along Finger Road and East Mason Street, between Challenger Drive and Ontario Road.
16. Zoning Ordinance No. 21-16
An ordinance rezoning property located in the 3000 block of East Mason Street (Tax Parcel No. 21-7596) from Rural Residential (RR) District to Office/Residential (OR) District.
17. Zoning Ordinance No. 22-16
An ordinance rezoning property located at 1010 University Avenue from General Industrial (GI) to Neighborhood Center (NC) District and Conservancy (C) District.

ORDINANCE – SECOND READING

18. General Ordinance No. 20-16
An ordinance amending Chapter 13 of the Code regarding transient residential uses (short-term rentals).

ORDINANCES - THIRD READING

19. General Ordinance No. 19-16
An ordinance amending Section 9.15 of the Code relating to public construction.
20. General Ordinance NO. 21-16
An ordinance creating Section 6.215 of the Code relating to commercial quadricycles.
21. Zoning Ordinance No. 17-16
An ordinance rezoning property located at 1022 Ninth Street from Low Density (R1) District to Office/Residential (OR) District.
22. Zoning Ordinance No. 18-16
An ordinance rezoning property located at 1638 and 1652 University Avenue from Light Industrial (LI) District to General Commercial (C1) District.
23. Zoning Ordinance No. 19-16
An ordinance rezoning property located at 717 Nicolet Avenue from Low Density Residential (R1) District to Office/Residential (OR) District.
24. Zoning Ordinance No. 20-16
An ordinance rezoning property located at 908-910 Velp Avenue from General Commercial (C1) District to Low Density Residential (R1) District.

Kris A. Teske
Green Bay City Clerk

***Supporting documents for the numbered items in this agenda are contained in
the
Appendix of Supplemental Information.***

ACCESSIBILITY: Any person wishing to attend who, because of a disability, requires special accommodation should contact the City Safety Manager at 448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.



APPENDIX OF SUPPLEMENTAL INFORMATION

FOR COUNCIL MEETING

OF TUESDAY, OCTOBER 4, 2016

7:00 P.M.

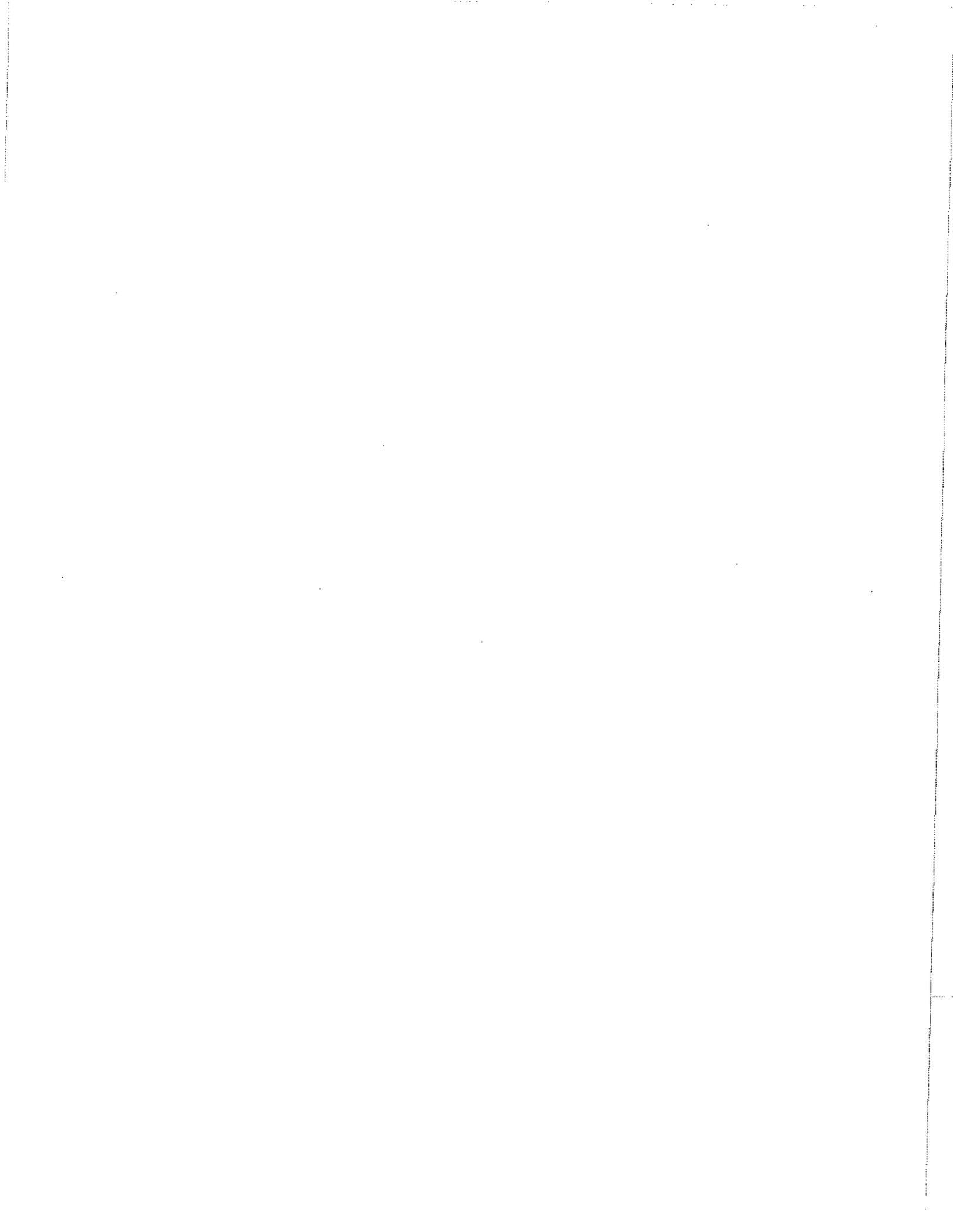
PETITIONS & COMMUNICATIONS

PROTECTION & WELFARE COMMITTEE

Application for a "Class A" Liquor and a Class "A" Beverage License by Universityfest, Inc. at 2430 University Avenue.

Appeal by Michael Moore to the denial of his Operator License application.

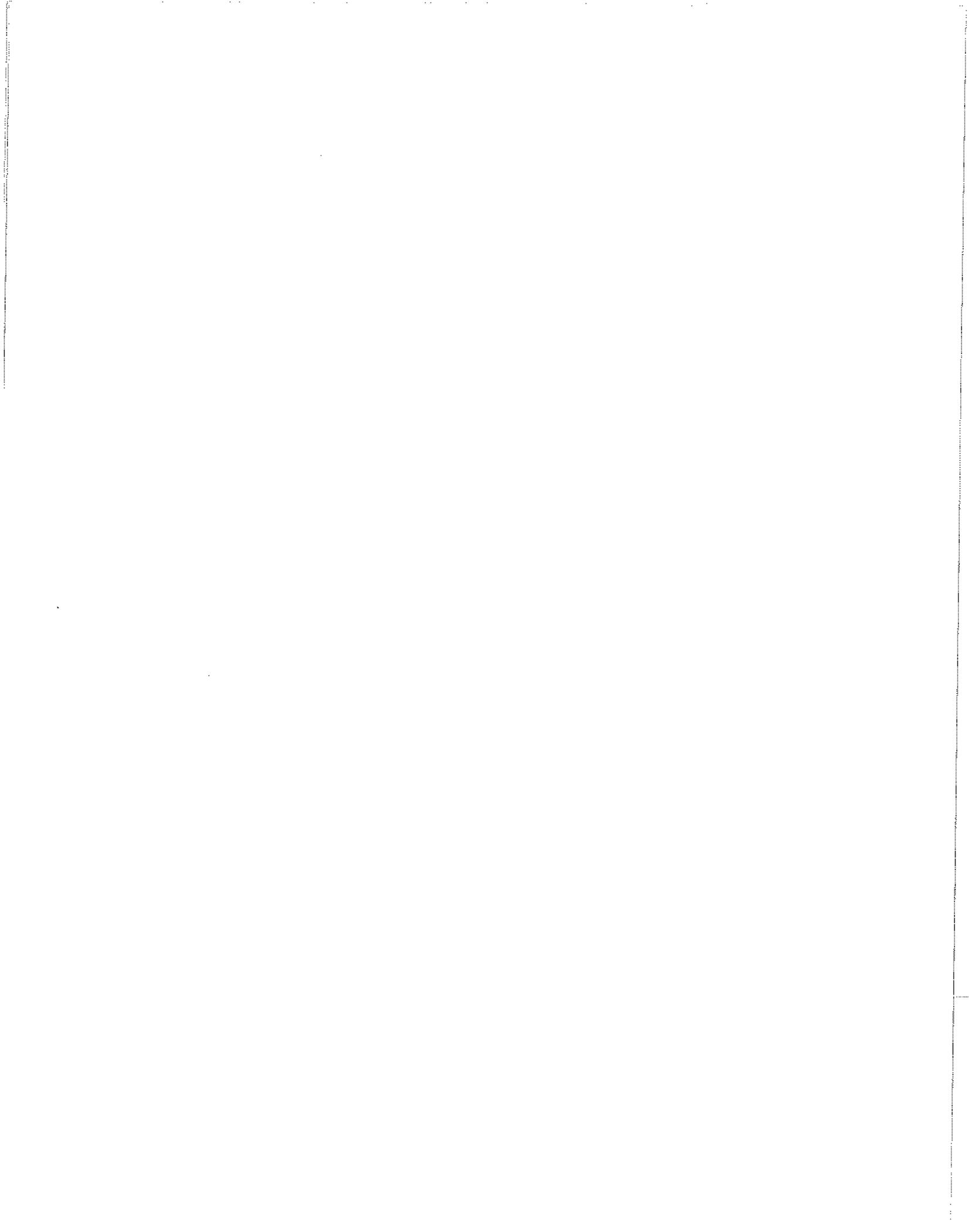
Appeal by Robert Matthews to the denial of his Operator License application.



REPORT OF THE GREEN BAY PLAN COMMISSION
October 4, 2016

The Green Bay Plan Commission, having met on Monday, September 26, 2016, considered all matters on its agenda and wishes to report and recommend the following:

1. To amend the City's Comprehensive Plan for properties that are generally located along Finger Road and East Mason Street, between Challenger Drive and Ontario Road, and the 3000 Block of East Mason Street (Figure 22-6), from Medium/High Density Residential, Low Density Residential and Commercial to Medium Intensity Retail, Office or Housing (MIROH).
2. To rezone Tax Parcel 21-7596, located in the 3000 Block of East Mason Street, from Rural Residential (RR) to Office/Residential (OR).
3. To rezone 1010 University Avenue from General Industrial (GI) to Neighborhood Center (NC) and to include a portion of the property, 50 ft. from the top-of-bank, of the East River, being zoned as Conservancy.





City of Green Bay
 Department of Community and Economic Development

**TERM SHEET 16-05
 EAST TOWN MALL REDEVELOPMENT**

This Term Sheet is made this _____ day of _____, 2016,
 by THE CITY OF GREEN BAY, a Wisconsin municipal corporation ("City"),
 THE REDEVELOPMENT AUTHORITY OF THE CITY OF GREEN BAY ("RDA"),
 and LEXINGTON REALTY INTERNATIONAL, LLC, a New Jersey limited liability company ("Developer").

RECITALS

A. Developer has proposed to acquire and develop certain real property, identified for real estate tax purposes and address as:

Tax Parcel	Address	Acres
21-126-7	2350 E MASON ST	14.809
21-126-3	2350-2390 E MASON ST	5.788

B. The parcels listed above, shall be referred to as the "Property." The Property comprises approximately 20.597 acres of land. A legal description of the Property is herein attached as EXHIBIT A.

C. Developer intends to complete a Project, which involves a significant redevelopment and reconfiguration of the existing East Town Mall property. The Developer proposes to create a multi-tenant structure that will include a 40,000 square-foot sporting goods store, a 32,000 square-foot grocery store, 15,000 square-foot and 10,000 square foot retail stores, and a 27,000 square-foot space that will serve as the new East Branch of the Brown County Library. The Proposed Project improvements are shown on a Preliminary Concept Plan, which is herein attached as EXHIBIT B.

D. The Property has a 2016 assessed value of \$9,903,400.00, which yielded \$219,063.00 in real estate taxes to the City based on the mill rate in effect as of January 1, 2016 (\$22.12), less real estate taxes payable to the State of Wisconsin. The City estimates the Property will have a 2017 assessed value of \$3,800,000.00, which will yield \$84,056.00 in real estate taxes to the City based on the mill rate in effect as of January 1, 2016, less real estate taxes payable to the State of Wisconsin. Upon completion of Proposed Project, the City estimates the aggregate assessed property value of the Property to be \$15,161,300.00, which is anticipated to yield approximately \$335,368.00 in real estate taxes to the City based on the mill rate in effect as of January 1, 2016, less real estate taxes payable to the State of Wisconsin.

E. Pursuant to the provisions of §66.1105, Wis. Stats. (the "Tax Increment Law"), the Developer is requesting that the City include the Property within Tax Increment District No. Ten (10) (the "TID"), which will provide part of the financing for certain costs of the Project.

F. Developer has requested Tax Incremental Finance ("TIF") assistance from the City and RDA with regard to certain expenses, including, but not limited to demolition, remodeling, repair or reconstruction of existing buildings; clearing of land; construction of new buildings; or the construction of public works

infrastructure, which will constitute qualified expenditures for which TIF assistance may be afforded Developer.

- G. The City and RDA desire to have Developer perform the Project in order to generate economic activity and tax base for the community consistent with the City Comprehensive Plan.
- H. In order to induce Developer to undertake the Project, such that blight will be removed, jobs will be created, additional investment and development will be encouraged, and the public will generally benefit; the parties shall work in good faith to negotiate and execute definitive agreements, including a Development Agreement, by December 31, 2016. The Development Agreement will contain terms consistent with this Term Sheet to the extent such terms are not modified through future reviews and approvals, as well as other terms, representations and warranties typical of comprehensive development agreements. If the parties have not executed and delivered a Development Agreement by December 31, 2016, any party may terminate negotiations without liability to any other party.

