



# **AGENDA OF THE COMMON COUNCIL**

**TUESDAY, JUNE 16, 2015, 7:00 P.M.**

**COUNCIL CHAMBERS  
ROOM 203, CITY HALL**

- Roll call.
- Pledge of Allegiance.
- Invocation.
- Approval of minutes of the May 19, 2015, meeting.
- Approval of the Agenda.
- Report by the Mayor.
- Announcements.

## **PUBLIC HEARINGS**

Public Hearing regarding vacation of a portion of unimproved right-of-way between East Conservancy Court and West Conservancy Court. (Item #16)

Miscellaneous Ordinance No. 1-15

An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to property generally located in the 1580 blocks of East Mason Street and Kimball Street, as well as the 500 block of Bellevue Street.

(Item #24)

## APPOINTMENTS

### NEW APPOINTMENTS:

#### Ethics Board

**Dr. Justin Mallett**, Term to expire: March 1, 2018

#### Transit Commission

**Emily Ysebaert**, Term to expire: February 1, 2018

### RE-APPOINTMENTS:

#### City of Green Bay/Town of Scott Joint Plan Commission

**Timothy Gilbert**, Term to expire: June 1, 2018

#### Economic Development Authority

**Philip Hilgenberg**, Term to expire: June 1, 2018

**Mike Vogel**, Term to expire: June 1, 2018

## 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 Park Committee.
3. Report of the Plan Commission.
4. Report of the Redevelopment Authority.
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

Check Reconciliation Register for April, 2015.

Building Permit Report for May, 2015.

## **RESOLUTIONS**

8. Resolution authorizing and providing for the sale and issuance of \$9,525,000 General Obligation Corporate Purpose Bonds, Series 2015B, and all related details.
9. Resolution authorizing and providing for the sale and issuance of \$7,410,000 Taxable General Obligation Community Development Bonds, Series 2015C and all related details.
10. Resolution authorizing and providing for the sale and issuance of \$995,000 General Obligation Promissory Notes, Series 2015D, and all related details.
11. Resolution approving air rights easement at 211 E. Walnut Street right-of-way.
12. Resolution approving permanent limited easements (PLEs) and temporary limited easements (TLEs) from Franz Avenue to Bairds Creek.
13. Resolution approving Hold Harmless Agreement for Bill Widmer, 126 Pine Street, to install a temporary rack for merchandise.
14. Resolution approving Hold Harmless Agreement for Oak Grove Neighborhood to place a sculpture on Parcel 21-1281 near neighborhood association sign.
15. Resolution approving Hold Harmless Agreement for GB Metreau, LLC 115 W. Walnut Street, to install temporary electric service.
16. Resolution vacating a portion of unimproved right-of-way between East Conservancy Court and West Conservancy Court.
17. Resolution regarding vacation of an unimproved alley located between North VanBuren Street, Klaus Street, North Webster Avenue, and Berner Street.
18. Resolution ordering sidewalk reconstructed and issuing 60-day notice.

## **ORDINANCES - FIRST READING**

19. General Ordinance No. 12-15  
An ordinance creating Section 6.39 of the Code relating to mobile food establishments.
20. General Ordinance No. 13-15  
An ordinance amending Section 13-902, Table 9-1, of the Code, to permit an indoor recreational facility within the General Industrial (GI) District.

21. **Miscellaneous Ordinance No. 2-15**  
An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to property generally located in the 500 block of North Henry Street, Acme Street and Lawrence Street, south of University Avenue, from Low Density Housing, Medium/High Density Housing, Commercial and Light Industry to General Industry (Figure 22-5).
22. **Zoning Ordinance No. 4-15**  
An ordinance rezoning Parcel Number 21-486, located east of 1902 North Irwin Avenue, from General Industrial (GI) District to General Commercial (C1) District.

### **ORDINANCES - THIRD READING**

23. **General Ordinance No. 11-15**  
An ordinance amending Section 29.208 of the Code relating to parking regulations.
24. **Miscellaneous Ordinance No. 1-15**  
An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to property generally located in the 1580 blocks of East Mason Street and Kimball Street, as well as the 500 block of Bellevue Street.

### **COMMITTEE OF THE WHOLE**

#### **Report of the Purchasing Manager:**

- a. Request approval to purchase a Medstat 500 Special Event Ambulance from ASAP 911 for \$70,605.
- b. Request approval to purchase 2 additional Philips HeartStart MRx Cardiac Monitors/Defibrillators from SOS Technologies for \$42,832.
- c. Request approval to award the purchase of Cisco Routers, Switches, and related equipment to Camera Corner Connecting Point for \$109,863.

#### **To review and discuss, with possible action, the negotiations regarding the Oneida Tribe service agreement.**

The Council may convene in closed session pursuant to Section 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.

**To review and discuss, with possible action, the Oneida Seven Generations litigation and notice of claim.**

The Council may convene in closed session pursuant to Sec. 19.85(1) (g), Wis. Stats., for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The Council 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.

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, JUNE 16, 2015**

**7:00 P.M.**

## PETITIONS & COMMUNICATIONS

### FINANCE COMMITTEE

Request by Ald. Wery that all monthly Green Bay Neighborhood Leadership Council's meetings have an audio recording of the proceedings for full transparency and a resource for those unable to attend.

### IMPROVEMENT & SERVICE COMMITTEE

Application for a Tree & Brush Trimmer License by Timber Edge Tree and Shrub Care.

Applications for Concrete Sidewalk Builder's Licenses by the following:

- A. Concrete Finishers
- B. Andersen Basement Repair, Inc.

### PROTECTION & WELFARE COMMITTEE

Request by the owners of Hinterland Brewery, 313 Dousman Street, to hold an outdoor event on August 29 with live music until 11:00 P.M.

Application for a Class "A" Beverage License by Shopko Stores Operating Co., LLC at 216 S. Military Avenue.

## REPORT OF THE PARK COMMITTEE

June 16, 2015

The Park Committee, having met on Tuesday, June 9, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by the Friends of the Wildlife Sanctuary to fundraise \$3,000,000 for an expansion of the Nature Center building. Once fundraising goals have been achieved and final construction plans are completed, they need to come back to the Park Committee for final construction approval.
2. To approve a request to dock two Tall Ships, one at Leicht Park and the other at City Deck, from July 14-21, 2015, and to reduce the rental costs by 50% (from \$4,510 to \$2,255) contingent upon the following:
  - All fees being paid prior to the event;
  - All proper permits and insurances being obtained;
  - Any other costs associated with this event being the responsibility of Tall Ships.
3. To approve the request by the Economic Development Department to purchase and install a kayak launch on City Deck using TIF 5 funding contingent upon the following:
  - All proper permits and insurances being obtained;
  - All costs of materials, installation, and labor would be paid for using TIF 5 funds.
4. A. To approve the purchase of a 2016 International 7300 Workstar 33,000 GVWR Cab & Chassis from Packer City International Trucks for \$71,000.  
B. To approve the purchase of a Contractor Dump Body w/ Hoist for 33,000 GVWR Cab & Chassis from Monroe Truck Equipment for \$16,532.  
C. To approve the purchase of a 2016 International 4300 Durastar 26,000 GVWR Cab & Chassis from Packer City International Trucks for \$64,915.  
D. To approve the purchase of a Forestry Body w/ Hoist for 26,000 GVWR Cab & Chassis from Monroe Truck Equipment for \$16,121.  
E. To approve the purchase of a 2016 International 4300 Workstar 22,000 GVWR Cab & Chassis from Packer City International Trucks for \$64,650.  
F. To approve the purchase of a Dump Body w/ Hoist for 22,000 GVWR Cab & Chassis from Monroe Truck Equipment for \$17,876.

- G. To preapprove to spend up to \$45,000 to purchase a used Telehandler. Parks staff will review bids and inspect the equipment and purchase the unit that represents the best value for the department within the budget for this purchase.
  
- 5. To approve the request by Ald. Wery to allow co-naming rights at Colburn Pool for donations of \$300,000 and \$275,000 with the Friends of Colburn Pool being responsible to fundraise \$1,000,000 for the pool. At the end of the first 20-year term, the original \$750,000 or an amount deemed by policy at that time would be required to name the pool.
  
- 6. To refer this item back to staff, the Friends of Colburn Pool, and Ald. Wery requesting they come back to the Park Committee with a specific area in mind for the request.
  
- 7. To receive and place on file the Director's Report.

**REPORT OF THE GREEN BAY PLAN COMMISSION**  
**June 16, 2015**

The Green Bay Plan Commission, having met on Monday, June 8, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To amend the City of Green Bay Comprehensive Plan future land use recommendation for properties generally located in the 500 Block of North Henry Street, Acme Street and Lawrence Street, south of University Avenue, from Low Density Housing, Medium/High Density Housing, Commercial and Light Industry to General Industry, with the condition that a Planned Unit Development (PUD) be considered for any zoning change that would involve the transition of uses and traffic implications.
2. To rezone a parcel of property to the east of 1902 North Irwin Avenue, Tax Parcel 21-486, from General Industrial (GI) to General Commercial (CI) District.
3. To amend Chapter 13-902, Table 9-01 to permit indoor recreational facility within the General Industrial (GI) District.
4. To vacate an unimproved alley between Van Buren Street and Webster Avenue, Block 58, Eastman's Addition, subject to ownership and maintenance of an existing storm sewer located within the vacated alley becoming the responsibility of the adjacent property owners.

## REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY June 16, 2015

The Green Bay Redevelopment Authority, having met on Tuesday, June 9, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the First Amendment to the Management Agreement for the KI Convention Center with Hyatt Corporation, a Delaware Limited Liability Company, as agent of Hyatt Equities, L.L.C., subject to minor legal and technical amendments (copy attached).
2. To authorize staff to award Pay-Go TIF assistance from TIF 7 for the Shorewest Realty project at 839 Lombardi Avenue, after completion of the assessment, with a maximum amount of \$85,000.
3. The Redevelopment Authority approved a budget and the 2015-2019 Five Year Consolidated Plan and the 2015 Annual Action Plan for use of Community Development Block Grant and HOME funds. The budget and plans were recommended to the Common Council at its March 16, 2015, meeting. The budget and plans were adopted by Common Council and published to allow a 30-day comment period. The comment period ended and no comments were received. A summary of the approved budget, as included in the plans, is attached. The Redevelopment Authority is recommending final approval of the plans.

