



AGENDA OF THE COMMON COUNCIL

TUESDAY, JUNE 28, 2022, 6:00 PM

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

Virtual attendance also available via Zoom.

A. Zoom Meeting Information.

- I. This item contains a document providing virtual meeting instruction and the comment form link.

B. Roll Call.

C. Pledge of Allegiance.

D. Invocation.

- I. Ald. Steven Campbell, District 6

E. Approval of Minutes.

- I. June 7, 2022

F. Approval of the Agenda.

G. Report by the Mayor.

H. Announcements.

I. Appointments.

I. Reappointments:

Equal Rights Commission

Said Hassan, 538 Clement St., Apt. 5, Green Bay, WI 54302

Term to expire: June 1, 2025

Green Bay/Brown County Professional Stadium District Board

William Galvin, 1244 Emilie St., Green Bay, WI 54301

Term to expire: June 1, 2024

Leah Weycker, 227 Allard Ave., Green Bay, WI 54303

Term to expire: June 1, 2024

2. New Appointments

- a. Green Bay/Brown County Professional Stadium District Board
Barbara Dorff, 3375 Pebble Beach Ct, Green Bay, WI 54311
Term to expire: July 1, 2024
- b. City Officials
Jonathon LeRoy, Zoning Administrator

J. Public Hearings.

- I. Resolution of public alley between Monroe Ave and Quincy Street from Cherry Street to Pine Street to be vacated.

K. Report of the Equal Rights Commission (held from April 19, 2022 Common Council Meeting)

- I. Refer to staff to create a work plan to attain a score of 100 for the Municipal Equality Index (held from the April 19, 2022 Common Council meeting to allow the Human Rights Campaign time to provide a presentation on the Municipal Equality Index).

L. Report of the Finance Committee (Items held from May 17, 2022 Common Council meeting and June 21, 2022 meeting).

- I. To approve the American Rescue Plan Act (ARPA) allocation within the Crime Prevention and Neighborhood Enhancement category for Neighborhood Association support for \$150,000 (held from May 17, 2022 Common Council Meeting).
2. To approve the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Energy Efficiency grants for \$500,000 (held from the May 17, 2022 Common Council meeting).
3. To approve as amended. To amend the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Curb Appeal program for \$300,000 to mirror the Shipyard program with \$1,000 for landscaping, \$2,500 for structural, \$5,000 for site improvement and a minimum 25% match (held from the May 17, 2022 Common Council meeting).
4. To approve the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Great to be Home! program for \$500,000 (held from May 17, 2022 Common Council meeting).
5. To approve a budget amendment resolution to transfer \$15,703.00 from Contingency account to Elections budget.

6. To approve the purchase of Motorola radios for GBFD from Motorola Solutions through Baycom Enterprises for \$456,241.52.
7. To approve the adoption of the newly created Capitalization policy for the City of Green Bay.
8. To approve acceptance of the allocation from Department of Justice (DOJ) grant for \$151,145.00 for Coronavirus Emergency Response Funding.
9. To approve acceptance of the allocation from Wisconsin Department of Administration for \$391,107.98 for Local Law enforcement Agency Initiative grant – Safer communities funding.
10. To receive and place on file a motion by Ald. Galvin for a report with bullet points explaining what the City did with the monies as it relates to voter education, outreach, and registration.
11. To approve the amended policy that was referred to staff, Law and Finance, to continue to “create a policy or amend an existing policy to prohibit or prevent city personnel from the offices of Clerk, Mayor, Law, Finance, and IT in soliciting, accepting, or using any donation in the form of money, grants, property, or personal service from an individual or a nongovernmental entity for the purpose of funding election -related expenses, voter education, voter outreach, or voter registration programs with the exceptions of compensation of poll workers, securing leases for polling locations, and PPE for voters and volunteers.” From the May 24th Finance Committee meeting.
12. To receive and place on file to work with Ald. Brunette to bring forward to the Common Council a request by Ald. Brunette which states: “For a status update and discussion regarding legal services received from Law Forward states United Democracy Center, and Stafford Rosenbaum LLP with possible action such as continuing or discontinuing legal service received.” From the May 10th Finance Committee meeting.
13. To approve transfer ownership of K9 Bose from the Green Bay Police Department to Retired Officer Matt Lynch.
14. To hold until the July 26th Finance meeting a request by Ald. Brunette to the Finance committee which states: “For staff to prepare a list of five to ten ideas for acceptable uses of remaining ARPA funds under each of the five already approved categories with the goal being a more holistic approach for allocation funds.” To refer to staff until the June 21st Finance meeting for proposals that have been presented or held for possible consideration, and to place this item for discussion on the July 26th Finance agenda for consideration of additional ideas presented by staff and Council. From the May 24th Finance Committee Meeting.
15. To hold on possible action to approve the American Rescue Plan Act (ARPA) allocation within the Capital Needs and Organizational Priorities category for \$25,000.00.