I. TAX INCREMENT FINANCING

- A. Qualification for TIF. Developer shall demonstrate to the satisfaction of City and RDA a need for TIF, with such determination to be made according to the "but for" test, that is, that but for the City and RDA providing TIF, the Project would not happen. At the request of the City or RDA, Developer shall provide an independent analysis from a consultant expert in TIF to justify to the satisfaction of the City and RDA the Developer's qualification and need for TIF, both in terms of Qualified Expenditures and the amount of money to be paid to Developer.
- B. Nature of TIF Incentive. The TIF Incentive available to Developer under this Agreement shall be composed of two parts:

~~1. Project Grant. The City shall provide \$2,000,000.00 of TIF Incentive as a Project Grant upon Developer fulfilling all obligations identified in Development Agreement; and~~

~~a) The City shall provide \$2,000,000.00 of TIF Incentive as a Project Grant upon Developer fulfilling all obligations identified in Development Agreement; and~~

~~+b) Commencing the first year after the first occupancy permit for the Project has been issued, and continuing until the Project Grant debt service is paid back in full, Developer shall pay incremental taxes at a rate of 110% of the debt service of the Project Grant for the purpose of covering all administrative costs associated with the City's issuance of the Project Grant.~~

2. PayGo Reimbursement. The City shall provide an additional TIF Incentive as a pay-as-you-go (PayGo) obligation of the City, which is defined as follows:

- a) Commencing the first year after the first occupancy permit for the Project has been issued, the assessed value of the Property shall be determined on January 1 of each tax year and shall be compared to the assessed value of the Property as of January 1 of the year in which construction commenced. The difference in assessed values shall be known as the Incremental Property Value.
- b) Incremental Property Value multiplied by the mill rate, less payments of real estate taxes to the State of Wisconsin, shall be known as the TIF Increment.
- c) The City shall first use the TIF Increment to cover its annual debt service obligation for the Project Grant. Should the annual debt service payment not consume all of the TIF

Increment, the City shall make available not more than fifty percent (50%) of the remaining TIF Increment to the Developer.

- d) PayGo Reimbursement payments will be payable to Developer in the year following the year of the TIF Increment determination, after Developer has provided proof to the City of the full payment of the real estate taxes, special assessments and special charges against the Real Estate for the previous year. For example, if the first occupancy permit is issued on September 1, 2017, the TIF Increment would be determined as of January 1, 2018 and the PayGo reimbursement would first be payable in 2019.

C. Limitations. The TIF Incentive available to Developer for the Project is limited as follows:

1. Tax Incentive Cap. Irrespective of the total amount of Qualified Expenses incurred and paid by Developer, the City shall not be obligated to pay TIF Incentive in excess of \$3,000,000.00 inclusive of the Project Grant and the PayGo Reimbursement.
2. Tax Receipts Limitation. Only the Available Tax Increment actually received by the City, and no other property, revenue, or asset of the City, shall be used to pay such amounts.
3. Temporal Limitation. Provided Developer qualifies for TIF Incentive and provides adequate proof to the City and RDA that Developer has incurred and paid Qualified Expenditures, TIF Incentive payments shall be made within thirty (30) days after Developer has paid the real estate taxes and any Special Assessments and Special Charges in full for the previous tax year, provided, however, in no event shall TIF Incentive payments continue after the earlier of termination date of the TID or the termination of this Agreement if before the termination of the TID.

D. No General Obligation of City. The City's obligation to make TIF Incentive payments shall be a special and limited obligation only and shall not be considered a general obligation of the City, and neither the full faith and credit nor the taxing powers of the City are pledged to the payment of such amounts. The City shall take no action to dissolve the TID before payment of all TIF Incentive payments due to the Developer, subject to the provisions of this Agreement. In no circumstances shall amounts to be paid Developer hereunder be considered an indebtedness of the City, and the obligation of the City hereunder is limited to the Available Tax Increment appropriated and received by the City. Amounts due hereunder shall not count against the City's constitutional debt limitation, and no taxes will be levied for its payment or pledged to its payment other than from the Available Tax Increment.

II. OBLIGATIONS OF DEVELOPER

Prior to the execution of a Development Agreement, Developer shall demonstrate to the satisfaction of the City and RDA the following items within this section.

- A. Site Control. Developer shall submit proof of control over all real estate comprising the Property. Developer will have agreed with all holders of easements and any other rights that may be affected by the Project to the termination, modification or relocation of easements and such other rights to accommodate the Preliminary Concept Plan.
- B. Preliminary Concept Plan. Developer shall submit a concept plan showing proposed Project improvements. Developer shall grant to the City such easements as are reasonably necessary for public improvements, infrastructure, ingress or egress, utilities, lighting or landscaping or any other access necessary. All site and building plans are subject to review and approval by the City for compliance with federal, state and municipal code requirements.
- C. Preliminary Construction Documents. Developer shall submit all construction contracts, architectural drawings and plans and specifications for the improvements to be made. All site and building plans are

subject to review and approval by the City for compliance with federal, state and municipal code requirements.

- D. Preliminary Timeline. Developer shall submit a timeline that shall identify specific dates for the following Project milestones:
1. Property Acquisition. The date by which Developer will have acquired all real estate, rights-of way, and easements comprising the Property; after which Developer shall promptly cause a certified survey map to be prepared, approved by the City, RDA and any other party whose consent is required, and shall cause the certified survey map to be recorded with the Brown County Register of Deeds. Property and rights-of-way shall be owned in the name of the Developer.
 2. Construction. The date by which Developer shall have commenced construction of the Project after which the Project shall proceed expeditiously thereafter.
 3. Occupancy. The date by which Developer shall have completed major construction on the Property and all permits have been obtained to allow for normal occupancy.
- E. Preliminary Development Budget. Developer shall submit a budget that shall include not less than six million dollars (\$6,000,000.00) in "hard" construction costs and shall also include at least a ten percent (10%) cost overrun/change order line item. The Budget shall clearly identify qualified expenditures for which TIF assistance may be afforded Developer.
- F. Proof of Equity. Developer shall submit proof of equity in the form of the value of the Property, less any mortgages thereon, plus funds on hand and not less than twenty percent (20%) cash equity available for injection into the Project in an amount sufficient to cover all Project costs, which shall not be provided to any third party sources. Any available Developer funds obtained from sources other than lenders or the City shall be expended on the Project before any lender or City funds are expended or any third party financing is used to pay Project costs.
- G. Proof of Financing. Developer shall submit proof of financing, which after injection of the Developer equity into the Project, will be sufficient in the determination of the City and RDA, to complete the Project according to the plans and specifications.
- H. Proof of Insurance. Developer shall submit proof that Developer has obtained and will maintain worker compensation insurance, comprehensive general liability insurance, comprehensive automobile liability and property damage, umbrella coverage and builder's risk insurance in amounts and written by companies acceptable to the City and RDA, which shall each name the City and RDA as additional insureds and shall not be canceled without at least thirty (30)-day notice to the RDA and City.
- I. Existence. Developer shall submit proof that Developer is a limited liability company organized and existing in good standing under the laws of the State of Wisconsin and has the power and all necessary licenses, permits and franchises to own its assets and properties and to carry on its business.
- J. No Litigation. Developer shall submit proof that there is no litigation or proceeding pending or threatened against or affecting Developer or the Property that would adversely affect the Project, Developer, or the ability of Developer to complete the Project.
- K. No Default. Developer shall submit proof that Developer is not in default (beyond any applicable period of grace) of any of its obligations under any other material agreement or instrument to which Developer is a party or an obligor.

III. MISCELLANEOUS TERMS

- A. Time. TIME IS OF THE ESSENCE with regard to all dates and time periods set forth herein.
- B. Documents. Developer shall submit all documents to the City or RDA via one electronic copy and three printed copies.
- C. Compliance with Laws and Codes. The Project, when completed, will conform and comply in all respects with all applicable laws, rules, regulations and ordinances, including without limitation, all building codes and ordinances of the City. Developer will comply with, and will cause the Project to be in compliance with all applicable federal, state, local and other laws, rules, regulations and ordinances, including without limitation, all environmental laws, rules, regulations and ordinances. Developer will obtain from the City and all other appropriate governmental bodies (and all other councils, boards, and parties having a right to control, permit, approve, or consent to the development and use of the Property) all approvals and consents necessary to develop and use the Property as set forth above.
- D. Maintenance and Repair. Developer shall at all times keep and maintain, or cause to be kept and maintained, the Property in good condition and repair, in a safe, clean, and attractive condition, and free of all trash, litter, refuse, and waste, subject only to demolition and construction activities contemplated by this Agreement.
- E. Reports and Information. During the period before the commencement of construction, Developer shall from time to time provide to the RDA information having a bearing upon the Property, the Project, material developments in marketing, sale and leasing relating to the Project, and any other material matters pertaining to the interests of the City and the RDA in the Property or under this Agreement. Developer shall file with the RDA quarterly progress reports during the course of construction. Developer shall provide RDA with a copy of annual, audited financial statements for Developer through termination of this Agreement.
- F. Relationship of Parties. The City and the RDA are not partners or joint venturers with Developer in the Project or otherwise. Under no circumstances shall the City or RDA be liable for any of the obligations of Developer under this Agreement or otherwise. There are no third party beneficiaries of this Agreement.

CAVEAT

This Term Sheet does not constitute an offer or a legally-binding obligation of any party hereto, or any other party in interest, nor does it constitute an offer of securities

[Signature pages follow]

IN WITNESS WHEREOF, the parties to this Agreement have caused this instrument to be signed by duly authorized representatives of Developer, City and RDA as of the day and year first written above.

THE CITY OF GREEN BAY

By: _____
James J. Schmitt, Mayor

By: _____
Kris Teske, Clerk

**REDEVELOPMENT AUTHORITY OF THE
CITY OF GREEN BAY**

By: _____
Harry Maier, Chair

Attest: _____
Kevin J. Vonck, Executive Director

The undersigned Developer hereby agrees to the terms set forth in the foregoing Term Sheet and acknowledge the Term Sheet creates no contract or other binding commitment on the part of the RDA or the City.

**DEVELOPER:
LEXINGTON REALTY INTERNATIONAL, LLC**

By: _____

Print Name and Title

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) SS
COUNTY OF BROWN)

Personally came before me this _____ day of _____, 2016, the above named _____, a member of LEXINGTON REALTY INTERNATIONAL, LLC, a New Jersey limited liability company, to me known to be the person who executed the foregoing instrument and acknowledged the same.

*

Notary Public, _____ County, Wisconsin

My Commission Expires _____

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EXHIBIT A

Legal Description

PARCEL A:

Parcel A1:

Lot Six (6), according to the recorded East Town Shopping Center, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin.

Parcel A2:

Lot One (1), except that part thereof described in Jacket 5706 Records Image 6; and Outlot One (1), according to the recorded East Town Shopping Center, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin.

Parcel A3:

A non-exclusive easement for ingress and egress for the benefit of Parcel A1 created in an instrument recorded December 3, 1981 in Jacket 5129 Records Image 34, as document No. 970136 and amended by an instrument recorded August 30, 1998 in Jacket 13562 Records Image 1 as Document No. 1163750 and as further amended and restated by an instrument recorded June 30, 1998 as Document No. 1624163 and any and all further amendments thereof.

PARCEL B:

Parcel B1:

Part of Parcel Two (2), Volume 4 Certified Survey Maps, page 523, Map No. 1253, said map being part of the Southeast 1/4 of the Northwest 1/4 and part of Government Lot 2, all in Section Nine (9), Township Twenty-three (23) North, Range Twenty-one (21) East, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin, described as follows:

Commencing at the Northeast corner of said Parcel 2, Volume 4 Certified Survey Maps, page 523, being the point of beginning; thence North 89°24'00" West, 407.50 feet along the North line of said Parcel 2; thence South 52°16'59" East, 46.40 feet; thence South 89°24'00" East, 75.00 feet; thence South 00°36'00" West, 572.00 feet; thence South 89°24'00" East, 295.50 feet to the East line of said Parcel 2; thence North 00°36'00" East along said East line, 600.00 feet to the point of beginning.

Parcel B2:

A non-exclusive easement for ingress and egress for the benefit of Parcel B1 created in an instrument recorded January 29, 1997 as Document No. 1536838, and any and all further amendments thereto.

PARCEL C:

Parcel C1:

Lot Seven (7), according to the recorded East Town Shopping Center, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin.

Parcel C2:

A non-exclusive easement for ingress and egress for the benefit of Parcel A1 created in an instrument recorded December 3, 1981 in Jacket 5129 Records Image 34, as Document No. 970136 and amended by an instrument recorded August 30, 1998 in Jacket 13562 Records Image 1 as Document No. 1163750 and as further amended and restated by an instrument recorded June 30, 1998 as Document No. 1624163 and any and all further amendments thereof.

**REPORT OF THE
TRAFFIC, BICYCLE, AND PEDESTRIAN COMMISSION
October 4, 2016**

The Traffic, Bicycle and Pedestrian Commission having met Monday, September 19, 2016 considered all matters on its agenda and wishes to report and recommends the following:

1. To receive and place on file the report by the Police Department of the 2016 2nd quarter serious injury and fatality crashes.
2. To receive and place on file the request to refer to staff to study the need and costs of replacing pavement markings at the intersection of Dousman Street and Fisk Street.
3. To establish a 1-WAY STOP condition on Purple Sage Drive at Whittier Drive and adopt by ordinance.
4. To remove the 1-WAY YIELD condition on August Street at Schoen Street and adopt by ordinance.
5. To establish a 1-WAY STOP condition on August Street at Schoen Street and adopt by ordinance.
6. To remove the NO PARKING zone on the north side of Cedar Street from a point 133 feet west of Grove Street to a point 210 feet west of Grove Street and adopt by ordinance.
7. To remove the NO PARKING zone on the west side of Washington Street from a point 115 feet south of CityDeck Court to Main Street and adopt by ordinance.