FIRST AMENDMENT TO MANAGEMENT AGREEMENT

This AMENDMENT (the "Amendment") is made as of \_\_\_\_\_, 2015 by and between the City of Green Bay, Wisconsin, a municipal corporation (hereinafter "Lessee"), Hyatt Corporation, a Delaware Limited Liability Company, as agent of Hyatt Equities, L.L.C. (hereinafter "Operator"), and with the approval of the Redevelopment Authority of the City of Green Bay, Wisconsin, a municipal corporation (hereinafter the "Authority") and shall have an effective date of the first day the Operator commences daily management duties of the expanded Center ("Effective Date").

RECITALS

- A. Lessee, Regency Suites ("Regency"), as operator, and Authority entered into that certain Management Agreement for The Green Bay Convention Center dated July 1, 1999, as assigned from Regency to Green Bay Hotel Associates LLC ("Hotel Associates") per letter dated February 28, 2007, as assigned from Hotel Associates to Operator and approved by the Lessee pursuant to that certain Estoppel Certificate and Consent dated August 11, 2011 (collectively, the "Agreement") for the management of the existing conference and convention center ("Existing Center") as defined in the Agreement; and
- B. The Authority and Lessee have entered into a \$25 million expansion of the Existing Center which will increase the total square footage of the Center to approximately 72,000 square feet; and
- C. The Authority, Lessee and Operator desire to amend the Agreement as set forth below to reflect the management of the expanded Center.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. Definitions. Section 1.1 of the Agreement shall be amended to reflect the following definitions:

"Center shall mean the Conference Center and Convention Center and any expansion thereto, and the Furniture and Equipment, together with the landscaping, the landscaping and other amenities and features to be included in the Data Addendum."

“Commencement Date shall mean the first day on which Operator commences daily management duties for the Center.”

“Convention Center shall mean the planned meeting space complex and adjoining conference center, which shall include, without limitation, an exhibition hall, ballrooms and meeting rooms, supporting pre-function and circulation areas, supporting back-of-the house areas, all of the foregoing totaling approximately 72,000 square feet, together with related Furniture, Fixtures and Equipment.”

“Operator shall mean Hyatt Corporation, a Delaware corporation, as agent of Hyatt Equities, L.L.C., a limited liability company.”

2. Operation of Center. Section 2.1 of the Agreement shall be amended by adding after the first sentence therein the following:

“Operator shall be solely responsible for making and maintaining records of all reservations for the use of space within the Center, and shall do so on a non-discriminatory basis.”

3. Center Public Facilities. For so long as the Conference Center is financed, in whole or in part, with tax-exempt bonds, the last sentence of Section 2.7 of the Agreement shall remain in effect and the use of outside vendors shall be subject to the “KI Convention Center Outside Vendor Service Requirements” attached hereto as Exhibit A and made a part hereof. In the event that, and at such time as, the Conference Center is no longer financed with tax-exempt bonds, the last sentence of Section 2.7 of the Agreement is hereby deleted in its entirety and replaced with the following: “The Operator may provide food, beverage and hotel services to users of the Center on an exclusive basis; provided, however, that Operator may elect to outsource such services or engage other service providers, in its sole discretion.”

4. Operating Term. Section 3.1 of the Agreement shall be amended by deleting the first sentence of the section and replacing it with the following:

“The Operating Term shall commence on the Commencement Date of the expanded Center and shall continue thereafter for an initial period of ten (10) years, subject to early termination as provided in Section 3.2 hereof (such term being herein referred to as the “Operating Term”).”

5. Termination. Section 3.2(e) of the Agreement is deleted in its entirety.

6. Gross Revenue to Lessee. Section 5.1 of the Agreement shall be deleted and inserted in its place the following:

“In each Fiscal Year or prorated for any partial Fiscal Year, the Lessee shall receive and Operator shall guarantee an amount equal to the first two hundred twenty-eight thousand and six hundred dollars (\$228,600.00) of Gross Revenues received from the operation and use of the Center. The distribution of Gross Revenue to the Lessee shall be made monthly and no later than the fifteenth (15<sup>th</sup>) day of the next succeeding month. All Gross Revenue shall be distributed to Lessee until Lessee has received two hundred twenty-eight thousand and six hundred dollars (\$228,600.00).”

7. Operator Reimbursed For Third Party Expenses. Section 5.2 of the Agreement shall be deleted and inserted in its place the following:

“Following Lessee’s receipt of two hundred twenty-eight thousand and six hundred dollars (\$228,600.00) the Gross Revenue shall be applied to reimburse Operator for all third party Operating Expenses reasonably incurred in connection with and arising out of the operation and management of the Center. The Operator shall provide to Lessee monthly statements setting forth reasonable Operating Expenses for which Operator seeks reimbursement. The Gross Revenues following the initial two hundred twenty-eight thousand and six hundred dollars (\$228,600.00) distribution to Lessee shall be applied to Operator’s reasonable Operating Expenses up to and until Operator has fully recovered its reasonable Operating Expenses for that Fiscal Year. The Lessee makes no assurance as to the sufficiency of the Gross Revenue to fully reimburse Operator for its reasonable Operating Expenses and in the event the Gross Revenues are not sufficient, the Lessee has no obligation to reimburse Operator for its reasonable Operating Expenses.”

8. Continuation of Agreement. Except as expressly amended herein, the Agreement shall remain in full force and effect.
9. Counterparts. This Amendment may be executed in any number of counterparts, each counterpart for all purposes being deemed an original, and all such counterparts shall together constitute only one and the same.

[Signature Page to Follow]

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IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed as of the date first written above.

**LESSEE:**

CITY OF GREEN BAY

By: \_\_\_\_\_  
James J. Schmitt, Mayor

Attest: \_\_\_\_\_

Name: \_\_\_\_\_  
City Clerk

**OPERATOR:**

HYATT CORPORATION, a Delaware corporation, as agent of HYATT EQUITIES, L.L.C., a Delaware limited liability company

By: \_\_\_\_\_

Print: \_\_\_\_\_

Attest: \_\_\_\_\_

**AUTHORITY:**

REDEVELOPMENT AUTHORITY OF THE CITY OF GREEN BAY

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Secretary

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### 2015 Community Development Block Grant Allocations

Potential Projects	Staff/Mayors Recommendations	Program Income	TOTAL
<b>Park Projects</b>			
Demolition, Park Improvements, Neighborhood Trails	\$200,000.00	\$0.00	\$200,000.00
<b>DPW Projects</b>			
Sidewalk/Alley Resurfacing/Infrastructure Replacement	\$150,000.00	\$0.00	\$150,000.00
<b>Public Service Programs (cannot exceed \$185,000.00)</b>			
Community Service Interns	\$50,000.00	\$0.00	\$50,000.00
Neighborhood Compliance Inspector (funded from 2014 CDBG funds due to position vacancy)	\$0.00	\$0.00	\$0.00
Fair Housing Services	\$10,000.00	\$0.00	\$10,000.00
Open Public Service Activities that support Con Plan minimum ( \$10,000 allocation)	\$20,000.00	\$0.00	\$20,000.00
<b>Subtotal for Public Service</b>	<b>\$80,000.00</b>	<b>\$0.00</b>	<b>\$80,000.00</b>
<b>CDBG Eligible Area Projects (Acquisition, Demolition, Infrastructure Improvements)</b>			
	\$290,152.00	\$20,000.00	\$310,152.00
<b>Economic Development Revolving Loan</b>	\$0.00	\$120,000.00	\$120,000.00
<b>* CDBG Administration (cannot exceed \$215,000.00)</b>	\$215,000.00	\$0.00	\$215,000.00
<b>TOTALS</b>	<b>\$935,152.00</b>	<b>\$140,000.00</b>	<b>\$1,075,152.00</b>

2015 CDBG Allocation - \$935,152

2015 Estimated Program Income \$ 140,000 (\$120,000 is restricted to Economic Revolving Loan fund)

Public Services-limited to a max of 15% total Entitlement + prior year PI, in 2014 it cannot exceed \$185,000

\* CDBG Administration amount is limited to a maximum of 20% total Entitlement plus Program Income

TOTAL \$1,075,152.00

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**2015 HOME Allocations**

Potential Projects	Staff Recommendations	Program Income	TOTAL
Single Family Rehabilitation Loans	\$100,000.00	\$20,000.00	\$120,000.00
Housing Development Advancement Projects	\$166,082.00	\$180,000.00	\$346,082.00
Community Housing Development Organizations (CHDO) Set Aside	\$57,000.00	\$0.00	\$57,000.00
+HOME Administration (cannot exceed \$58,000.00)	\$58,000.00	\$0.00	\$58,000.00
<b>TOTALS</b>	<b>\$381,082.00</b>	<b>\$200,000.00</b>	<b>\$581,082.00</b>

2015 HOME Allocation \$381,082

2015 Estimated Program Income \$200,000

\* HOME Administration amount is limited to a maximum of 10% total Entitlement plus Program Income

CHDO set-aside must be a minimum of 15% (\$57,000.00) of total Entitlement amount; Eligible activities include:

- Acquisition and/or rehabilitation of housing
- New construction of housing

**TOTAL \$ 581,082.00**

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**REPORT OF THE  
IMPROVEMENT AND SERVICE COMMITTEE  
June 16, 2015**

The Improvement and Service Committee, having met on June 9, 2015 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Bill Widmer, 126 Pine Street, Suite 101, to install a temporary rack for merchandise sale/rental in the right-of-way of Pine Street contingent upon executing a Hold Harmless Agreement, placing on file with the City applicable insurance, obtain all necessary City approvals, and authorize the Mayor and City Clerk to execute the agreement.
2. To approve the request by DigiCopy for an amendment to the existing Air Rights Easement to allow a flag mounted sign at 211 E. Walnut Street.
3. To approve the request by Oak Grove Neighborhood Association to place sculpture on Parcel 21-1281 near neighborhood association sign, and amend the existing Hold Harmless Agreement for the neighborhood association sign to include the sculpture.
4. To conditionally approve the request from Dale Lenss to remove sidewalk from property at 2069-2071 Jamesford Avenue with the condition being that the area be restored back to City standards at the property owner's sole cost.
5. To receive and place on file the request by Ald. Tim DeWane to look into two streets, 100-200 blocks S. Roosevelt Street and 700-900 blocks S. Webster Street, which are in desperate need of repairs.
6. To receive and place on file the request by Ald. Tim DeWane for a report on past, current and future, starting in 2012, regarding road construction projects/street, highway repairs that the City assisted other surrounding communities.
7. To receive and place on file the request by Ald. Steuer to address handicapped parking issues and other parking issues, particularly near The Flats area, with all of the construction taking place in the downtown area. Also referred to Traffic Commission.
8. To receive and place on file the request by Ald. Danzinger to review the status of Katers Drive following resurfacing in 2014.
9. To receive and place on file the presentation on warning siren coverage test by Melissa Spielman, Brown County Emergency Management.
10. To approve the report of the Purchasing Manager:
  - A. To approve the purchase of a Trailer Mounted Joint Sealer to Sherwin Industries, Inc. \$39,275.



B. To approve the purchase of truck equipment to Olson Trailer & Body for \$19,812.

C. To approve the purchase of a GPS/AVL Vehicle Management System to Precise MRM for \$67,116.

11. To deny the award of the following contract to the low, responsive bidder:

A. To deny to award contract PARKS PROJECT 1-15 BAY BEACH AMUSEMENT PARK IMPROVEMENTS – PHASE 2 to the low, responsive bidder.

To approve the award of the following contracts to the low, responsive bidders:

B. To approve to award contract SEWERS 3-15 (INCLUDING WATER MAIN) to the low, responsive bidder, Feaker & Sons, in the amount of \$450,358.50.

C. To approve to award contract SIDEWALKS 2015 to the low, responsive bidder, Martell Construction, in the amount of \$265,470.00.

12. To approve the request by GB Metreau, LLC to allow their contractor to install temporary electric service to the property at 115 E Walnut Street across City property and right-of-way contingent upon executing a Hold Harmless Agreement, placing on file with the City applicable insurance, obtain all necessary City approvals, and authorize the Mayor and City Clerk to execute the agreement.

13. To approve the following Permanent Limited Easements (PLE) and Temporary Limited Easements (TLE):

SEWER EASEMENT FROM FRANZ AVENUE TO BAIRDS CREEK

Ruben Mosqueda. \$250.00 P.L.E. & T.L.E.  
Parcel Number 2 (21-1993)

Tedford Enterprises, LLC \$250.00 T.L.E.  
Parcel Number 4 (19-290)

14. To approve the applications for Concrete Sidewalk Builder's Licenses by the following:

A. Allied Concrete Construction, Inc.

B. E & I Concrete Construction

C. Kurowski Construction LLC

D. N & L Concrete Construction LLP

E. Ray Jaeger Construction, Inc.

15. To approve the applications for an Underground Sprinkler System License by the following:

A. Rain Master Irrigation, Inc.

B. Wolfrath's Nursery & Landscaping

16. To receive and place on file the request by Ald. Thomas DeWane to discuss, with possible action, whether the homeowner or the City should be responsible for damage in front of 641-643 Welland Avenue.

## PROTECTION & WELFARE COMMITTEE REPORT

### June 16, 2015

The Protection & Welfare Committee, having met on Wednesday, June 10, 2015, considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the application for one of six available "Class B" Combination Licenses by Leatherhead Brewing Company, LLC at 875 Lombardi Avenue with the approval of the property authorities.
2. To approve the application for a "Class B" Combination License by Live Entertainment, LLC at 420 N. Clay Street with the approval of the proper authorities. (Currently Rumors, LLC)
3. To approve the application for a "Class B" Combination License by Whiskey Bay, LLC at 636 Lime Kiln Road with the approval of the proper authorities. (Currently JE Blacker, Corp.)
4. To approve the application for a "Class B" Combination License by Dora Sandoval at 1906 University Avenue. (Currently Norma Alcazar) Motion to grant failed for lack of majority, tied two-two, no recommendation.
5. To approve the request by Lenny's Tap to hold outdoor events at 431 N. Broadway on June 28, August 2 and 16. The approval of the request is subject to complaint.
6. To approve the request by Green Bay Sportservice, Inc. to hold an outdoor event at 1265 Lombardi Avenue on June 20. The approval of the request is subject to complaint.
7. To approve the renewal application for a "Class B" Combination License by Funky Monkey, LLC at 405 W. Walnut Street (postponed from the May 11 meeting) with the approval of the proper authorities.
8. To deny the renewal application for a "Class B" Combination License by Kathleen Broder at 1332 S. Broadway.
9. To approve the applications for various "Class A" and Class "B" Licenses for the 2015-2016 License Year (see attached).
10. To deny the appeal by Damodhar Shankar to a nuisance property bill at 2257 Imperial Lane.
11. To deny the appeal by Rachel Bartell to the denial of her Operator License application.



12. To postpone until the next meeting the request by Ald. Steuer, considering the Tavern League has spent much money nationally to ensure patrons have a safe ride home, that a placard/sticker be placed in the interior of said patron's vehicle so that tickets or other repercussive measures do not occur.
13. To refer back to the City Attorney's Office the request by Staff to review with possible action the proposed ordinance 27.304(10) relating to prohibiting Drones at Public Events.
14. To adopt the proposed ordinance relating to Mobile Food Establishments (food trucks) (postponed from the May 11 meeting).

Informational only

For all licensing issues, the Committee may potentially convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wisconsin Statutes, for the purpose of considering information with respect to licensing for a person. The applicant has the right to demand that the meeting be held in open session. The applicant may also request that the meeting be held in closed session. The Committee may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

For all crime detection and prevention issues, the Committee may potentially convene in closed session pursuant to §19.85(1)(d) Wisconsin Statutes, for the purpose of considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention. The Committee may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

"CLASS B" COMBINATION

The Cannery Market, LLC  
The Cannery Market  
320 N. Broadway

Dawn VanPay  
The Nest Stop  
1610 Cass St.

Strats, Inc.  
Cliffhangers (Name to be changed)  
2850 Humboldt Rd.

Green Bay Lodging II, LLC  
Meadows Conference Center  
850 Kepler Dr.

Bluebird Entertainment, Inc.  
Ten O One Club  
1001 Main St.

East Invest GP, LLC  
Julie's Cafe  
1685 Main St.

TREL, LLC  
East Town Pub  
2266 Main St.

Fuzzy 63 Bar & Grill, LLC  
Fuzzy 63 Bar & Grill  
2511 W. Mason St.

LS Adams, LLC  
Cool Hand Luke's  
1238 State St.

Confetti's, Inc.  
Iconic Club  
at 217 E. Walnut St.

Cover 2 Sports Bar & Lounge, LLC  
Cover 2 Sports Bar & Lounge  
at 201 N. Washington St.

CLASS "A" BEVERAGE

Mi Tierra Food Market, Inc.  
Mi Tierra Food Market  
at 1333 Cedar St.

Speedway, LLC  
Speedway  
at 1688 E. Mason St.

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

**June 16, 2015**

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**

Alderton, Jeffrey J	Rieder, Anthony J
Alvarado-Ortiz, Christopher L	Roberts, Cynthia I
Benter, Tabetha L	Rogers, James W
Boucher, Kelly L	Rome, Quenten R
Boyea, Carolyn E	Sauer, John N
Brosz, Susan M	Schwartz, Choya R
Brown, Amy R	Silas-Grode, Satiana R
Burns, Mary M	Simons, Alisa R
Bushman, Michael P	Stemple, Andrew J
Cox, Christian C	Theisen, Robert J
Czachor, Tammy C	Valentyn, Lee T
Dorff, Michael P	Valentyn, Michael L
Edinger, Shawn M	Van Boxel, James T
Fish, Kecia M	VanEnkenvort, Beth E
Frostman, Anne L	VanLaanen, Jeremy M
Henderson, Ian W	Vanlerberghe, Stephanie R
Hock, Anthony E	Vazquez, Joshua
Homme, Elizabeth S	Vogt, James R
Hubertz, Collin P	Wanta, Nicole M
Kelly, Jaclyn J	Wettengel, Jason P
Kirkland, Cynthia M	
Koeller, Robin L	
LaFrombois, Mark R	
LeNoble, Bruce B	
Lentz, Eric L	
Llewellyn, Cheri L	
Maroney, April D	
Martinez, Lisa A	
Masuca, Nicole M	
Murphy, April M	
Newman, Kevin E	

**RESOLUTION APPROVING  
AIR RIGHTS EASEMENT  
AT 211 E WALNUT STREET  
RIGHT-OF WAY  
June 16, 2015**

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

To approve the request by DigiCopy for an amendment to the existing Air Rights Easement to allow a flag mounted sign at 211 E. Walnut Street.

Adopted \_\_\_\_\_, 2015

Approved \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

jld



**RESOLUTION APPROVING  
PERMANENT LIMITED EASEMENTS (PLEs) AND  
TEMPORARY LIMITED EASEMENTS (TLEs)  
FROM FRANZ AVENUE TO  
BAIRDS CREEK  
June 16, 2015**

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

To approve the following Permanent Limited Easements (PLE) and Temporary Limited Easements (TLE):

**SEWER EASEMENT FROM FRANZ AVENUE TO BAIRDS CREEK**

Ruben Mosqueda. Parcel Number 2 (21-1993)	\$250.00	P.L.E. & T.L.E.
Tedford Enterprises, LLC Parcel Number 4 (19-290)	\$250.00	T.L.E.