**REPORT OF THE
IMPROVEMENT AND SERVICE COMMITTEE
October 4, 2016**

The Improvement and Service Committee, having met on September 28, 2016 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Paula Whiting for permission to park on-street overnight in front of her house at 1120 Marquette Avenue for more than six (6) occurrences during 2016.
2. To approve the request by Department of Public Works to award Bridge Inspection Services 2016 to Collins Engineers, Inc. for \$28,272.42.
3. To approve the request by Department of Public Works to award Geotechnical Exploration for North Webster Avenue Reconstruction and Klaus Street Sanitary Designs to the low, responsive bidder AET, in the amount of \$20,039.00.
4. To approve the request by Fritz and Sparrow to place chairs, planters and sandwich board within right-of-way at 237 N Broadway contingent upon Department of Public Works staff review and approval, contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.
5. To approve the request by Jeffery Knutson on behalf of Historic Restorations, LLC to allow existing steps, access ramp and planters from Hibernia House within right-of-way at 409 N Broadway contingent upon Department of Public Works staff review and approval, contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.
6. To approve the request by Leap of Faith Group to utilize a portion of Surplus East Mason Street right-of-way at the intersection of East Mason Street and South Quincy Street for a Church Service/Revival Meeting contingent upon Department of Public Works staff review and approval, contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.



PROTECTION & WELFARE COMMITTEE REPORT

October 4, 2016

The Protection & Welfare Committee, having met on Monday, September 26, 2016, considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the application for a "Class A" Liquor License by Dousman Fuel, Inc. at 606 Dousman Street (currently has beer only), subject to 2/3 vote of the council and approval of the proper authorities. (Ald. Zima voting no)
2. To approve the application for a "Class A" Liquor License by Terry's E-Z Go, LLC at 401 Mather Street (currently has beer only), subject to approval of the proper authorities. (Ald. Zima voting no)
3. To approve the application for a "Class A" Liquor License by Singhs C Store 2, Inc. at 952 W. Mason Street (currently has beer only), subject to approval of the proper authorities. (Ald. Zima voting no)
4. To approve the appeal by Rajdeep Grewal to the denial of his Operator License application.
5. To refer to staff a request by Ald. Scannell to amend the moratoriums on liquor licenses to allow exceptions with either a 2/3 or 3/4 vote from Council.



**REPORT OF THE PROTECTION AND WELFARE COMMITTEE
GRANTING OPERATOR LICENSES**

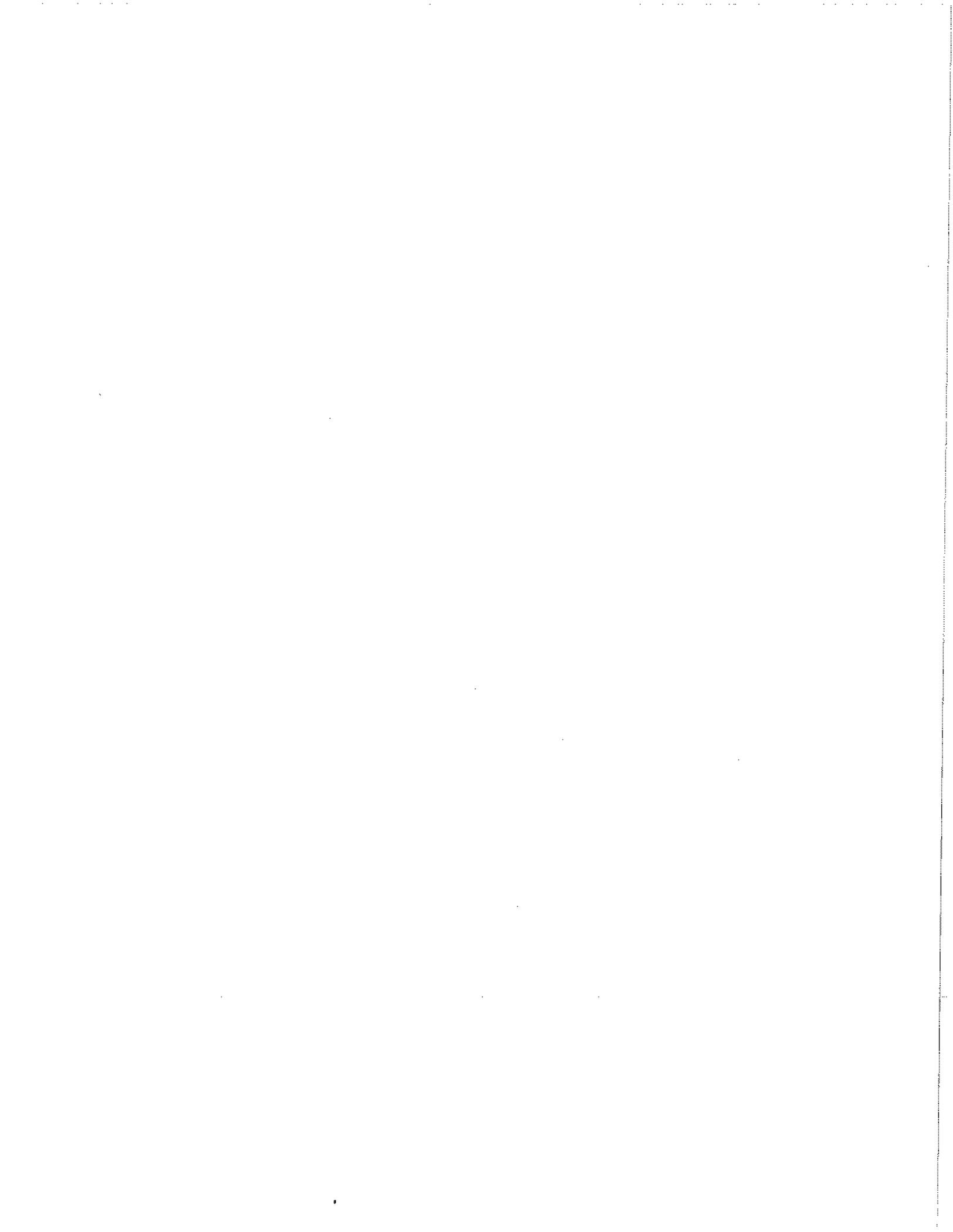
October 4, 2016

The Protection and Welfare Committee wishes to request that the following applications for Operator Licenses be granted.

Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Baker, Samantha L	Plaza, Elizabeth A
Belson, Caitlyn M	Pryal, Amanda S
Bridges, Wallace J	Rasner, Tristan A
Burg, Marcie L	Salesky, Julie A
Cegelski, Sarah M	Selner, Nicole L
Coker, Robert E	Solway, Sarah M
Doxtator, Susanna L	Sprecher, Brittney L
Doyle, Timothy M	Stegall, Shawn M
Eygendaal, Samantha A	Terra, Robert M
Fontaine, Cody P	Van Rossum, Paige M
Gajeski, Ashley M	Wainwright, Cheri L
Guzman, Amy J	Zuege, Jamie L
Hammond, Luke M.G.	
Harkins, Maggie C	
Hayes, Greg M	
Hebert, Rachel L	
Herron, Maurice	
Huff, Terrence H	
Kaufman, Lynn M	
Kelly, Josephine A	
Leach, Joshua W	
Lemerond-Bunker, Erin M	
Liedl, Michael	
Lindeman, Mary K	
Magnussen, Thomas R	
Martin, Stephanie A	
Miller, Chad	
Niederfeld, Sara J	
Obma, Patricia A	
Olmsted, Paul J	
Perry, Nicholas S	



FINAL PAYMENTS RESOLUTION
October 4, 2016

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

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

1. QUINCY STREET PUMP STATION REROOFING

Northern Metal & Roofing Company, Inc.

TOTAL AMOUNT EARNED:	\$ 64,358.00
LESS AMOUNT RETAINED:	\$ 0.00
	<u>\$ 64,358.00</u>
LESS AMOUNT PREVIOUSLY PAID:	\$ 61,140.10
AMOUNT DUE THIS ESTIMATE:	\$ 3,217.90

ACCOUNT NUMBERS

412500E-55201-64056: \$3,217.90
PO #1600164

2. SEWERS 4-15

Kruczek Construction Inc.

TOTAL AMOUNT EARNED:	\$ 228,858.39
LESS AMOUNT RETAINED:	\$ 0.00
	<u>\$ 228,858.39</u>
LESS AMOUNT PREVIOUSLY PAID:	\$ 224,843.00
AMOUNT DUE THIS ESTIMATE:	\$ 4,015.39

ACCOUNT NUMBERS

412500E-55355-63075: \$4,015.39
PO #1500197

3. WEST MUNICIPAL GARAGE ASBESTOS REMOVAL

Advanced Asbestos Removal, Inc.

TOTAL AMOUNT EARNED:	\$ 33,031.00
LESS AMOUNT RETAINED:	\$ 0.00
	<u>\$ 33,031.00</u>
LESS AMOUNT PREVIOUSLY PAID:	\$ 31,379.45
AMOUNT DUE THIS ESTIMATE:	\$ 1,651.55

ACCOUNT NUMBERS

404503-55201-64076: \$1,651.55
PO #1600213



Adopted _____, 2016

Approved _____, 2016

Mayor

ATTEST:

City Clerk

jld

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**RESOLUTION AUTHORIZING WISCONSIN
RPC AND DNR EMERALD ASH BORER
MITIGATION GRANT PROGRAM**

October 4, 2016

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, it is the desire of the Common Council for the City of Green Bay, a municipal corporation, to obtain a cost-share grant from the Bay-Lake Regional Planning Commission for the purpose of funding Emerald Ash Borer mitigation projects under funding originating from the U.S. Forest Service, Great Lakes Restoration Initiative; and

WHEREAS, the Common Council for the City of Green Bay attests to the validity and veracity of the statements and representation contained in the grant application; and

WHEREAS, the Common Council for the City of Green Bay requests a grant agreement to carry out the project.

NOW, THEREFORE, BE IT RESOLVED that the Common Council for the City of Green Bay will comply with all local, state and federal rules, regulations and ordinances relating to this project and the cost-share agreement.

BE IT FURTHER RESOLVED that the Common Council for the City of Green Bay will budget a sum sufficient to fully and satisfactorily complete the project and hereby authorizes and empowers the Assistant City Forester, its official or employee, to act on its behalf to:

1. Sign and submit the grant application.
2. Sign a grant agreement between applicant and the Bay-Lake Regional Planning Commission.
3. Submit interim and/or final reports to the Bay-Lake Regional Planning Commission to satisfy the grant agreement.

4. Submit reimbursement requests and, if applicable, contractor invoices to the Bay-Lake Regional Planning Commission.

5. Sign and submit other required documentation.

Adopted _____

Approved _____

Mayor

Clerk

bc

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**RESOLUTION APPROVING
HOLD HARMLESS AGREEMENT
237 N. BROADWAY
TO PLACE OBJECTS IN THE CITY'S RIGHT-OF-WAY
October 4, 2016**

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

To approve the request by Fritz and Sparrow to place chairs, planters and sandwich board within right-of-way at 237 N Broadway contingent upon Department of Public Works staff review and approval, contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.

Adopted _____, 2016

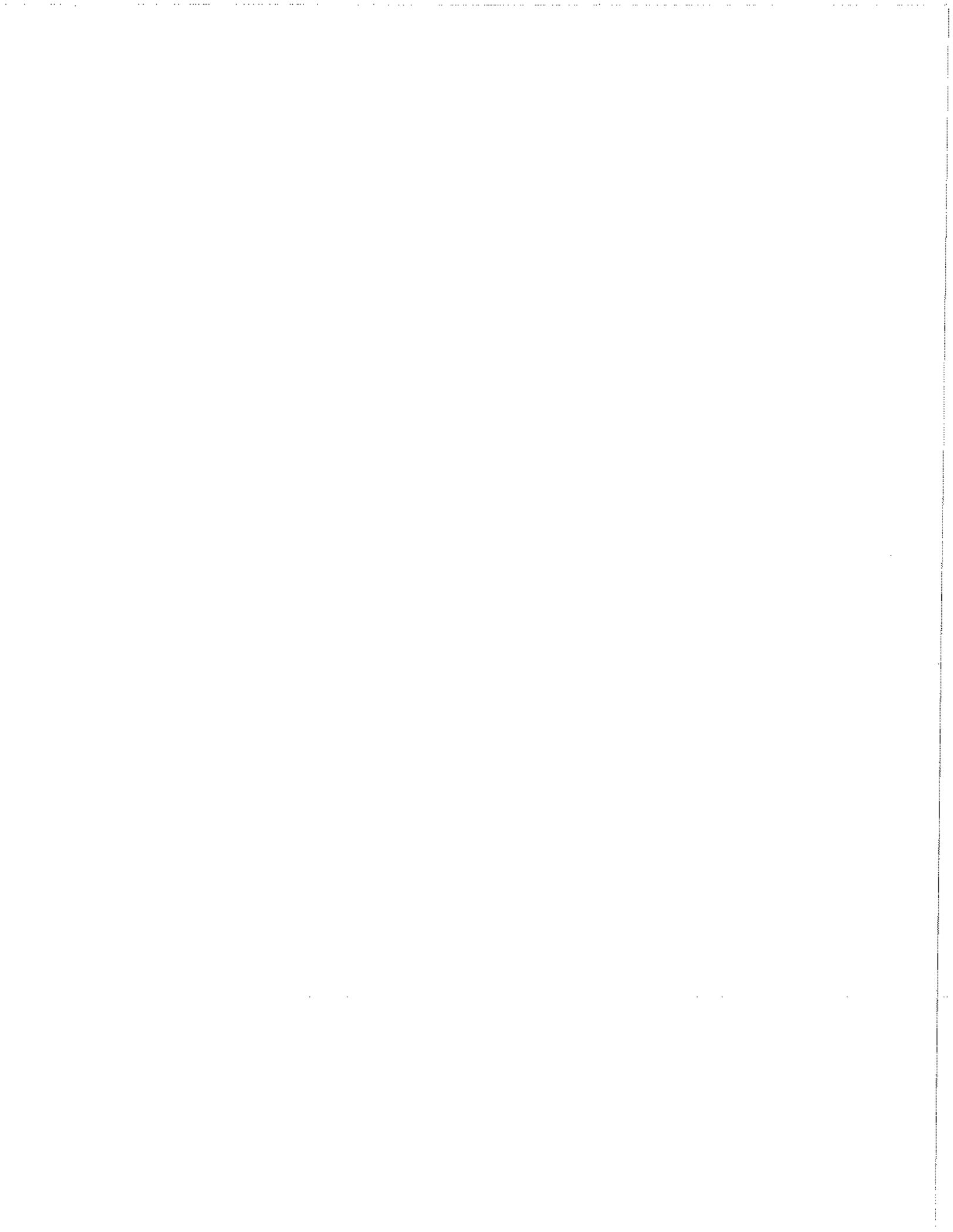
Approved _____, 2016

Mayor

ATTEST:

City Clerk

jld



**RESOLUTION APPROVING
HOLD HARMLESS AGREEMENT
409 N. BROADWAY
TO PLACE OBJECTS IN THE CITY'S RIGHT-OF-WAY
October 4, 2016**

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

To approve the request by Jeffery Knutson on behalf of Historic Restorations, LLC to allow existing steps, access ramp and planters from Hibernia House within right-of-way at 409 N Broadway contingent upon Department of Public Works staff review and approval, contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.