Adopted \_\_\_\_\_, 2015

Approved \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

jld

**RESOLUTION APPROVING  
HOLD HARMLESS AGREEMENT  
BILL WIDMER, 126 PINE STREET  
TEMPORARY RACK FOR MERCHANDISE  
June 16, 2015**

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

To approve the request by Bill Widmer, 126 Pine Street, Suite 101, to install a temporary rack for merchandise sale/rental in the right-of-way of Pine Street contingent upon executing a Hold Harmless Agreement, placing on file with the City applicable insurance, obtain all necessary City approvals, and authorize the Mayor and City Clerk to execute the agreement.

Adopted \_\_\_\_\_, 2015

Approved \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

aeb

**RESOLUTION APPROVING  
HOLD HARMLESS AGREEMENT  
OAK GROVE NEIGHBORHOOD ASSOCIATION  
SCULPTURE ON PARCEL 21-1281**

**June 16, 2015**

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

To approve the request by Oak Grove Neighborhood Association to place sculpture on Parcel 21-1281 near neighborhood association sign, and amend the existing Hold Harmless Agreement for the neighborhood association sign to include the sculpture.

Adopted \_\_\_\_\_, 2015

Approved \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

aeb

**RESOLUTION APPROVING  
HOLD HARMLESS AGREEMENT  
GB METREAU LLC, 115 E WALNUT STREET  
TO INSTALL TEMPORARY ELECTRIC SERVICE  
June 16, 2015**

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

To approve the request by GB Metreau, LLC to allow their contractor to install temporary electric service to the property at 115 E Walnut Street across City property and right-of-way contingent upon executing a Hold Harmless Agreement, placing on file with the City applicable insurance, obtain all necessary City approvals, and authorize the Mayor and City Clerk to execute the agreement.

Adopted \_\_\_\_\_, 2015

Approved \_\_\_\_\_, 2015

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

aeb

**RESOLUTION VACATING A PORTION OF  
UNIMPROVED RIGHT-OF-WAY BETWEEN  
EAST CONSERVANCY COURT AND  
WEST CONSERVANCY COURT  
(SV 15-01)**

**June 16, 2015**

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 a portion of unimproved right-of-way between East Conservancy Court and West Conservancy Court, in the City of Green Bay, described on the attachment hereto, be, and the same is hereby, vacated, abandoned, and discontinued, subject to all vacated land being attached to the parcel lying northerly of and adjacent to the north line of Conservancy Court.

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

bc

Attachments (map and legal description)

**LEGAL DESCRIPTION  
VACATION OF A PORTION OF  
UNIMPROVED RIGHT-OF-WAY  
BETWEEN EAST CONSERVANCY COURT  
AND WEST CONSERVANCY COURT  
(SV 15-01)**

That part of the Conservancy Court right-of-way described in Brown County Document Number 800120 as recorded in Volume 1093 of Records, Page 176, being part of the southwest  $\frac{1}{4}$ , southwest  $\frac{1}{4}$ , Section 1, Township 23 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, described as follows:

Beginning at the northwest corner of Lot 4, of the recorded plat of South Branch Estates;

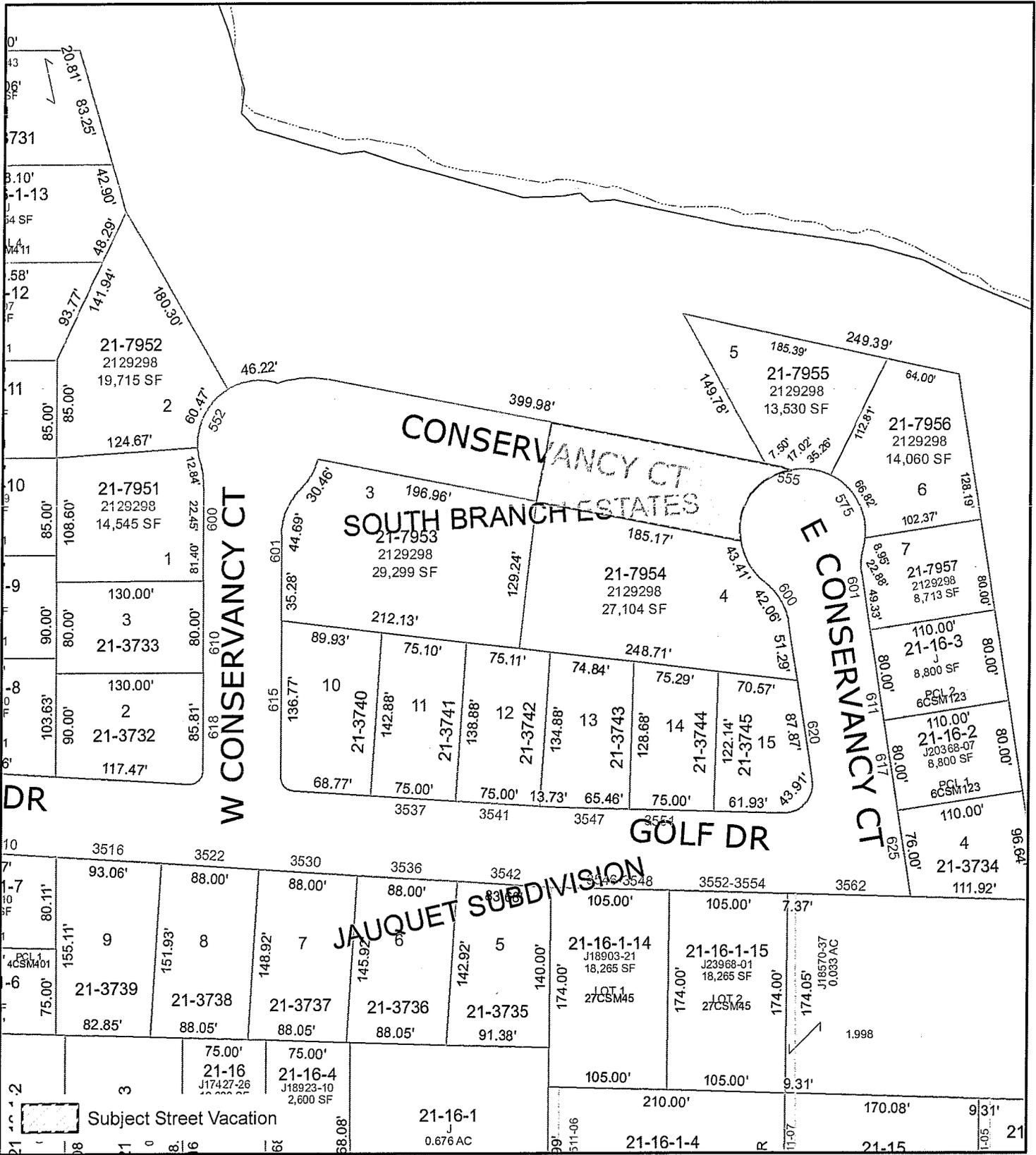
thence S78°-53'-21"E, 185.17 feet, along the north line of said Lot 4, to the northeast corner of said Lot 4;

thence northeasterly along the arc of a 55.00 foot radius curve to the right, 83.28 feet, said curve having a chord which bears N36°-05'-01"E, 75.55 feet, to the south line of Lot 5, South Branch Estates (also being the north right-of-way line of Conservancy Court);

thence northwesterly along said north right-of-way line of Conservancy Court, along the arc of a 95.00 foot radius curve to the left, 17.02 feet, said curve having a chord which bears N73°-45'-27"W, 16.99 feet;

thence continuing along the north line of Conservancy Court, N78°-53'-21"W, 200.14 feet;

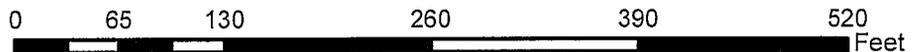
thence S11°-06'-39"W, 70.00 feet, to the point of beginning.



**Street Vacation Request (SV 15-01)**

**Request to vacate the portion of unimproved right-of-way between E. Conservancy Court and W. Conservancy Court**

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. SJH March 2015



16 B

**RESOLUTION REGARDING VACATION OF  
AN UNIMPROVED ALLEY LOCATED BETWEEN  
NORTH VAN BUREN STREET, KLAUS STREET,  
NORTH WEBSTER AVENUE, AND BERNER STREET  
(AV 15-02)**

**June 16, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, a request has been filed with the Common Council requesting vacation of an unimproved alley located between North Van Buren Street, Klaus Street, North Webster Avenue, and Berner Street, as depicted on the attached map; and

WHEREAS, the public interest may require that the aforesaid unimproved alley 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 subject to ownership and maintenance of an existing storm sewer located within the vacated unimproved alley becoming the responsibility of the adjacent property owners.

NOW, THEREFORE, BE IT RESOLVED that it appears to be in the public interest that the unimproved alley located between North Van Buren Street, Klaus Street, North Webster Avenue, and Berner Street be abandoned, vacated, and discontinued by the City of Green Bay, subject to the above-referenced condition, and that a hearing be held on the abandonment, vacation, and discontinuance of the same on August 18, 2015, at 7:00 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 unimproved alley 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.

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

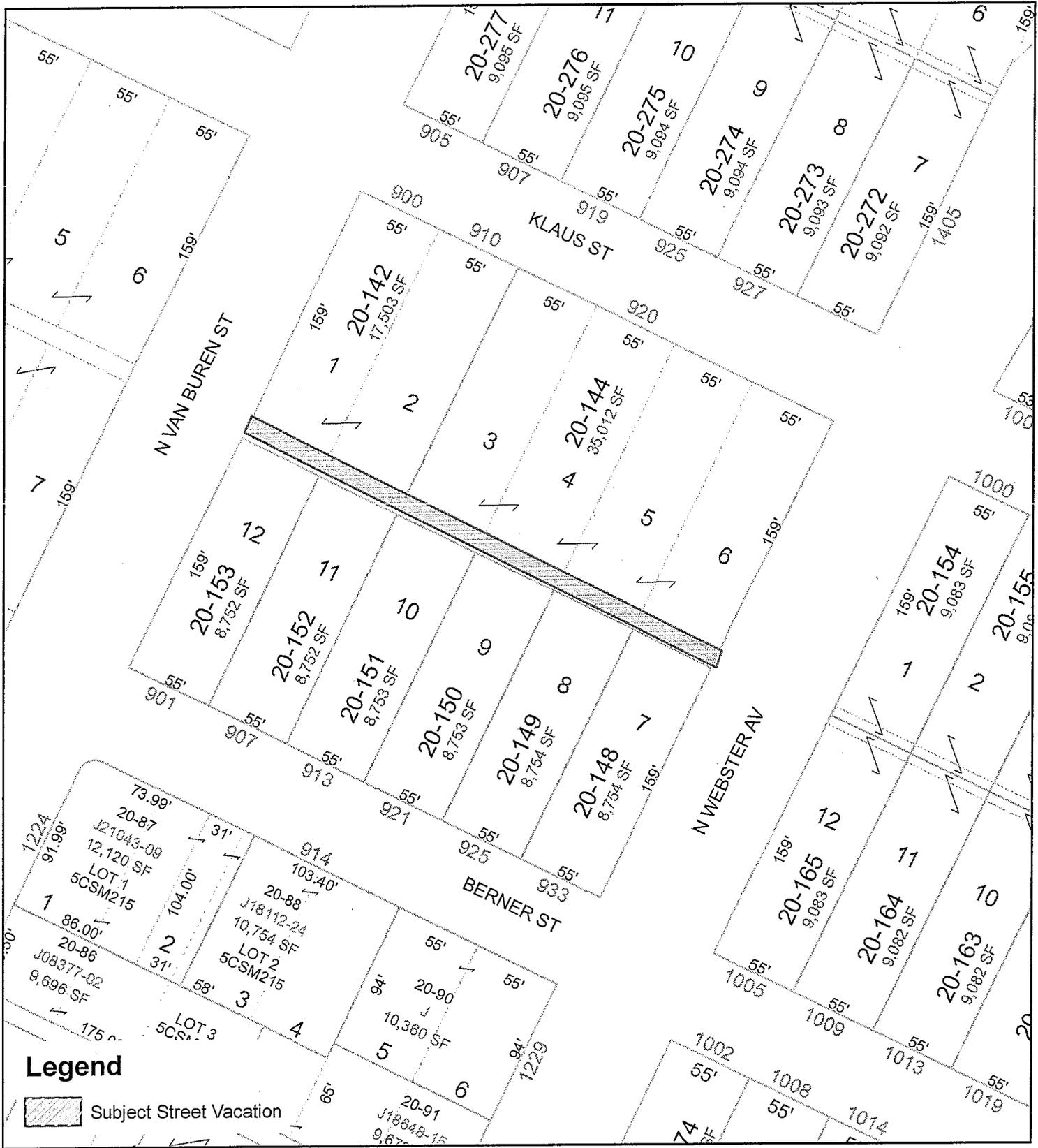
bc

Attachments (legal description and map)

**LEGAL DESCRIPTION  
VACATION OF AN UNIMPROVED ALLEY  
LOCATED BETWEEN NORTH VAN BUREN STREET,  
KLAUS STREET, NORTH WEBSTER AVENUE, AND BERNER STREET  
(AV 15-02)**

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Block 58, Eastman's Addition to the City of Green Bay, located in Private Claim 1, East Side of Fox River, City of Green Bay, Brown County, Wisconsin.

Tax Parcel Numbers: 20-142  
20-144  
20-148  
20-149  
20-150  
20-151  
20-152  
20-153



**Legend**

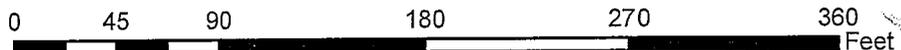
 Subject Street Vacation



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 Map prepared by City of Green Bay Planning Department.  
 SJH May 2015

**Alley Vacation Request (AV 15-02)**

**Request to vacate the unimproved alley between Van Buren Street and Webster Avenue Block 58, Eastman's Addition**



176

GREEN BAY, WISCONSIN

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

THAT THE FOLLOWING DESCRIBED SIDEWALKS BE ORDERED RECONSTRUCTED AND THAT THE CITY CLERK ISSUE A SIXTY (60) DAYS NOTICE AS PER THE ATTACHED SCHEDULE:

<u>NAME</u>	<u>LOCATION</u>	<u>LINEAR FEET</u>	<u>CREDIT</u>
City Wide Sidewalk Repairs SBClient (0) AND RC (11309)			
16-1	PORLIER ST	35.0000	0.0000
WISCONSIN DEPT OF NATURAL RESOURCES PO BOX 7921 MADISON WI 53707-7921	PLAT OF ASTOR LOTS 1 THRU 8 BLK 61 EX 265- D-373 & ALL OF BLK 63 EX THAT PART OF LOTS 1 & 2 LYG ELY OF A LINE 25 FT ELY OF & PARA TO THE C/L MAIN TRACK & PRT OF LOTS 6 THUR 14 BLK 64 & PRT OF LOTS 16 THRU 23 BLK 160 & PRT OF LOTS 9 THRU 15 BLK		

Adopted \_\_\_\_\_

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

**GENERAL ORDINANCE NO. 12-15**

**AN ORDINANCE  
CREATING SECTION 6.39,  
GREEN BAY MUNICIPAL CODE,  
RELATING TO MOBILE FOOD ESTABLISHMENTS**

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

**SECTION 1.** Section 6.39, Mobile Food Establishments, Green Bay Municipal Code, is hereby created as follows:

**6.39 MOBILE FOOD ESTABLISHMENTS.**

**(1) DEFINITIONS.**

- (a) "Mobile Food Establishment" means a restaurant or retail food establishment where food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance or except as specified in the Wisconsin Food Code.
- (b) "Mobile" shall mean the state of being in active, but not necessarily continuous, movement.
- (c) "Mobile Food Vendor" means the registered owner of a mobile food establishment or the owner's agent or employee, or any business which sells edible goods from a mobile food establishment within the City of Green Bay.
- (d) "Edible Goods" shall include but are not limited to:
  - 1. Pre-packaged and prepared food including, but not limited to, ice cream, hot dogs, deserts, and pizza.
  - 2. On-site prepared food including, but not limited to, shaved ice, sandwiches, and tacos.
- (e) "Sell" shall mean the act of exchanging a good for profit or in return for a donation.

- (f) "Service Base" means an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place, and where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.
- (g) "Vehicle" shall mean any motor vehicle as defined by Wis. Stats. §340.01(35) or trailer as defined by Wis. Stats. §340.01(71). Vehicle shall also include any bicycle or other self-propelled device.
- (h) "Vend" shall mean to sell or to transfer the ownership of an article to another for a price in money.

(2) LICENSE REQUIRED.

- (a) No mobile food vendor and/or mobile food establishment shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever in the City of Green Bay without having obtained an approved license from the City Clerk.
- (b) All mobile food establishments used for vending food shall be licensed for such use by the Brown County Health Department and all other applicable agencies. Mobile food establishments shall acquire the appropriate licenses and permits for any additional food items not required under this subchapter if deemed necessary by the Brown County Health Department.
- (c) LICENSE. Every mobile food vendor shall have a license issued by the City Clerk to conduct business in the City of Green Bay. Each mobile food establishment shall be licensed separately. A mobile food establishment license shall expire on June 30 each year.
- (d) LICENSE FEE. The license to operate a mobile food establishment shall be \$500.00. If an applicant requests a license under this subchapter from an existing City of Green Bay based business that sells food based products, the license fee shall be \$300.00.

## GENERAL ORDINANCE NO. 12-15

Page 3

- (e) LICENSE RENEWAL. Upon renewal of license, each applicant must provide a new application, a renewal fee of \$500.00, and any new permitting documentation upon the license renewal. License renewal from an existing City of Green Bay based businesses shall be \$300.00. If the applicant fails to submit the application and renewal fee within 30 calendar days after the expiration of the license, the applicant shall reapply as a new applicant.
- (f) TRANSFER OF LICENSE. A license issued under this subchapter shall not be transferable from person to person. A license is valid for one vehicle only and shall not be transferrable between vehicles.
- (g) CONTINUED USE. A license which has been granted but not in continuous use in a manner indicating an ongoing business for a period of 90 days is presumed invalid and shall be subject to revocation unless authorized by the Common Council.
- (h) SURRENDER OF LICENSE; ALTERATION OF LICENSE; FAILURE TO DISPLAY LICENSE. On the expiration of a license issued under this subchapter, the license holder shall surrender the license to the City Clerk. No person shall alter or change in any manner any license issued under the provisions of this subchapter, and such alteration or the failure of the holder of the license to display the license in a conspicuous place on the mobile unit or his or her person or to exhibit the license upon demand of any officer or customer or prospective vendee shall be cause for revocation of such license.

### (3) LICENSE APPLICATION PROCESS.

- (a) APPLICATION. Any person desiring to operate a mobile food establishment shall apply for a license on a form promulgated by the City Clerk and pay the proper license fee for each mobile food establishment managed by the person. The Clerk shall forward the application to the police department for review. If the police department approves the application, the Clerk shall issue the license to the applicant.
- (b) APPLICATION DENIAL. An applicant of a mobile food establishment may be denied where:
  - 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 circumstances of the particular job or licensed activity.
  3. The applicant made a false statement on the application.
  4. The applicant is under 18 years old.
  5. The applicant is found to have unpaid civil judgment(s) which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and the amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments.
- (c) APPEAL. If the police department denies an application for a license, the applicant may appeal within 15 days after the Clerk 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 and Welfare Committee.
- (d) 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 decision.
- (e) ISSUANCE. The Clerk shall issue the mobile food establishment license if the applicant has completed the application requirements and has been approved by the police department.
- (4) LICENSE SUSPENSION OR REVOCATION. The Common Council may revoke or suspend, no less than 10 and not more than 90 days, any license under this subchapter for violation by any vendor or the vendor's employee or agent of any provision of this chapter or any State law or City ordinance which renders future vending contrary to the public health, safety or welfare, or for fraud or misrepresentation in solicitation under this chapter.
- (5) INSURANCE.
- (a) LIABILITY INSURANCE. The license holder under this subchapter shall have in force liability insurance for each mobile food establishment.