Adopted _____, 2016

Approved _____, 2016

Mayor

ATTEST:

City Clerk

jld

//



**RESOLUTION APPROVING
HOLD HARMLESS AGREEMENT
AT INTERSECTION OF
EAST MASON STREET AND SOUTH QUINCY STREET
IN THE CITY'S RIGHT-OF-WAY
October 4, 2016**

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

To approve the request by Leap of Faith Group to utilize a portion of Surplus East Mason Street right-of-way at the intersection of East Mason Street and South Quincy Street for a Church Service/Revival Meeting contingent upon Department of Public Works staff review and approval, contingent upon receiving the applicable insurance certificate, executing the required Hold Harmless Agreement, the owner receiving all necessary City approvals and authorize the Mayor and City Clerk to execute the agreement.

Adopted _____, 2016

Approved _____, 2016

Mayor

ATTEST:

City Clerk

jld



**RESOLUTION ACCEPTING STREETS FOR CONCRETE PAVEMENT,
ASPHALT PAVEMENT OR ASPHALT RESURFACING**

October 4, 2016

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

That the Director of Public Works has reported on and recommends the acceptance of the following streets for concrete pavement, asphalt pavement or asphalt resurfacing.

WisDOT PAVEMENT 2014 (MONROE AVENUE)

MONROE AVENUE – Cass Street to Main Street

NOW, THEREFORE, BE IT RESOLVED, that the above streets be and are hereby accepted and that the City Clerk be and is hereby instructed to issue statements against the abutting property in accordance with the final resolutions and the final assessments on file.

Adopted _____, 2016

Approved _____, 2016

Mayor

ATTEST:

City Clerk

jld



GENERAL ORDINANCE NO. 22-16

**AN ORDINANCE
AMENDING SECTION 29.208,
GREEN BAY MUNICIPAL CODE,
RELATING TO PARKING REGULATIONS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following TWO-HOUR PARKING 7:00 AM – 4:00 PM SCHOOL DAYS zones:

ERNST DRIVE, both sides, from Neufeld Street to Shirley Street

NEUFELD STREET, both sides, from Ernst Drive to Shirley Street

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2016.

APPROVED:

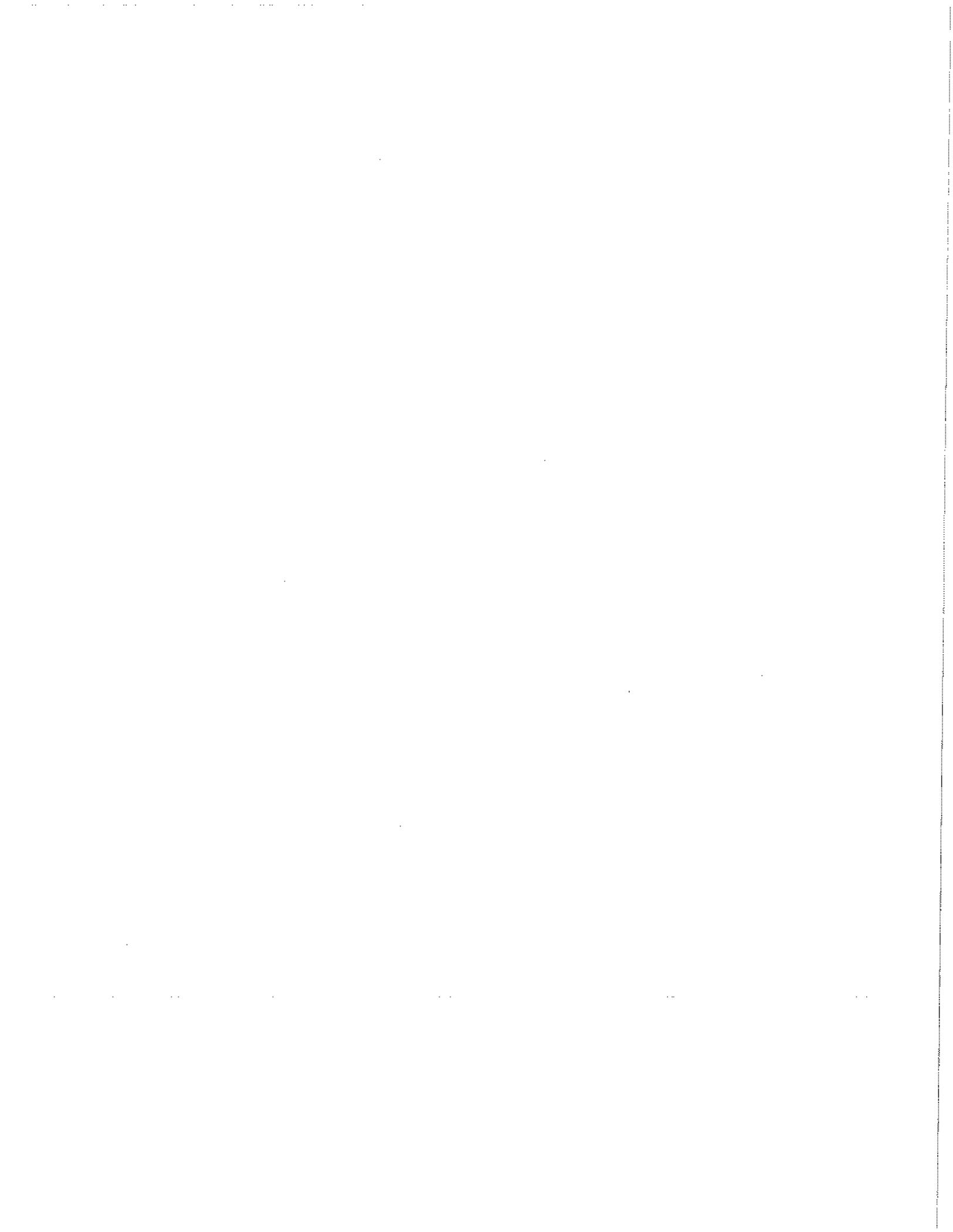
Mayor

ATTEST:

Clerk

bc

10/04/16



MISCELLANEOUS ORDINANCE NO. 2-16

**AN ORDINANCE
ADOPTING AN AMENDMENT TO THE
SMART GROWTH 2022 COMPREHENSIVE PLAN
OF THE CITY OF GREEN BAY PERTAINING
TO PROPERTY GENERALLY LOCATED
ALONG FINGER ROAD AND EAST MASON STREET,
BETWEEN CHALLENGER DRIVE AND ONTARIO ROAD
(CPA 16-02)**

WHEREAS, pursuant to §§62.23(2) and (3), Wis. Stats., the City of Green Bay is authorized to prepare, adopt, and amend a comprehensive plan as defined in §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Common Council of the City of Green Bay has adopted written procedures (known as the Public Participation Plan for Periodic Comprehensive Plan Amendments) designed to foster public participation in every stage of the preparation of periodic comprehensive plan amendments required by §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Plan Commission of the City of Green Bay, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending the Common Council adopt Comprehensive Plan Amendment CPA 16-02; and

WHEREAS, the City of Green Bay has held at least one public hearing on this ordinance in compliance with the requirements of §66.1001(4)(d), Wis. Stats. It is the Common Council's belief that this comprehensive plan amendment is necessary and consistent with the overall goals, policies, and other related elements of the plan.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. The Common Council has adopted the Smart Growth 2022 Comprehensive Plan for the purpose of guiding future land-use decision making, but recognizes that from time to time amendments may be necessary to reflect changes in the land use and planning needs of the community.

SECTION 2. The Common Council does hereby enact this ordinance to formally adopt Comprehensive Plan Amendment CPA 16-02 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

SECTION 3. This ordinance shall take effect upon passage by a majority of the members-elect of the Common Council and publication as required by law.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2016.

APPROVED:

Mayor

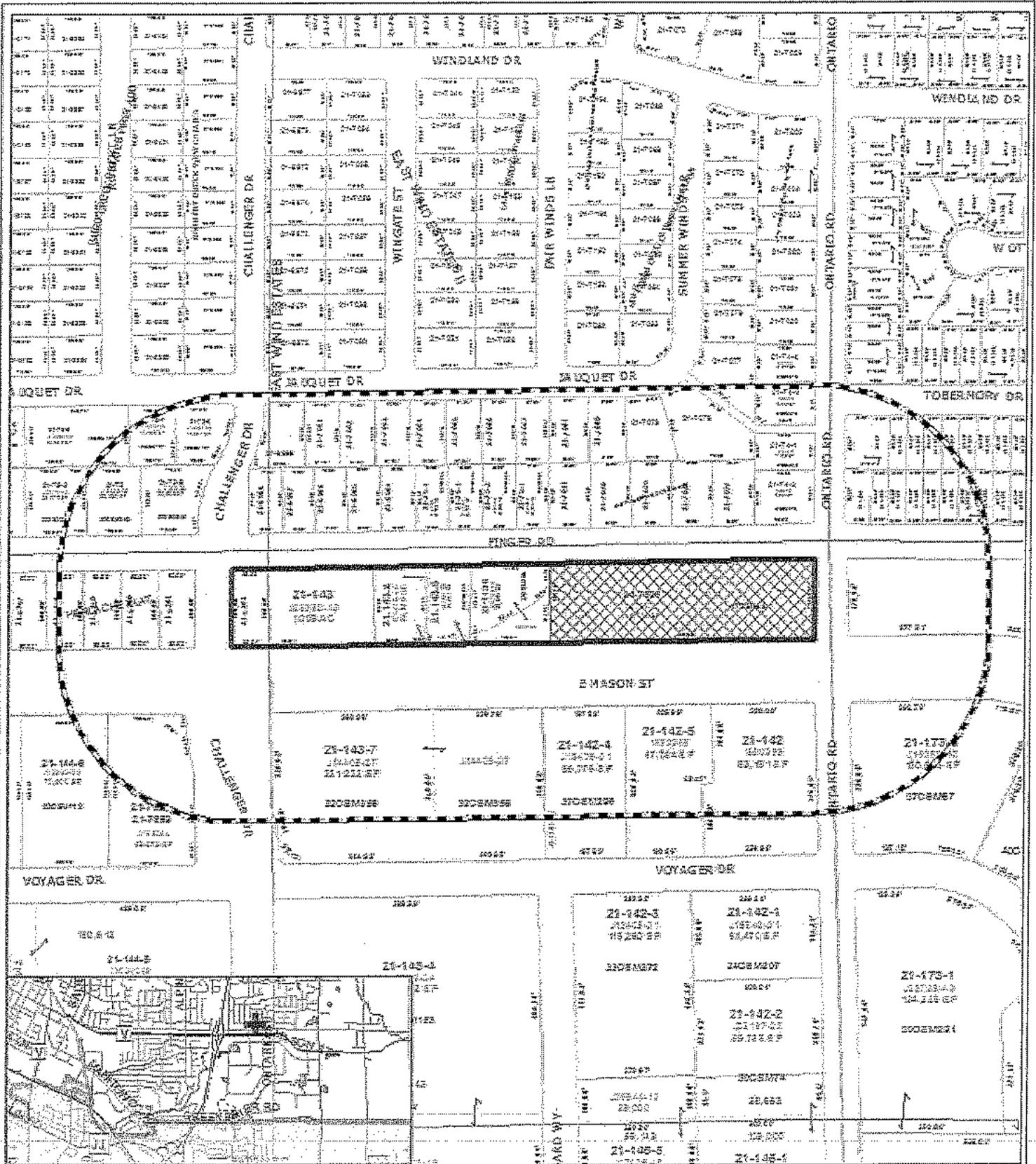
ATTEST:

Clerk

bc

Enclosure – Map

10/04/16



Comprehensive Plan Amendment (CPA 16-02) & Zoning Petition (ZP 16-41)
3000 Block East Mason Street