- (b) PROOF OF INSURANCE. As evidence of liability insurance, the licensee shall furnish a certificate of insurance, on a form acceptable to the City, evidencing the existence of adequate liability insurance naming the City of Green Bay, its employees and agents as additionally insured in an amount not less than \$1,000,000.00. Whenever such policy is cancelled, not renewed, or materially changed, the insurer and the licensee shall notify the City of Green Bay by certified mail.

(6) SANITATION REQUIREMENTS.

- (a) Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and the Brown County Health Department including, but not limited to, the time, temperature, plumbing, operation and maintenance for mobile food establishments.
- (b) Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and Brown County Health Department regarding preparation facilities, serving areas and operation areas.
- (c) The licensees of the mobile food establishment or employee(s) thereof shall abide by the request of the Brown County Health Department for annual inspections of the establishment at a location designated by the health department.
- (d) Authorities of the Brown County Health Department may require that mobile food establishments found to violate sanitation and health requirements to have follow-up inspections to verify compliance.
- (e) Service Base Required.
  - 1. All mobile food establishments shall have a mobile service base to store and prepare food and all supplies. No food items are allowed to be stored or prepared in a private residence or garage unless approved by the Brown County Health Department.
  - 2. Any food item desired to be cooked or prepared on the mobile food establishment shall first be inspected by the Brown County Health Department.
  - 3. All mobile food units shall be cleaned and serviced as often as necessary from the service base.

4. The service base shall be inspected and approved by the Brown County Health Department prior to operating the mobile food establishment.
5. All mobile food establishments shall return to its service base at least once every 24 hours for service and maintenance.

(7) CONDUCT OF BUSINESS.

(a) REGULATIONS GENERALLY. The following regulations shall apply to mobile food establishments during the regular order of business:

1. A licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted edible goods, nor intentionally misrepresent to any prospective customer the purpose of his or her solicitation, the name of the business of his or her principal, if any, the source of supply of the goods, ware or merchandise which he or she sells or offers for sale or the disposition of the proceeds of his or her sales.
2. A licensee shall not use the license provided by the City after expiration or revocation of the license.
3. A licensee shall keep the premises in a clean and sanitary condition and the edible goods offered for sale well covered and protected from dirt, dust and insects. All food vendors shall comply with requirements of state and local authorities.
4. A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of goods, wares, or merchandise in the City of Green Bay between the hours of 6:00 a.m. and 9:00 p.m. All sales within the portion of the downtown district of Green Bay, as defined and displayed in Exhibit A under this subchapter, shall be allowed between the hours of 6:00 a.m. and 3:00 a.m.
5. No mobile food establishment shall conduct business at a stationary location for a duration exceeding 4 hours per location per day.

6. All persons conducting business on a sidewalk or terrace must maintain within 25 feet of their sales location a clean and hazard-free condition, and shall not discharge any material onto the street, sidewalk, gutters or storm drain. Each person conducting business on a sidewalk or terrace under the provisions of this chapter shall carry a minimum 30-gallon container for placement of such litter by customers or other persons.
7. A vehicle or other on-street unit which is operated for the purpose of selling food from the unit shall be operated only by a person who has obtained a license or by the employee of the person who obtained a license under this subchapter.
8. No person may sell or vend any item upon any premise(s) if there is placed signage prohibiting the activity.
9. All business activity relating to the mobile food establishments in the public right-of-way shall be conducted from the curbside of the vehicle at all times. No sales shall be made from a vehicle except from the curbside of said vehicle, unless otherwise authorized by the owner of private property.
10. No food service shall be prepared, sold, or displayed outside of the mobile food establishment.
11. No person shall provide or allow any dining area to the mobile food establishment, including, but not limited to, tables and chairs, booths, stools, benches or stand up counters.
12. Signage may only be permitted when placed on the mobile food establishment. No separate free-standing signs are permitted.
13. Any special or civic event organizer desiring to hold 5 or more mobile food establishments on the property where the event will be held shall notify the Brown County Health Department at least 7 business days prior to the event.

(b) VEHICLE REGULATIONS.

1. Any vehicle or other on-street units used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product or products to be vended.
2. Amplified music or other sounds from any vehicle or unit used for the purpose of vending products in the public streets shall comply with Chapter 27, Subchapter II, Green Bay Municipal Code.
3. All mobile food establishments shall be entirely self-contained in regards to gas, water, electricity, and equipment(s) required for operation of the unit.
4. All mobile food vehicles must have valid license plates and registration as provided by Chapter 341 of the Wisconsin Statutes.
5. No vehicle or unit may violate any traffic or parking statute or ordinance when stopping to make sales. Meter bags will not be issued to license holders under this subchapter.
6. No flashing or blinking lights or strobe lights are allowed on a mobile food establishment or related signage when the establishment is parked and engaged in serving customers. All lighting is subject to review by the City of Green Bay Traffic Engineer and shall be removed if deemed to be in conflict with safe travel.
7. No mobile food establishment shall exceed 36 feet in length and 8 feet in width. Excluding canopies, umbrellas, or transparent enclosures, no mobile food vehicle or unit shall exceed 10 feet in height.

(c) ZONING RESTRICTIONS.

1. The vendor of the mobile food establishment shall not operate in a congested area where such operation impedes or inconveniences public use. No vendor shall engage in the licensed business on any public park, playground, school, library or other public premises.

**GENERAL ORDINANCE NO. 12-15**

**Page 9**

2. No mobile food establishment or pedestrian desiring to conduct business at the mobile food establishment shall obstruct an adjacent path or lane of travel. A path or lane of travel includes, but is not limited to, sidewalks, motor vehicle lanes, bicycle lanes and other designated parking areas.
3. No more than 2 mobile food establishments shall be allowed to conduct business on private property.
4. No mobile food vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be kept in the mobile food unit at all times. The mobile food vendor shall comply if asked to leave the private property by the property owner or a city official.
5. No mobile food establishment shall conduct business within 500 feet of any fair, festival, special event or civic event that is licensed or sanctioned by the City of Green Bay unless the licensee has obtained written permission from the event sponsor.
6. A mobile food establishment shall be located on a paved surface at all times unless it is part of a City sanctioned special event.
7. No person may conduct business on a sidewalk in any of the following places:
  - a. Within 20 feet of the intersection of the sidewalk with any other sidewalk.
  - b. Within 10 feet of the extension of any building entrance or doorway to the curb line.
  - c. Within 150 feet of a public entrance of any business which sells a food product during the hours the particular business is open for sale, unless written permission is granted by the business.
8. A mobile food establishment may be permitted in all zoning districts except within any residential zoning district. The subsection shall not apply to ice-cream trucks.

(d) EXEMPTIONS.

1. Upon application and approval from the Protection and Welfare Committee, the licensee may periodically and infrequently extend the hours of service of the mobile food establishment outside the designated zone displayed in Exhibit A from 6:00 a.m. to 3:00 a.m. for business purposes only. This exemption shall not be applicable in any residential zoning district.
2. Upon application and approval from the Protection and Welfare Committee, the owner of private property may allow more than 2 mobile food establishments to conduct business on said property during the normal hours of operation.
3. For event purposes, a mobile food establishment may conduct business on publicly-owned property after the approval from the Parks Department and the Department of Public Works or participates in a City sanctioned special event.

(8) PENALTIES. A licensee or vendor who violates any provision of this subchapter or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than \$1.00 nor more than \$500.00 for each offense.

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

**GENERAL ORDINANCE NO. 12-15**  
**Page 11**

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

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_,  
2015.

APPROVED:

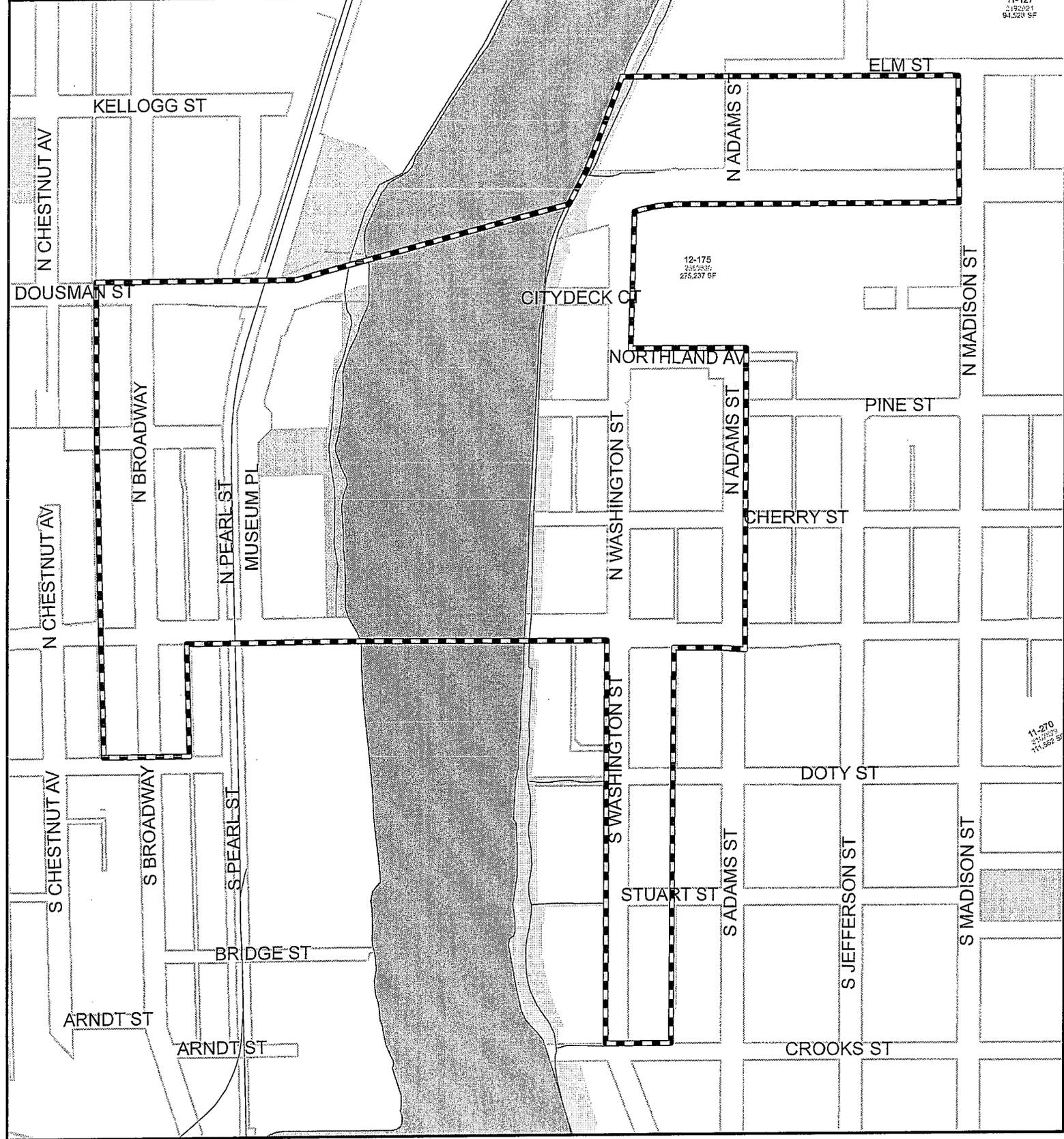
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