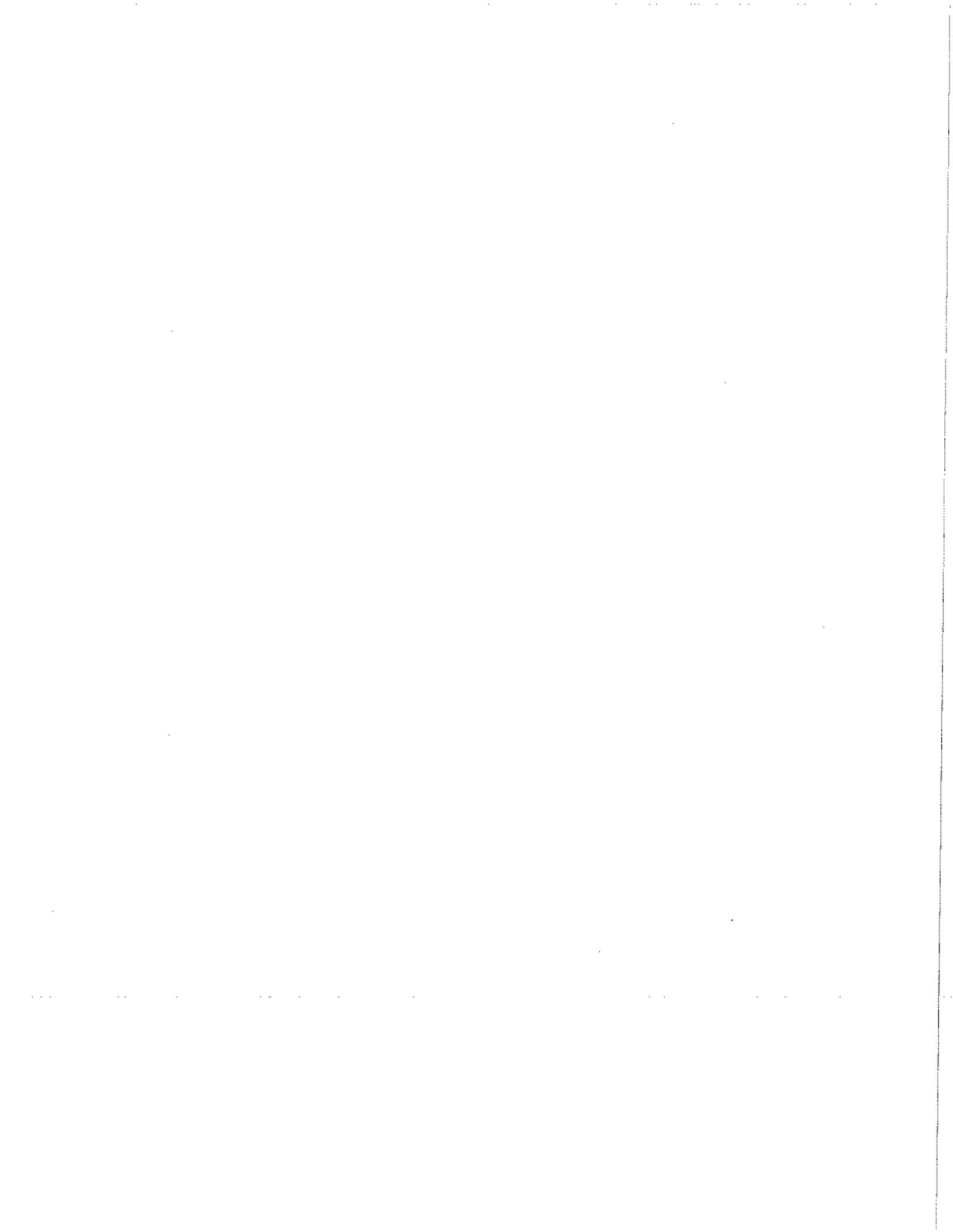
This is a compilation of records and data maintained by the City of Green Bay. It is intended to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or omissions in the information presented herein. No warranty is made. Prepared by City of Green Bay Planning Department. 8th September 2016. 2016-09-08 10:00:00 AM. 2016-09-08 10:00:00 AM. 2016-09-08 10:00:00 AM.



0 100 200
 FEET

- Comprehensive Plan Amendment Area
- Proposed Rezoning
- 400' Notice Area

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ZONING ORDINANCE NO. 21-16

**AN ORDINANCE
REZONING PROPERTY LOCATED
IN THE 3000 BLOCK OF EAST MASON STREET
(TAX PARCEL NO. 21-7596)
FROM RURAL RESIDENTIAL (RR) DISTRICT
TO OFFICE/RESIDENTIAL (OR) DISTRICT
(ZP 16-41)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property in the 3000 Block of East Mason Street from Rural Residential (RR) District to Office/Residential (OR) District:

LOT 1 OF 47 CSM 89 BNG PRT OF NE1/4 NE1/4 SEC 10 T23N R21E
(Tax Parcel: 21-7596)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2016.

APPROVED:

Mayor

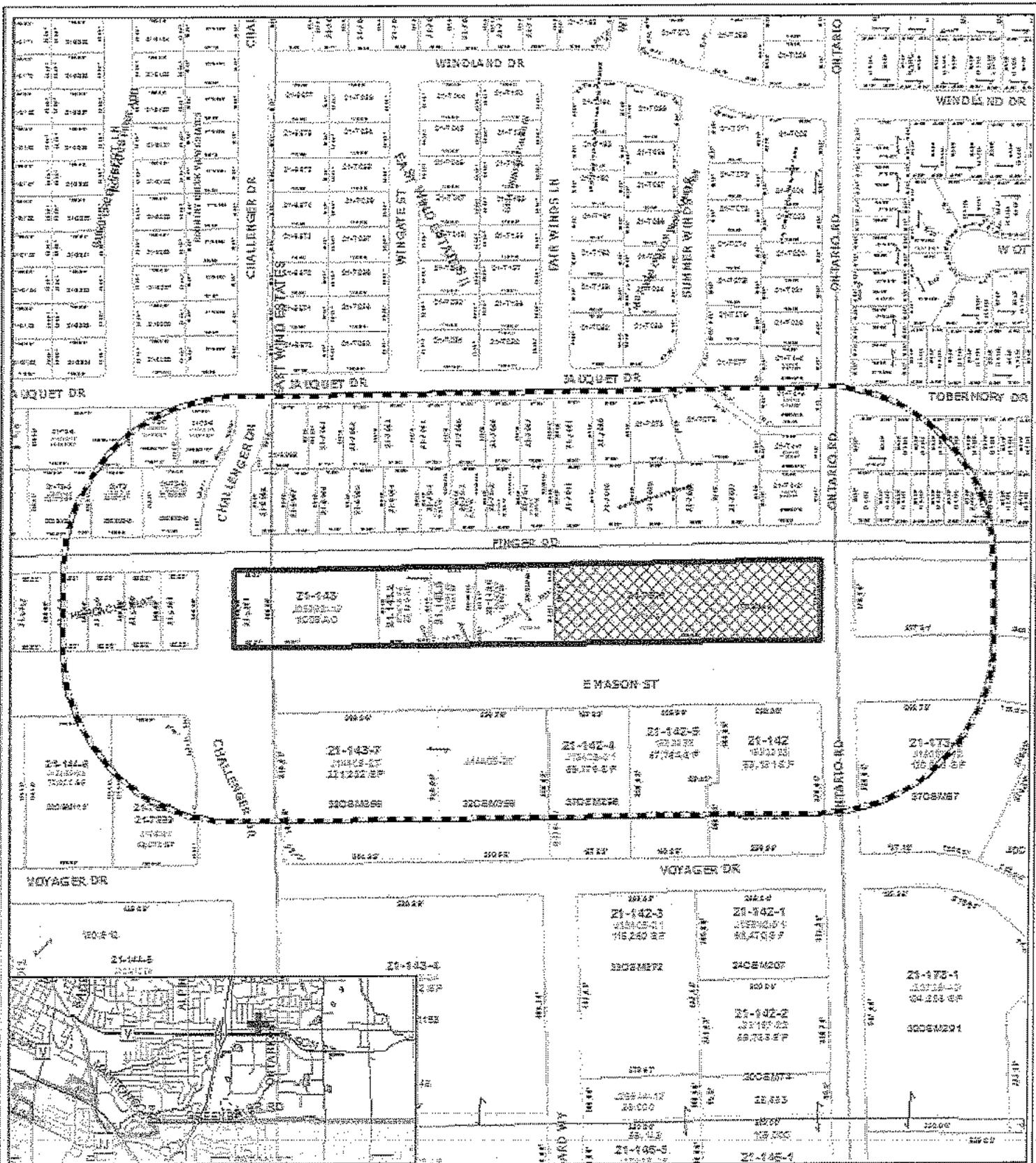
ATTEST:

Clerk

bc

10/04/16

Attachment – Map



Comprehensive Plan Amendment (CPA 16-02) & Zoning Petition (ZP 16-41)
3000 Block East Mason Street

This is a compilation of records and is not intended to be used as a legal document. It is intended for informational purposes only. The City of Green Bay is not responsible for any errors or omissions. It is intended for informational purposes only. It is not intended to be used as a legal document. It is intended for informational purposes only. It is not intended to be used as a legal document. It is intended for informational purposes only.



0 100 200 Feet

- Comprehensive Plan Amendment Area
- Proposed Rezoning
- 400' Notice Area

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ZONING ORDINANCE NO. 22-16

**AN ORDINANCE
REZONING PROPERTY LOCATED
AT 1010 UNIVERSITY AVENUE
FROM GENERAL INDUSTRIAL (GI) DISTRICT
TO NEIGHBORHOOD CENTER (NC) DISTRICT
AND CONSERVANCY (C) DISTRICT
(ZP 16-42)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property at 1010 University Avenue from General Industrial (GI) District to Neighborhood Center (NC) District and Conservancy (C) District:

Neighborhood Center (NC) District:

WHITNEYS ADDN PRT OF LOTS 7 & 8 DESC IN 187 D 473 EX RR R/W & EX 986 R 87 & EX ST IN J5606-03 & EX ST IN J13920-43, excluding the southerly 50 feet measured from the top of bank of the East River (Parcel No. 7-741)

Conservancy (C) District:

The northerly 50 feet measured from the top of bank of the East River, excluding WHITNEYS ADDN PRT OF LOTS 7 & 8 DESC IN 187 D 473 EX RR R/W & EX 986 R 87 & EX ST IN J5606-03 & EX ST IN J13920-43 (Part of Parcel No. 7-741)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

ZONING ORDINANCE NO. 22-16

Page 2

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2016.

APPROVED:

Mayor

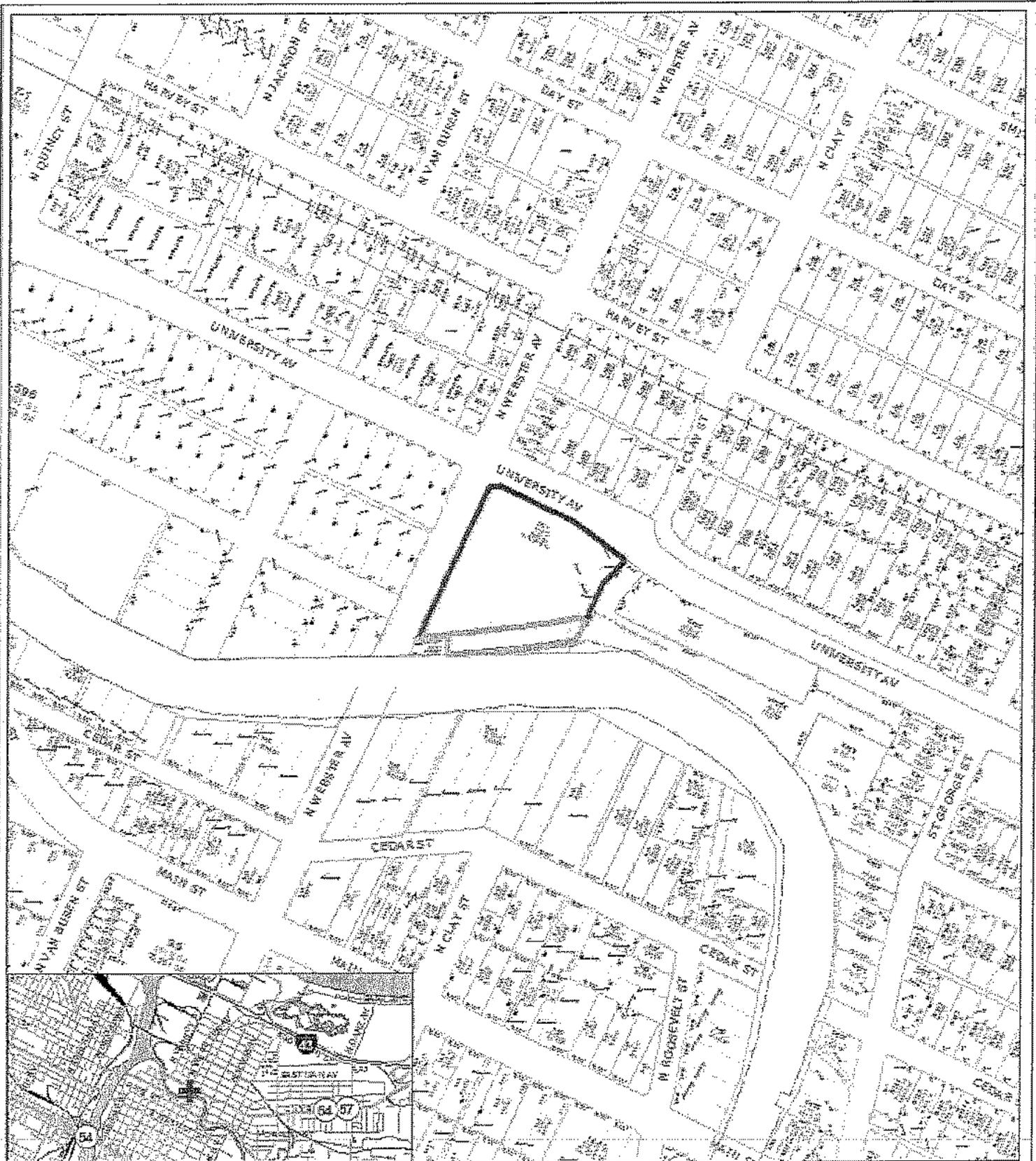
ATTEST:

Clerk

bc

10/04/16

Attachment – Map

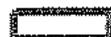


Zoning Petition (ZP 16-42)
A request to rezone 1010 University Avenue from
General Industrial (GI) to Neighborhood Center (NC)

This is a preliminary drawing and does not constitute a final plan. The City of Green Bay officials are not liable for reliance on this drawing. The City of Green Bay is not responsible for any errors or omissions. It is recommended that you consult with a professional engineer or architect for any construction or other work. This drawing was prepared by City Planning Department. Date: September 2008. Planning Dept/DP/Map 2008 ZP16-42



0 100 200
 Feet

-  Neighborhood Center (NC) Zoning
-  Conservancy (C) Zoning

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GENERAL ORDINANCE NO. 20-16

AN ORDINANCE
AMENDING CHAPTER 13,
GREEN BAY MUNICIPAL CODE,
REGARDING TRANSIENT RESIDENTIAL USES
(SHORT-TERM RENTALS)
(TA 16-02)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-300, Green Bay Municipal Code, is amended by adding the following definitions:

Corporate Retreat: A single-family dwelling unit which is provided with or without monetary compensation by a business, company or corporation, including a non-profit corporation, to transient occupants, including, but not limited to, agents, customers, clients, consultants, employees, directors, executives or shareholders of the business, company or corporation.