PJL:bc

06/16/15



12-175  
235,242  
273,237 SF

11-270  
217,200  
11,522 SF



# Exhibit A



*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.*



Extended Service Hours Locations

**19K**

GENERAL ORDINANCE NO. 13-15

AN ORDINANCE  
AMENDING SECTION 13-902, TABLE 9-1,  
GREEN BAY MUNICIPAL CODE,  
TO PERMIT AN INDOOR RECREATIONAL FACILITY  
WITHIN THE GENERAL INDUSTRIAL (GI) DISTRICT  
(TA 15-03)

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

**SECTION 1.** Section 13-902, Table 9-1, Green Bay Municipal Code, is amended as follows:

**Table 9-1. Principal Uses in the Industrial Districts**

Use	LI	GI	BP	Dev. Stds.
<i>Commercial Recreation and Entertainment</i>				
Adult entertainment	C	C	-	x
Health clubs, fitness centers	P	-	P	x
Indoor recreational facility	P	<u>P</u>		
Marina	C	C	-	
Outdoor commercial recreation area	-	-	C	x

**Note:** P = Permitted Use; C = Conditional Use

**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 \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

bc

06/16/15

i:\legislative\council 2015\06162015\law\go 13-15 - amend ch 13 table 9-01 permit indoor rec facility in general industrial district.docx

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**MISCELLANEOUS ORDINANCE NO. 2-15**

**AN ORDINANCE  
ADOPTING AN AMENDMENT TO THE SMART  
GROWTH 2022 COMPREHENSIVE PLAN OF THE  
CITY OF GREEN BAY PERTAINING TO PROPERTY GENERALLY  
LOCATED IN THE 500 BLOCK OF NORTH HENRY STREET, ACME STREET AND  
LAWRENCE STREET, SOUTH OF UNIVERSITY AVENUE, FROM LOW DENSITY  
HOUSING, MEDIUM/HIGH DENSITY HOUSING, COMMERCIAL AND LIGHT  
INDUSTRY TO GENERAL INDUSTRY (Figure 22-5)  
(CPA 15-01)**

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 15-01; 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 15-01 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

**MISCELLANEOUS ORDINANCE NO. 2-15**  
**Page 2**

**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 \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

PN:bc

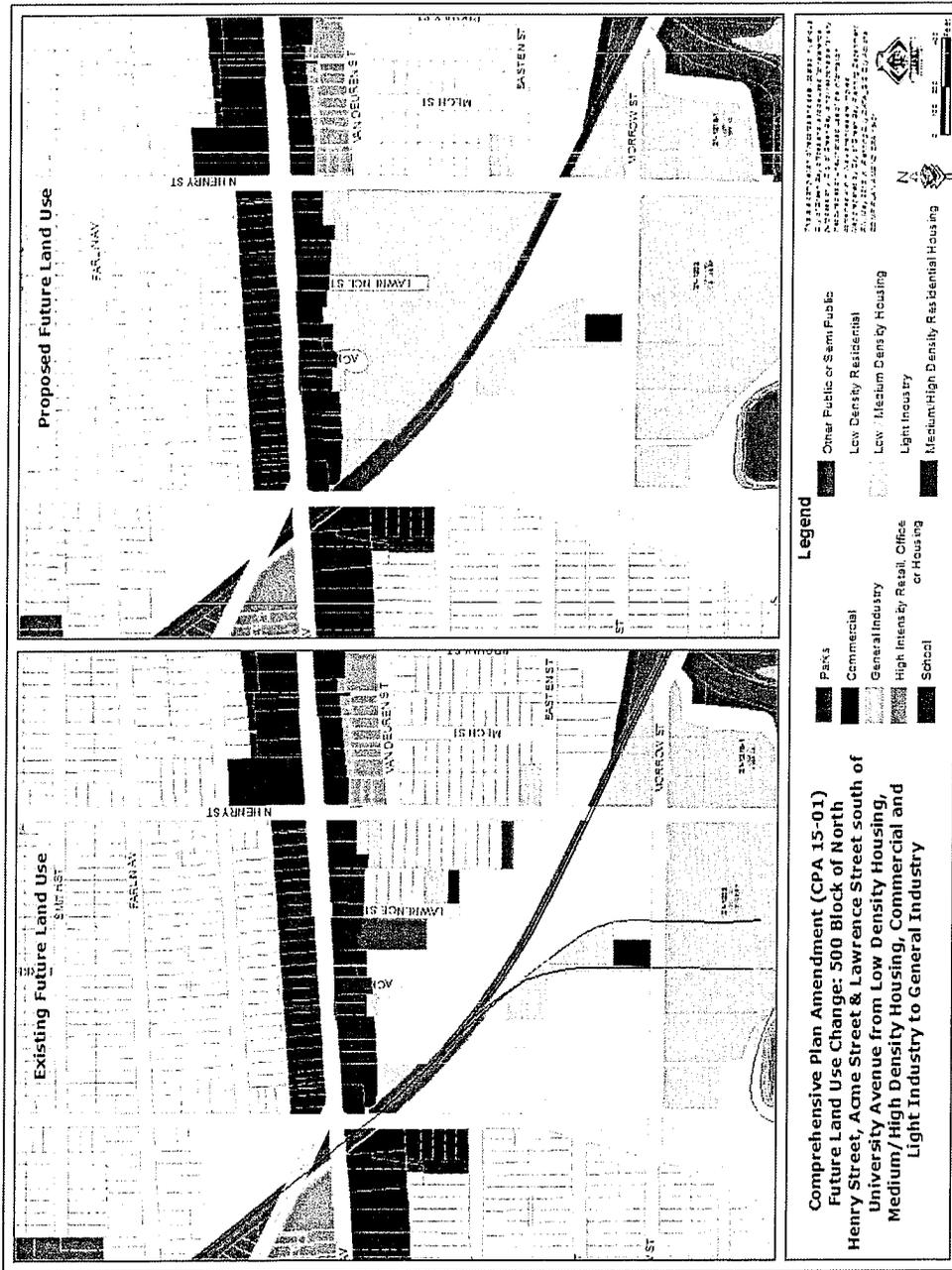
Attachment – Comprehensive Plan Amendment

**Public Notification  
Proposed Amendment to the  
City of Green Bay  
Smart Growth 2022 Comprehensive Plan  
(CPA 15-01)**

Please take notice that the Common Council of the City of Green Bay will hold a public hearing on Tuesday, July 21, 2015 at 7:00 p.m. at City Hall Council Chambers (Room 203), 100 North Jefferson Street, Green Bay, WI 54301. The hearing is regarding the following proposed amendment to the City of Green Bay Smart Growth 2022 Comprehensive Plan (CPA 15-01): A request to revise properties generally located in the 500 Block of North Henry Street, Acme Street & Lawrence Street south of University Avenue from Low Density Housing, Medium/High Density Housing, Commercial and Light Industry to General Industry (Figure 22-5).

This Comprehensive Plan Amendment is proposed to allow for the future expansion of American Foods existing operations at 544 Acme Street.

For additional information, contact Paul Neumeyer at (920) 448-3405 or [paul\\_ne@greenbawwi.gov](mailto:paul_ne@greenbawwi.gov). The information can also be viewed on the city's web site at [www.green](http://www.green)



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**ZONING ORDINANCE NO. 4-15**

**AN ORDINANCE  
REZONING PARCEL NUMBER 21-486,  
LOCATED EAST OF 1902 NORTH IRWIN AVENUE,  
FROM GENERAL INDUSTRIAL (GI) DISTRICT  
TO GENERAL COMMERCIAL (C1) DISTRICT  
(ZP 15-12A)**

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

**SECTION 1.** Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from General Industrial (GI) District to General Commercial (C1) District:

Parcel No. 21-486: That part of Lots 19 – 23, Block 97, Businessmens Assoc. Add. lying southerly of Hwy. I-43 right-of-way and northerly of Radisson Street right-of-way