Local Representative: A property owner or his or her design who permanently resides within the City of Green Bay or a licensed property management company with a physically staffed office within the City of Green Bay who manages a short-term rental.

Short-Term Rental Permit (STRP): A permit issued by the City of Green Bay Department of Community & Economic Development to the local representative for compliance with a short-term rental.

Short-Term Rentals (STRs): A dwelling unit in which paying guests are entitled to occupancy for a period less than twenty-eight (28) calendar days.

Short-Term Vacation Unit: A dwelling unit which is provided for compensation to an occupant(s) for less than 28 consecutive calendar days, other than a bed and breakfast. For the purposes of this definition, compensation includes, but is not limited to, monetary payment, services or labor of employees.

SECTION 2. Section 13-602, Table 6-1, Green Bay Municipal Code, is amended as follows:

Table 6-1. Principal Uses in the Residential Districts.

Use	District				Dev Stds
	R-1	R-2	R-3	RR	
Residential Uses					
Dwellings					
Single-family dwelling, detached	P	P	C	P	X
Two-family dwelling – duplex	C	P	P		X
Two-family dwelling - semi-detached	C	P	P		X
Single-family attached dwelling, townhouse	C	C	P	-	X
Multiple-family dwelling, three or four units -		C	P	-	X
Multiple-family dwelling, more than four - units		-	P	-	
Carriage-house	C	-	-	C	X
Live-work unit	C	C	C	P	X
Transient Residential Uses with a Conditional Use Permit as required in Ch. 13-205 (Cr. GO 9-09)	C	-	-	C	X
Short-term rentals (STRs)	P	P	-	P	X

SECTION 3. Section 13-1602(j), Green Bay Municipal Code, regarding development standards for Short-term rentals is amended as follows:

~~(j) Transient Residential Use. (Cr. GO 9-09) Transient Residential Uses are incompatible with the purpose of residential neighborhoods and one of the fundamental goals of planning and zoning is protecting residential neighborhoods. Therefore, while transient residential properties may provide additional lodging opportunities for visitors, such use is commercial in nature and can have a significant adverse impact on the appearance, safety and general welfare of surrounding neighborhoods. These impacts include, but are not limited to, increased noise, traffic, overcrowding, lack of parking and general deterioration of the basic nature, purpose and quality of a residential neighborhood.~~

- ~~(1) Once Conditional Use approval has been granted by the Green Bay Common Council, the local representative shall obtain a Conditional Use Permit (CUP), meeting the provisions of this ordinance. The local representative shall document the names, home addresses and phone numbers of the occupants, the vehicle license plate numbers of all vehicles used by the occupants, and the date of the occupancy period. The above information must be available for City inspection upon request. The local representative must be authorized by the owner of the dwelling to respond to occupant and neighborhood questions, concerns and complaints.~~
- ~~(2) The occupancy period for any CUP shall be less than 28 consecutive calendar days.~~
- ~~(3) The number of occupants in any Transient Residential Use shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable County and City of Green Bay housing regulations for residential structures based on the number of bedrooms within the unit. Each TRP shall specify the maximum number of occupants allowed.~~
- ~~(4) A CUP is issued to a specific owner of a Transient Residential Use. No person or entity shall hold more than one CUP. The CUP shall be terminated when the permit holder sells or transfers the real property which was offered for Transient Residential Use, except for a change in ownership where the title is held in survivorship, or transfers on the owner's death.~~
- ~~(5) Availability of the Transient Residential Use to the public shall not be advertised on site.~~
- ~~(6) The administrative permit holder and/or registrant shall collect and remit the Transient Room Tax to the Clerk of the City of Green Bay.~~
- ~~(7) The Conditional Use Permit shall be visible from the exterior and shall contain the following information:
 - ~~a. The name and telephone number of the local representative and/or the property owner.~~
 - ~~b. Contact information for City Hall and the Police Department in the City of Green Bay.~~
 - ~~c. The maximum number of dwelling occupants permitted to stay in the dwelling.~~
 - ~~d. The maximum number of vehicles allowed to be parked on the property.~~
 - ~~e. The number and location of on site parking spaces.~~~~
- ~~(8) The Transient Residential Use shall not violate any applicable conditions, covenants, or other restrictions on real property.~~
- ~~(9) Each operation shall comply with the provisions of the City of Green Bay/Brown County Health Department as well as all State and County laws governing food handling establishments. The operation must meet the standards found in Wisconsin Administrative Code HFS 105 regarding Hotels, Motels and tourist rooming houses. Alcohol may not be sold on site.~~

GENERAL ORDINANCE NO. 20-16

Page 4

- ~~(10) Any CUP granted by the City may be subject to review on a yearly basis or when the Planning Director or Plan Commission has reason to believe that the regulations are not being adhered to or that there are problems associated with the Transient Residential Use and/or CUP that warrant review by the Plan Commission and the Green Bay Common Council.~~
- ~~(11) No Recreational Vehicle (RV), camper, tent or any other temporary lodging arrangement shall be permitted on site for the purpose of providing accommodations for occupants and/or guests of a Transient Residential Use.~~
- ~~(12) Any outdoor event shall last no longer than one day and shall be limited to the hours of 8:00 a.m. to 10:00 p.m. Any activities on the Transient Residential Use sites shall be in compliance with the noise regulations of the City of Green Bay Municipal Code.~~
- ~~(13) Violations: Failure to comply with the CUP or Transient Room Tax requirements shall constitute a violation of the provisions of this section. Disturbances or nuisances caused by the tenants of an approved Transient Residential Use which violate the City Municipal Code or State law shall also constitute a violation. Penalties for each violation shall be imposed in an amount not to exceed \$500, including court costs, and may result in permit suspension or revocation.~~
- ~~(14) In the event of an application for a CUP for a Transient Residential Use, the following standards shall be considered by the Plan Commission and Common Council in evaluating each application:~~
- ~~a. The applicant does not have any previous violations with regards to a Transient Residential Permit (TRP).~~
 - ~~b. The applicant does not have any outstanding citations issued from the City of Green Bay.~~
 - ~~c. The density or amount of any other Transient Residential Uses operating under a Conditional Use Permit previously issued by the Common Council within 500' of the applicant's property.~~
 - ~~d. City Inspection records and police calls for all properties owned by the applicant are acceptable.~~
 - ~~e. The applicant can clearly demonstrate an intent and ability to comply with the provisions of Transient Residential Use as required in Chapter 13, Zoning Code.~~
 - ~~f. An operational plan is provided by the applicant detailing the Transient Residential Use and accommodations.~~
 - ~~g. The applicant has conducted a neighborhood meeting, prior to making application to the Plan Commission, by inviting neighbors within 500 feet of the subject site and the applicable neighborhood association has been noticed. Those invited to the neighborhood meeting must be noticed not less than 14 days prior to the meeting.~~

~~h. Applications for Conditional Use Permits and full submittals to the Plan Commission must be made not less than two weeks prior to the next available Plan Commission meeting.~~

j. Short-term Rentals (STRs).

(1) Prior to occupancy as a short-term rental, the following shall be obtained by the local representative:

- State of Wisconsin Tourist Rooming House Permit
- State of Wisconsin Sale and Use Tax Permit
- Proof of registration with the City of Green Bay Treasurer regarding Brown County Room Tax requirements.
- Proof of registration with the Brown County Health Department.
- A lease agreement example provided that indicates language regarding compliance with parking, noise and other applicable City of Green Bay ordinances being met during occupancy of the structure.
- City of Green Bay Short-term Rental Permit (STRP)

(2) A submittal for Short-term Rentals (STRs) shall include the following:

a. Initial application

1. Completed STRP application on a form established by the City.
2. \$100.00 application/review fee.
3. Proof of insurance.
4. Necessary permits and proof of registration as required in 13-1602(j)(1), Green Bay Municipal Code.

b. Renewal of a STRP

1. A STRP is valid for one year and shall expire on June 1 of the calendar year. A STRP may be renewed on an annual basis and shall meet the following standards:
 - a) Proof of insurance.
 - b) Necessary permits and proof of registration as required in 13-1602(j)(1), Green Bay Municipal Code.
 - c) ~~Renewal Fee: \$100.00~~

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- (3) The number of occupants in STRs shall not exceed the limits set forth in the State of Wisconsin Uniform Dwelling Code and other applicable County and City of Green Bay housing regulations for residential structures based on the number of bedrooms within the unit.
- (4) STRs are issued to a specific owner of a Short-term rental. STRs shall be terminated when the permit holder sells or transfers the real property which was rented, except for a change in ownership where the title is held in survivorship or transfers on the owner's death.
- (5) Availability of STRs to the public shall not be advertised on site.
- (6) A STRP shall be visible from the exterior of the principal structure and shall contain the name and telephone number of the local representative.
- (7) STRs shall not violate any applicable conditions, covenants, or other restrictions on real property.
- (8) Alcohol may not be sold on site.
- (9) STRs granted by the City may be subject to review on a yearly basis or when the Planning Director or Plan Commission has reason to believe that the regulations are not being adhered to or that there are problems associated with the STRs that warrant review by the Plan Commission and the Green Bay Common Council. STRs may be revoked based on the findings of the Plan Commission. STRs denied by the Planning staff may be appealed to the Plan Commission and Common Council.
- (10) No Recreational Vehicle (RV), camper, tent or any other temporary lodging arrangement shall be permitted on site for the means of providing accommodations for occupants and/or guests of a Short-term rental.
- (11) STRs shall comply with all requirements of this ordinance and all applicable standards of the Green Bay Municipal Code.
- (12) Violations: Failure to comply with the requirements above shall constitute a violation of the provisions of this section. Disturbances or nuisances caused by the tenants of an approved STR which violate the City Municipal Code, including but, not limited to, outdoor events and existing noise ordinances or State law, shall also constitute a violation. Penalties for each violation shall be imposed in an amount not to exceed \$500, including court costs, and may result in permit suspension or revocation.

10 e

GENERAL ORDINANCE NO. 20-16

Page 7

SECTION 4. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2016.

APPROVED:

Mayor

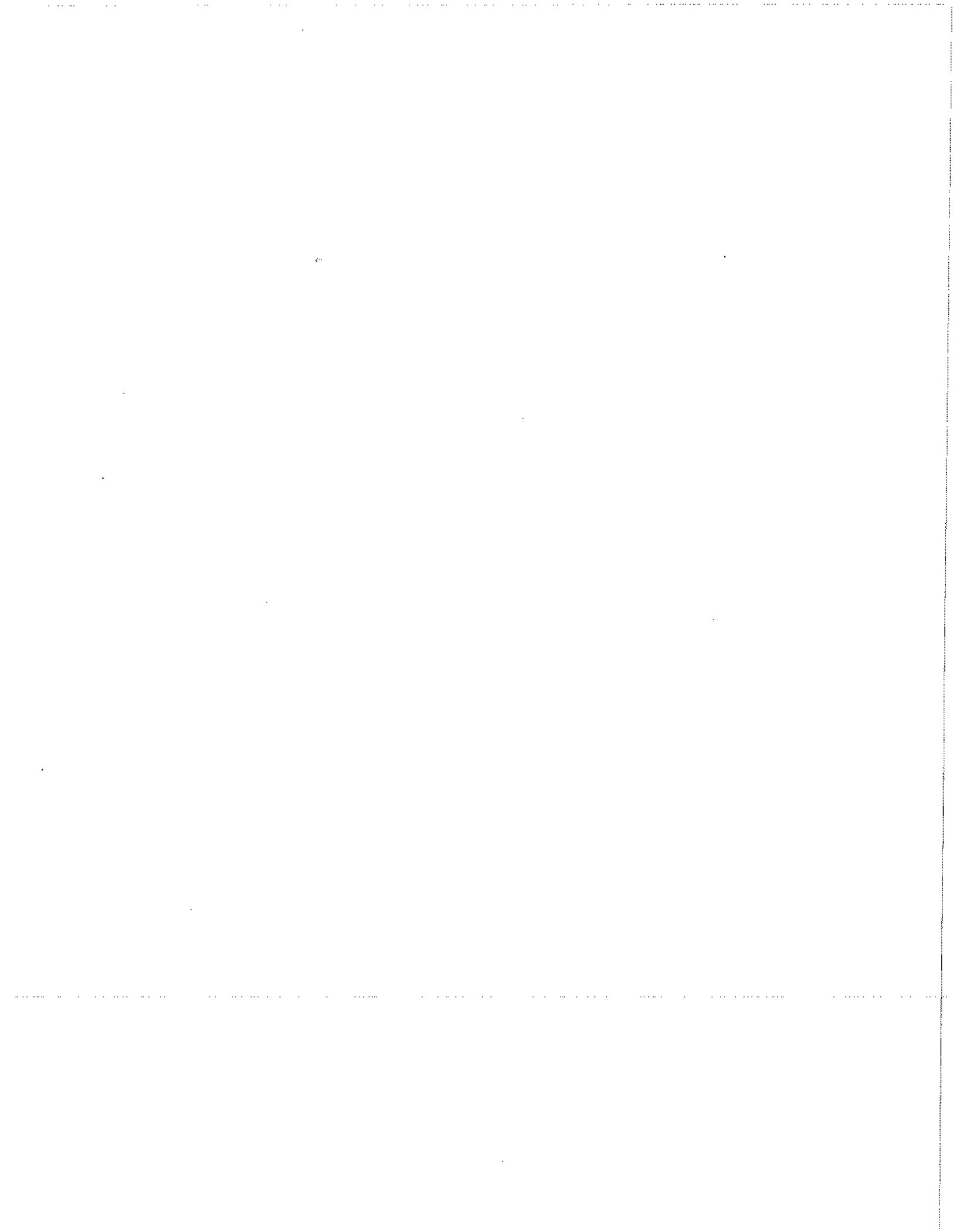
ATTEST:

Clerk

PN:bc

09/20/16

108



GENERAL ORDINANCE NO. 19-16

AN ORDINANCE
AMENDING SECTION 9.15,
GREEN BAY MUNICIPAL CODE,
RELATING TO PUBLIC CONSTRUCTION

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.15(1)(a), Green Bay Municipal Code, is hereby amended as follows:

PUBLIC CONSTRUCTION

9.15 PROCEDURE

(1) The procedure to be followed by all departments, commissions, and utilities in performing public construction shall be as follows:

(a) The appropriate public agency shall approve the advertisement for bids for the project and request that the Improvement and Service Committee approve the request for advertisement of bids. The Committee shall forward its recommendation to the Council. After receipt of bids, the bids shall be referred to the agency and a recommendation made to the Committee for awarding or rejection of the contract. The Committee shall act on the recommendation of the agency and submit its recommendation to the Council. The work shall be accomplished under the direction of the Director of Public Works. The agency shall approve and accept the project and recommend payment. The Council shall authorize final payment by resolution. **Pursuant to Wis. Stats. § 62.15(1), the City may elect to perform any public construction, in part or in whole, using their own forces, whenever or wherever it is determined that the best interests of the City would be served by doing so. This determination shall be made by the Director of Public Works.**

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2016.

APPROVED:

Mayor

ATTEST:

Clerk

bc

09/20/16

GENERAL ORDINANCE NO. 21-16

**AN ORDINANCE
CREATING SECTION 6.215,
GREEN BAY MUNICIPAL CODE,
RELATING TO COMMERCIAL QUADRICYCLES**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.215, Green Bay Municipal Code, is hereby created to read:

6.215 COMMERCIAL QUADRICYCLE LICENSING.

(1) DEFINITIONS.

(a) "Applicant" means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.

(b) "Commercial Quadricycle" means a vehicle with fully operative pedals for propulsion entirely by human power that:

1. has 4 wheels and is operated in a manner similar to a bicycle,
2. is equipped with at least 12 seats for passengers,
3. is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle,
4. is used for commercial purposes, and
5. is operated by the vehicle owner or an employee of the owner.

(c) "Commercial Quadricycle Business" means any enterprise that owns a commercial quadricycle or manages the operation of a commercial quadricycle.

(d) "Commercial Quadricycle Operator's License" means a public vehicle operator's license as described in Green Bay Municipal Code § 6.21.

GENERAL ORDINANCE NO. 21-16

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(e) "Public Commercial Quadricycle Operator" means any person who operates a commercial quadricycle or commercial quadricycle which transport passengers for hire or compensation.

(2) LICENSES REQUIRED.

(a) Commercial Quadricycle Business License. No person may engage in a Commercial Quadricycle Business unless each Commercial Quadricycle used in the business is licensed. A Commercial Quadricycle Business license shall expire on December 31 of each year.

(b) Operator's License. No person may operate a Commercial Quadricycle for purposes upon a highway or public road unless the person is licensed as a Public Commercial Quadricycle Operator. The Public Commercial Quadricycle Operator's License shall expire on May 31 of each year.

(3) COMMERCIAL QUADRICYCLE BUSINESS APPLICATION PROCESS.

(a) Application. A person wishing to operate a Commercial Quadricycle Business shall apply to the City Clerk for a business license pursuant to GBMC § 6.21(2)(a) using an approved form and pay the Clerk a \$25 license fee for each Commercial Quadricycle managed by the person. The Clerk shall forward the application to the police department for review. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the Applicant substantially relate to the licensed activity;
2. The Applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the particular job or licensed activity.
3. The Applicant made a false statement on the application.
4. The Applicant is under 18 years old.

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GENERAL ORDINANCE NO. 21-16

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(b) Appeal. If the police department denies an application for a Commercial Quadricycle Business license, the Applicant may appeal within 15 days after the police department mails a notice of denial to the Applicant. If the Applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee.

(c) Hearing Before Committee. The Committee may approve any application placed on its agenda only if the Applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee's decision.

(d) Issuance. The Clerk shall issue the Commercial Quadricycle Business license if the applicant has been approved by the Common Council and has satisfied all other provisions of this section.

(e) Vehicle Inspection. Before a Commercial Quadricycle Business may operate a Commercial Quadricycle on a highway, the Applicant shall obtain a license sticker from the police department by passing an inspection. The police department shall collect \$25 for each Commercial Quadricycle inspection. This paragraph does not apply to a Commercial Quadricycle owned or operated by:

1. A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection.

2. An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.

(f) Maintain liability insurance coverage for the Commercial Quadricycle containing the limits of not less than \$500,000 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. A certificate of insurance coverage specific to each Commercial Quadricycle shall be filed with the Risk Management Division.

(g) Police Department Review. The police department shall affix a license sticker to the rear of each inspected Commercial Quadricycle if the department determines that the Commercial Quadricycle is:

1. Licensed with the City Clerk.

GENERAL ORDINANCE NO. 21-16

Page 4

2. In a safe operating condition.
3. Insured as required by this section.
4. Conspicuously displaying on the exterior driver and passenger side of the vehicle:
 - a. The name or trade name of the public vehicle business.
 - b. The phone number of the public vehicle business.
 - c. A unique number assigned by the Commercial Quadricycle Business that identifies the particular vehicle.
5. Conspicuously displaying within the front passenger compartment:
 - a. A display holder within which Commercial Quadricycle Operators can show their licenses while operating the Commercial Quadricycle.

(4) COMMERCIAL QUADRICYCLE OPERATOR'S LICENSE APPLICATION PROCESS.

(a) Application. A person wishing to obtain a Commercial Quadricycle Operator's License shall apply to the City Clerk using a Common Council approved form and pay to the Clerk the proper license fee and submit an acceptable passport-sized photo. The Clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the Clerk. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the Applicant substantially relate to the licensed activity.
2. The Applicant has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the particular job or licensed activity.
3. The Applicant made a false statement on the application.
4. The Applicant is under 18 years old.

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(b) Appeal. If the police department denies an application for a Commercial Quadricycle Operator's License, the Applicant may appeal within 15 days after the police department mails a notice of denial to the Applicant. If the Applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee. The Committee shall approve the application only if the Applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee's decision.

(c) Issuance. The clerk shall issue a Commercial Quadricycle Operator's License if the Applicant has been approved by the police department or the Common Council and has satisfied all other provisions of this section.

(5) COMMERCIAL QUADRICYCLE REGULATIONS. The owner and operator of a Commercial Quadricycle are both responsible for ensuring compliance with this subsection.

(a) Licensees must adhere to the routes specified in their submitted application. New routes must be applied for and approved by the Common Council before a licensee may use the new routes. Temporary routes must be applied for and approved by the Special Events Committee. Any deviation from a new or temporary route without approval shall be a violation of this section.

(b) Commercial Quadricycle operation is permitted between the hours of 10:00 am and 10:30 pm. Commercial Quadricycle operation does not include the use of a Commercial Quadricycle for maintenance, inspection, or without passengers.

(c) It is unlawful for any person to operate or to permit another to operate a Commercial Quadricycle at other times or in other locations than those approved by the Common Council or Special Events Committee.

(d) No Public Commercial Quadricycle Operator shall drive, or be permitted by a Public Commercial Quadricycle Operator to drive, a Commercial Quadricycle without a valid Wisconsin driver's license or a valid driver's license issued by any other state in the United States.

(e) Passengers on a Commercial Quadricycle may possess on or carry onto the Commercial Quadricycle no more than 36 ounces of fermented malt beverages as defined in Wis. Stat. § 125.02(6). No other alcohol beverages, as defined in ch. 125, Wis. Stats., may be possessed on, carried upon, or consumed upon a Commercial Quadricycle.

GENERAL ORDINANCE NO. 21-16

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(f) No glass containers may be carried on a Commercial Quadricycle.

(g) Restrictions on possession, transportation and consumption of alcohol beverages in the operation of Commercial Quadricycles upon city highways and public places shall apply to operation of Commercial Quadricycles when used for non-revenue producing events or transportation in addition to regular commercial activities.

(h) No driver of a Commercial Quadricycle may consume alcohol while the Commercial Quadricycle is occupied by passengers.

(i) No person may drive a Commercial Quadricycle with an alcohol concentration of more than 0.02.

(j) No person may drive a Commercial Quadricycle on which any alcohol beverages are carried or consumed other than fermented malt beverages under this section.

(k) No person may drive a Commercial Quadricycle on which alcohol beverages are sold and may not transport alcohol beverages on a Commercial Quadricycle for the purposes of sale or delivery upon sale.

(l) Passengers shall be advised by the operator, driver or other person responsible for the operation of the Commercial Quadricycle that no alcohol beverages shall be possessed on, carried upon, or consumed on a Commercial Quadricycle in violation of city ordinance or state statute, and shall conspicuously post a notice of these restrictions upon the Commercial Quadricycle in a form and manner approved by the city.

(m) The operator of the Commercial Quadricycle shall hold a valid operator's license pursuant to § 6.215(4), Green Bay Municipal Code.

(n) The operator of the Commercial Quadricycle shall operate the vehicle at all times in compliance with applicable local and state traffic laws.

(o) Failure of a person to comply with the regulations of this section or to operate in accordance with the approved plan of operation shall constitute grounds for suspension or revocation as provided in § 6.21(6), Green Bay Municipal Code.

GENERAL ORDINANCE NO. 21-16

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(p) The Common Council may adopt and from time to time amend the regulations relating to Commercial Quadricycles and their operations, including, but not limited to, hours of operations, routes, vehicle markings and safety equipment.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2016.

APPROVED:

Mayor

ATTEST:

Clerk

JWF:bc

09/20/16

201



ZONING ORDINANCE NO. 17-16

AN ORDINANCE
REZONING PROPERTY LOCATED
AT 1022 NINTH STREET
FROM LOW DENSITY RESIDENTIAL (R1) DISTRICT
TO OFFICE/RESIDENTIAL (OR) DISTRICT
(ZP 16-32)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Low Density Residential (R1) District to Office/Residential (OR) District:

WARREN & CADYS SUBD OF LOT 41 OF TANKS SUBD OF PC
2-9 E 78 FT OF LOT 35 BLK B (Tax Parcel No. 1-106)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2016.

APPROVED:

Mayor

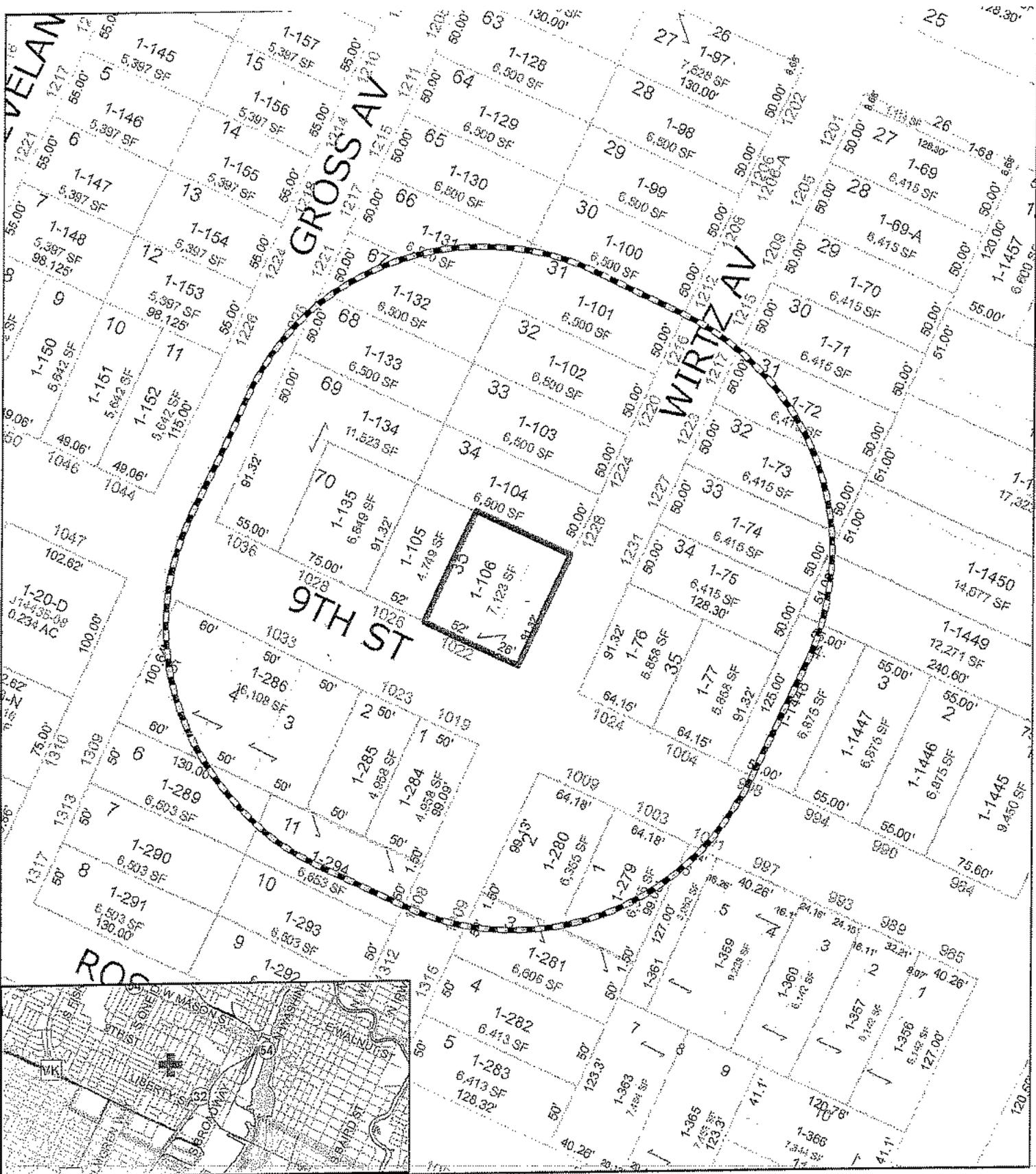
ATTEST:

Clerk

bc

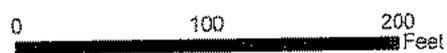
Attachment - Map

09/20/16



Zoning Petition (ZP 16-34)
A request to rezone 1022 Ninth Street
from Low Density Residential (R1) to Office/Residential (OR)

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. 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 City of Green Bay Planning Department
 P.N. July 2016. \Planning\City\ZP\Maps\2016\ZP16-34



- Subject Area
- 200' Notice Area

31A

ZONING ORDINANCE NO. 18-16

**AN ORDINANCE
REZONING PROPERTY LOCATED
AT 1638 AND 1652 UNIVERSITY AVENUE
FROM LIGHT INDUSTRIAL (LI) DISTRICT
TO GENERAL COMMERCIAL (C1) DISTRICT
(ZP 16-37)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Light Industrial (LI) District to General Commercial (C1) District:

1638 University Avenue: NEWBERRYS ADDN SUBD #1 E 100 FT OF N 160 FT OF LOT 89 & LOTS 4 & 5 HAEVER 2ND SUBD EX J24791-11 FOR ST (Tax Parcel No. 21-2267)

1652 University Avenue: HAEVERS 2ND SUBD LOT 3 EX J05221-19 FOR ST & EX J24996-08 FOR ST (Tax Parcel No. 21- 2013)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2016.

APPROVED:

Mayor

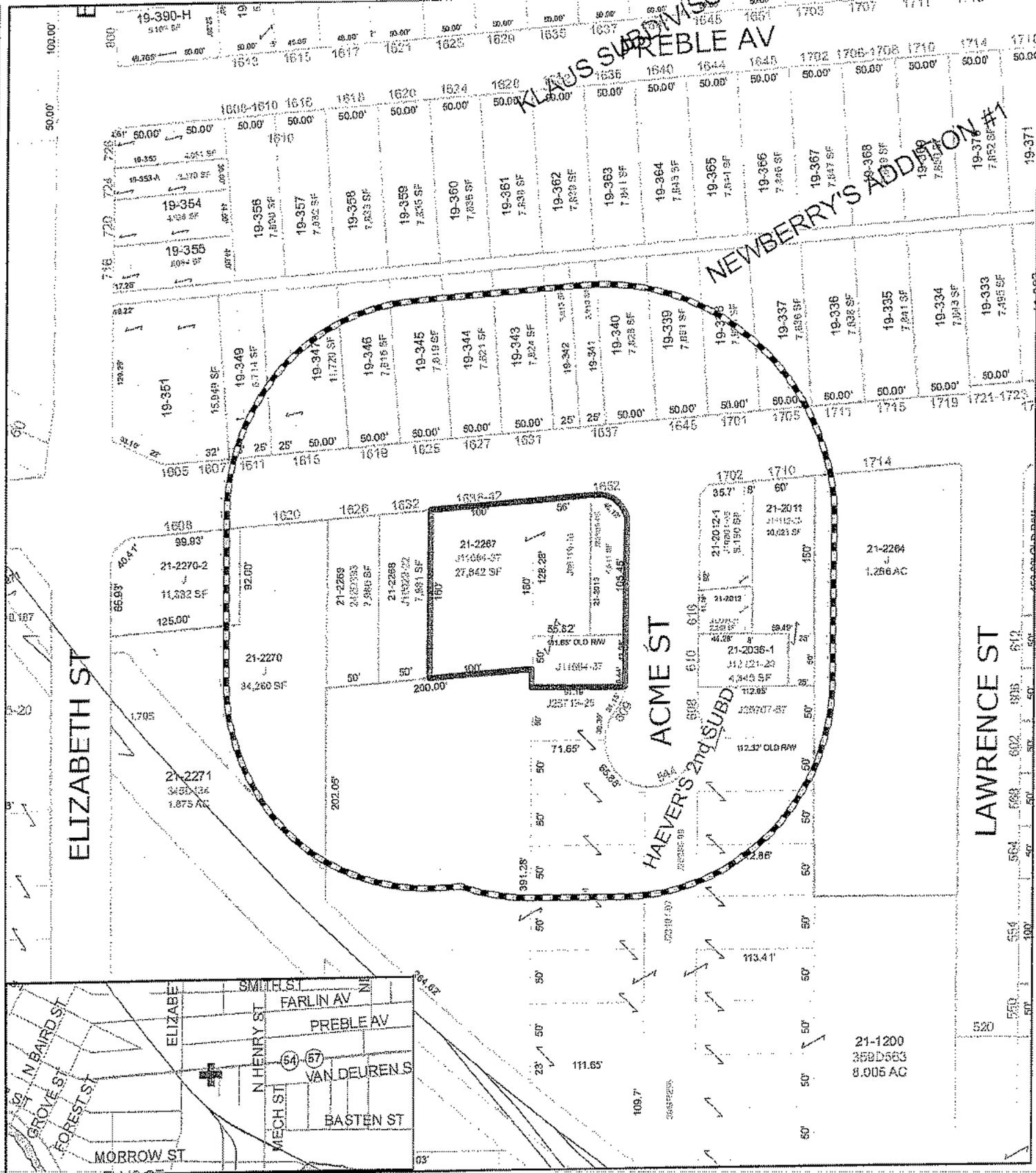
ATTEST:

Clerk

bc

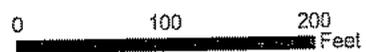
09/20/16

Attachment – Map



(ZP 16-37) Consideration with possible action on the request to rezone 1638 University Avenue from General Industrial (GI) to General Commercial (C1), submitted by Jesse Hall, Keller, on behalf of Ruben Rodriguez and 1652 University Avenue from General Industrial (GI) to General Commercial (C1), proposed by City of Green Bay Planning Department (Ald. Nennig, District 5)

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Map prepared by City of Green Bay Planning Department
M.L. August 2016. \Planning\City\ZPM\maps\2016\ZP16-37*



- Subject Area
- 200' Notice Area



ZONING ORDINANCE NO. 19-16

AN ORDINANCE
REZONING PROPERTY LOCATED
AT 717 NICOLET AVENUE
FROM LOW DENSITY RESIDENTIAL (R1) DISTRICT
TO OFFICE/RESIDENTIAL (OR) DISTRICT
(ZP 16-39)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Low Density Residential (R1) District to Office/Residential (OR) District:

717 Nicolet Avenue: CADY & WARRENS SUBD OF LOT 23 OF TANKS
SUBD OF PC 2-9 LOT 4 BLK A (Tax Parcel No. 2-709)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2016.

APPROVED:

Mayor

ATTEST:

Clerk

bc

09/20/16

Attachment – Map

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2-42-A
 51,031 SF
 298,040 SF

W MASON ST

MARQUETTE AV

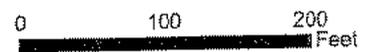
W ANKENY AV
 LONICOLET SUBDIVISION

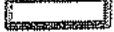
GROSS AV
 EL COSTER SUBDIVISION
 NUMBER THREE

TOMMARK ST
 SPENCE ST
 MEACHAM ST
 COLONIAL AV
 REDWOOD DR
 MARQUETTE AV
 ST PAULS
 14TH AV
 15TH AV
 10TH AV
 CLINTON ST

(ZP 16-39) Consideration with possible action on the request to rezone 717 Nicolet Avenue from R1 to OR, submitted by Tower Clock. (Ald. Zima, District 9)

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 Map prepared by City of Green Bay Planning Department, M.L. August 2016. APlanningCityZPMaps12016ZP16-39



-  Subject Area
-  200' Notice Area



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ZONING ORDINANCE NO. 20-16

AN ORDINANCE
REZONING PROPERTY LOCATED
AT 908 AND 910 VELP AVENUE
FROM GENERAL COMMERCIAL (C1) DISTRICT
TO LOW DENSITY RESIDENTIAL (R1) DISTRICT
(ZP 16-40)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from General Commercial (C1) District to Low Density Residential (R1) District:

908 Velp Avenue: THE S 115 FT 4 IN OF LOT 17 SHEA & GALLAGHERS ADD
BLK 1 EX PCL 36 OF TPP 1450-04-21 -4.03 (Tax Parcel No. 18-32-A)

910 Velp Avenue: SHEA & GALLAGHERS ADD LOT 17 EX PRT DESC IN 849
R 61 BCR BLK 1 EX PCL 37 OF TPP 1450-04-21-4.03 (Tax Parcel No. 18-32)

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2016.

APPROVED:

Mayor

ATTEST:

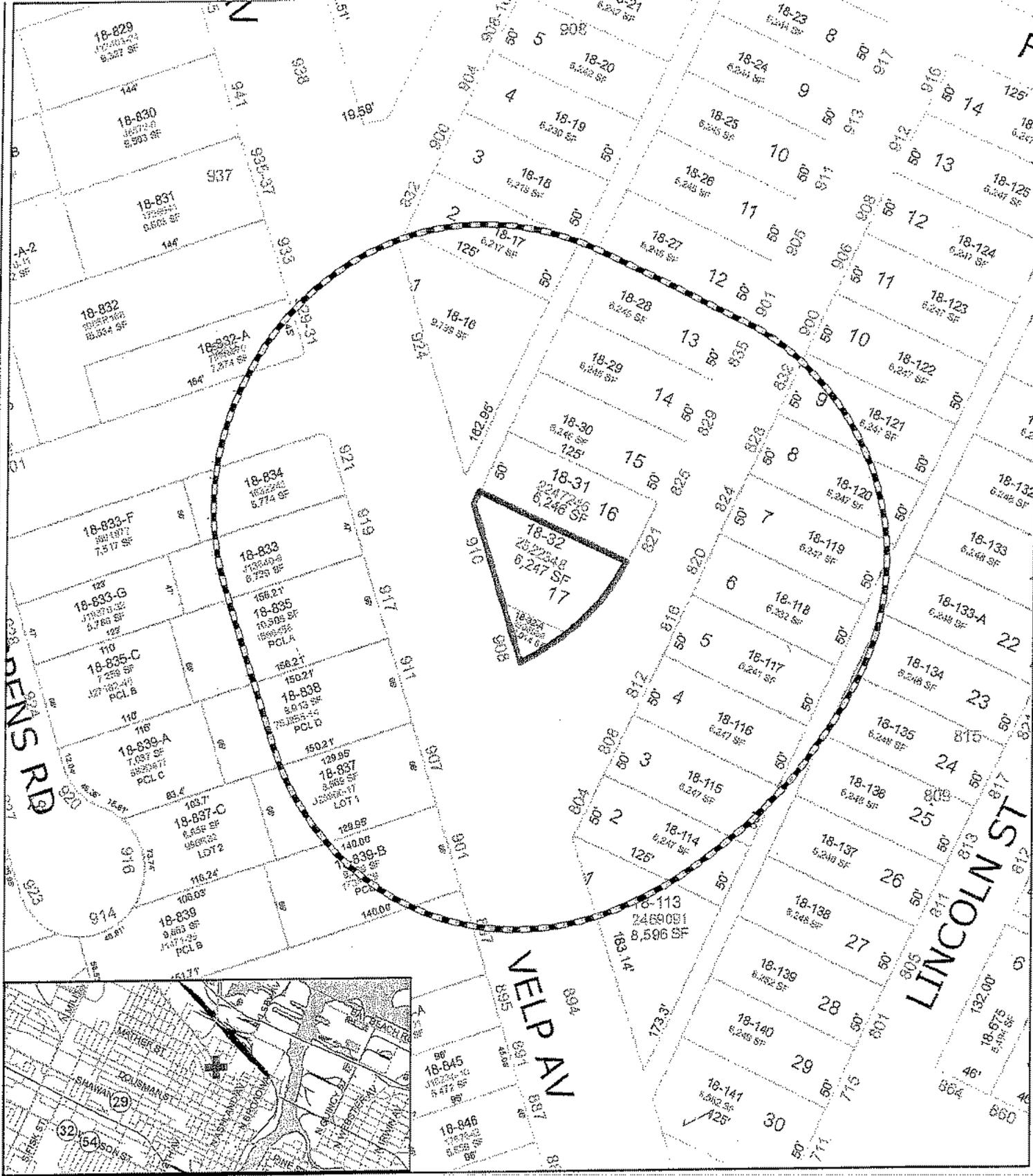
Clerk

bc

09/20/16

Attachment – Map

i:\legislative\council 2016\09202016\law\zo 20-16 - rezone 908 and 910 velp avenue.docx



Zoning Petition (ZP 16-40)
A request to rezone 908 & 910 Velp Avenue from
General Commercial (C1) to Low Density Residential (R1)

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- Subject Area
- 200' Notice Area

344