**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 \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

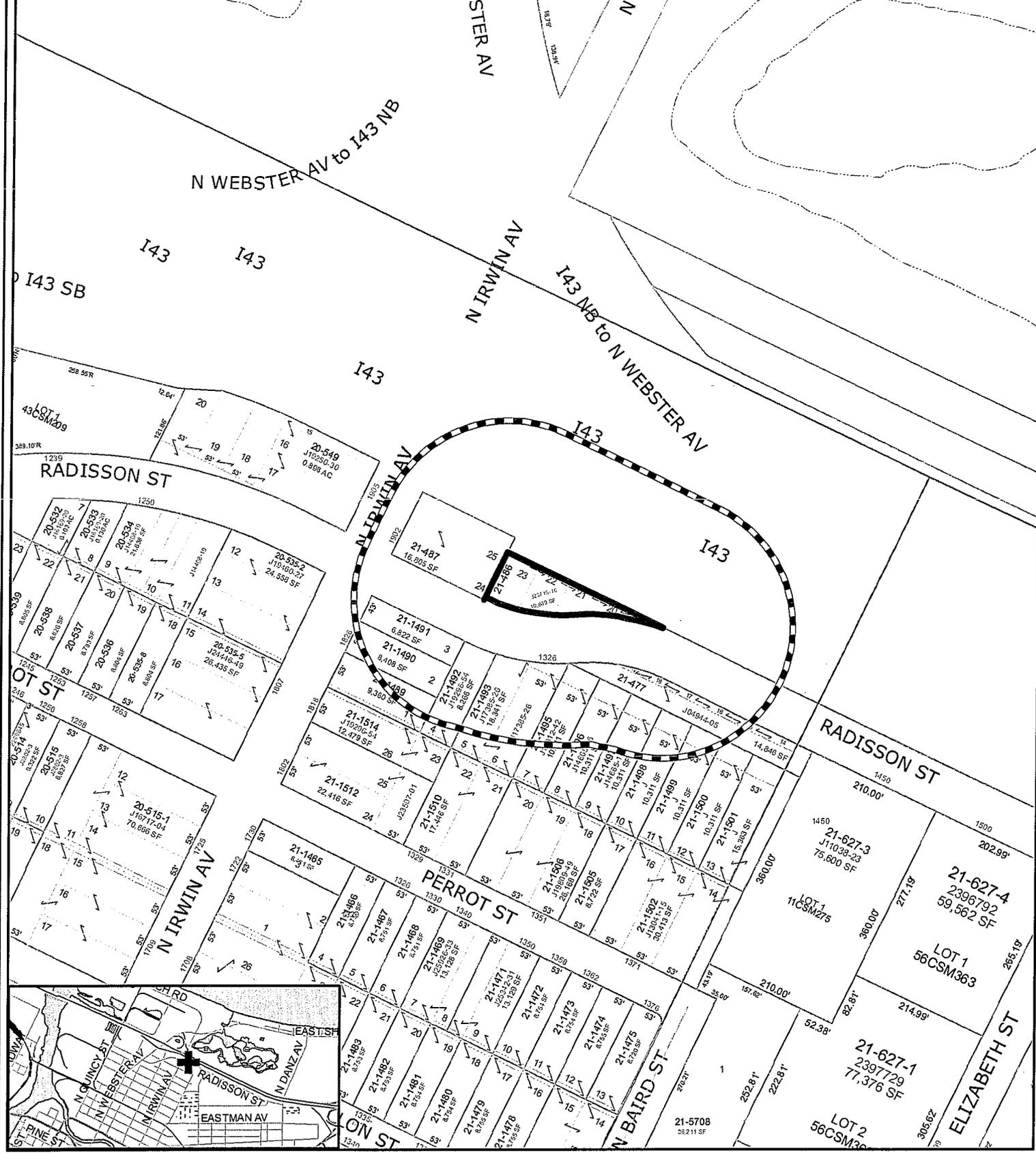
\_\_\_\_\_  
Clerk

bc

06/16/15

Attachment – Map

i:\legislative\council 2015\06162015\law\zo 4-15 - rezoning parcel no 21-485 east of 1902 n irwin ave.docx



**Zoning Petition (ZP 15-12A)**

**Request to rezone a parcel of property to the east of 1902 North Irwin Avenue,  
Tax Parcel 21-486, from General Industrial (GI) to General Commercial (CI) District**

*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. May 2015. \Planning\CityZPMaps\2015\ZP15-12A*



 Subject Area

 200' Notice Area

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**GENERAL ORDINANCE NO. 11-15**

**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 removing therefrom the following NO PARKING 6:00 PM – 2:00 AM zone:

NEWHALL STREET, both sides, from Main Street to Proper Street

**SECTION 2.** Section 29.208, Green Bay Municipal Code, is hereby amended by removing therefrom the following TWO-HOUR PARKING 7:00 AM – 7:00 PM MONDAY - FRIDAY zone:

ST. ANTHONY DRIVE, north side, from a point 247 feet east of Mount Mary Drive to a point 1162 feet east of Mount Mary Drive

**SECTION 3.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following TWO-HOUR PARKING 7:00 AM – 7:00 PM MONDAY - FRIDAY zones:

ST. ANTHONY DRIVE, north side, from a point 247 feet east of Mount Mary Drive to a point 790 feet east of Mount Mary Drive

ST. ANTHONY DRIVE, north side, from a point 925 feet east of Mount Mary Drive to a point 1162 feet east of Mount Mary Drive

**SECTION 4.** Section 29.208, Green Bay Municipal Code, is hereby amended by adding thereto the following NO PARKING zone:

ST. ANTHONY DRIVE, north side, from a point 790 feet east of Mount Mary Drive to a point 925 feet east of Mount Mary Drive

**GENERAL ORDINANCE NO. 11-15**  
**Page 2**

**SECTION 5.** All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 6.** This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

bc

05/19/15

**MISCELLANEOUS ORDINANCE NO. 1-15**

**AN ORDINANCE  
ADOPTING AN AMENDMENT TO THE  
SMART GROWTH 2022 COMPREHENSIVE PLAN  
OF THE CITY OF GREEN BAY PERTAINING  
TO PROPERTY GENERALLY LOCATED IN THE  
1580 BLOCKS OF EAST MASON STREET AND  
KIMBALL STREET, AS WELL AS THE  
500 BLOCK OF BELLEVUE STREET  
(CPA 15-02)**

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 15-02; 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 15-02 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 \_\_\_\_\_, 2015.

APPROVED:

\_\_\_\_\_  
Mayor

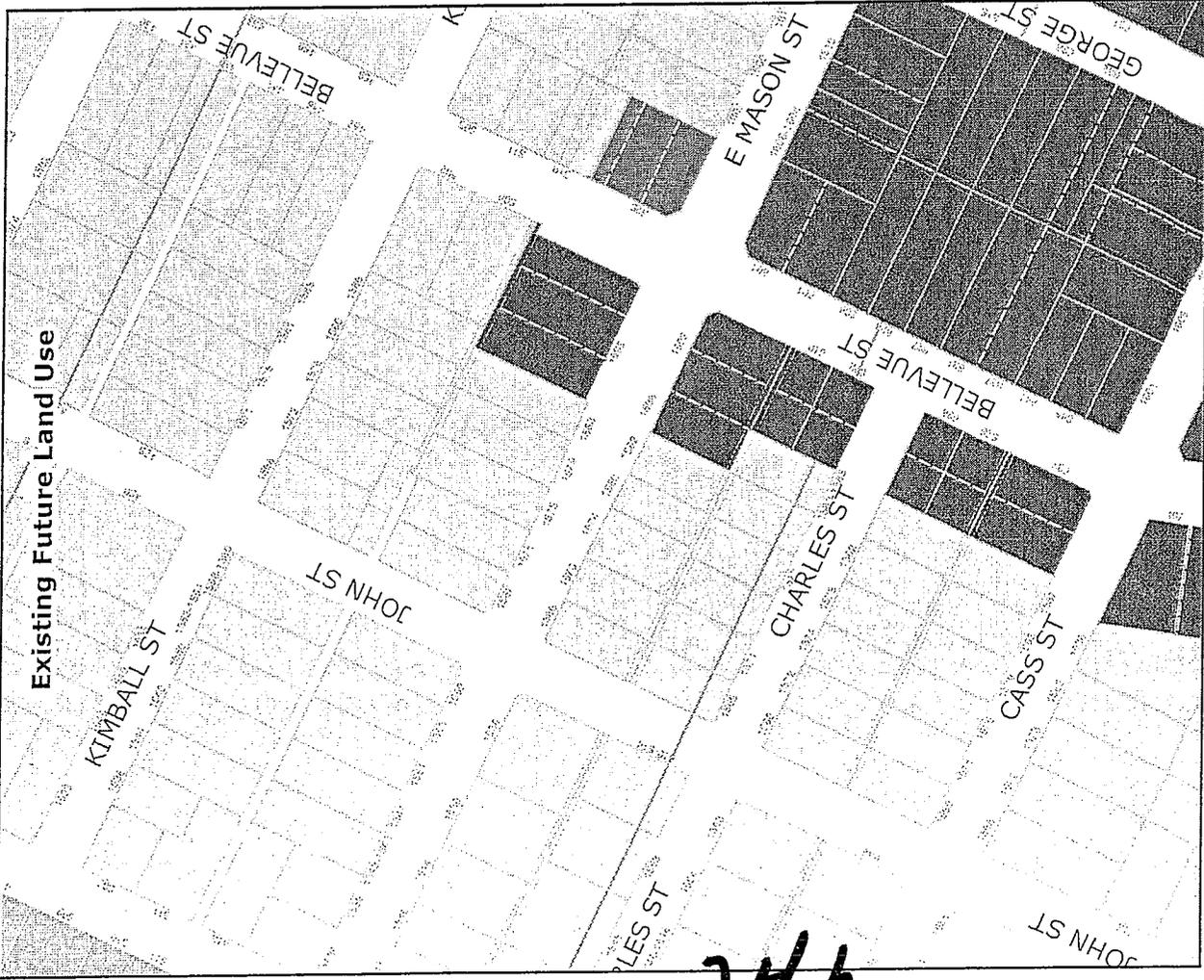
ATTEST:

\_\_\_\_\_  
Clerk

bc

Enclosure – Map

**Existing Future Land Use**



**Proposed Future Land Use**



**Comprehensive Plan Amendment (CPA 15-02)  
Future Land Use Change  
From "Low Density Housing"  
To "Commercial"**



- Business Park
- Commercial
- General Industry
- High Intensity Retail, Office or Housing
- School

**Legend**

- Other Public or Semi Public
- Low Density Residential
- Low / Medium Density Housing
- Light Industry
- Medium Intensity Retail, Office or Housing

- Parks
- Downtown
- Private Open Space



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. 2015\_X:\Planning\CITYDATA\_GIS\CITY Actions1  
COMP PLAN AMEND CPA 15-02

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