M. Report of the Protection & Policy Committee (June 20, 2022).

1. To recommend the non-renewal of an application for a "Class B" Combination license for The Cannery Market LLC at 320 N. Broadway with a change of agent (Filed 5/16/2022 and referred from the 6/7/2022 Council Meeting).
2. Consideration with possible action on a request by Brewski's on Broadway at 1100 S. Broadway to extend their license premises to the parking lot for an event September 9-10, 2022 from 11 a.m. to 10 p.m., subject to complaint and the renewal of the 2022-2023 liquor license).
3. To approve a request by Cole Ductan (Bay Area Burger Co.) at 126 S. Broadway to extend the issuance of his available "Class B" License to early August due to unanticipated delays (License granted by Council on 5/3/2022).
4. To approve a 2022-2023 application for an available "Class B" Combination license for That 70's Bar, Inc. at 124 S. Broadway with a license premises description as "Stored, sold and consumed on the first floor. Basement (storage)," contingent upon the approval of the proper authorities.
5. To approve an original application for the 2022-2023 license year for a "Class B" Combination license by Taqueria Maldonado's Main Street LLC at 1706 Main St. with a license premises description as "DINING AREA, DRY BACK STORAGE," subject to the approval of the proper authorities (Currently licensed as OT's Bar & Grill-Ofelia Gruetzmacher).
6. To approve a 2022-2023 license year original application for a "Class A" Liquor and Class "A" Beer license by Downtown BP, Inc. at 606 Dousman St. with a license description as "C-STORE, BACK ROOM, 2 BATHROOMS, WALKIN COOLER," with the approval of the proper authorities (Currently licensed with same license type as Dousman Fuel, Inc).
7. To approve a 2021-2022 license year original application for a Class "A" Beer license for Sarpanch, 2, Inc. at 610 E. Walnut St. with a license premises description as "1,000 K CONVENIENCE STORE W/ BEER & LIQ STORE ON SHELVES & COOLERS," pending the approval of the proper authorities (Currently licensed as Singhs C Store 3, LLC with a Class "A" Beer license).
8. To approve a 2022-2023 renewal application for a Class "A" Beer license by Sarpanch 2, Inc. at 610 E Walnut St. (subject to the approval of the proper authorities and approval of the original liquor license application at the June 28 Council meeting).
9. To approve a 2022-2023 renewal application with a change of agent for Chefbop, LLC at 709 S. Broadway.
10. To approve various liquor renewal applications for the 2022-2023 license year (contingent upon the approval of the proper authorities).
11. To receive and place on file the DS200 and DS450 modem report.
12. To deny a request by Ald. Randy Scannell (District 7) to create a city referendum on marijuana legalization for the fall 2022 general election.

Should marijuana be legalized for adult-use, taxed and regulated like alcohol?

Yes _____ No _____

We've seen that our neighbors are benefiting by legalizing cannabis. Michigan legalized adult recreational marijuana in 2018 and now, what was previously illegal, is monitored and regulated. Not only is this giving adults more freedom to make their own personal choices, but it's ensuring safer and more predictable options while generating significant economic activity and public revenue. In March, Michigan sent more than \$42.2 million to 163 municipalities and counties as a part of the Michigan Regulation and Taxation of Marijuana Act.

13. To refer to staff a request by Ald. Wery which reads:

Review with possible action city policy regarding use of city flagpoles and what types of flags may be flown from them and when. If the city does not have one, I would request we create a city flagpole policy.

PURPOSE:

To establish clear guidelines for:

1) the exhibition of the United States of America flag, the Wisconsin State flag, the City of Green Bay flag at City facilities and at City Hall

POLICY:

It is the policy of the City of Green Bay that flags should be displayed in conformance with Federal and State laws and policies, as stated in the Federal "The Flag" publication of the Congress, Title 4, Chapter, 1 of the United States Code, and the State of California Government Code Sections 430 and 437.

The City's flagpoles are not intended to serve as a forum for free expression by the public. The City will not display a ceremonial flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.

PROCEDURE:

Federal, State, and City Flags

1. Outdoor flags will be flown at City facilities in the following order of

precedence: first, the United States of America flag; second, the

Wisconsin State flag; third, the City of Green Bay flag;

2. The City of Green Bay flag will be flown wherever there are sufficient poles to do so. The City flag may be displayed on the same

pole with, and underneath the State flag, whenever the pole is of

2

sufficient height. The Federal, State, and City flags shall not be flown

on a single pole of any height.

3. Indoor flags will only consist of the U.S. Flag, State of Wisconsin Flag and City of Green Bay Flag and approved ceremonial flags.

Ceremonial Flags:

1. Flags of governments recognized by the United States may be

displayed in conjunction with an official government event.

2. The flags of any official Sister Cities of the City of Green Bay may be

displayed in conjunction with an event involving the Sister City or Cities.

3. Ceremonial flags of significance to the City's history may be displayed as designated by City Council by adoption of a resolution

in conjunction with official actions or proclamations of the City Council

14. To deny an appeal by Code 920, Inc. at 805 Klaus St. regarding the 2022-2023 renewal liquor license application (To start no earlier than 7 p.m.)

The Protection and Policy Committee may convene in closed session pursuant to 19.85(a), Wis. Stats., as a quasi-judicial body for the purpose of deliberating the Appeal by Mr. Jason Cowser regarding the 2022-2023 renewal application. The Protection and Policy Committee may thereafter reconvene in open session pursuant to 19.85(2) Wis. Stats. To report the results of the closed session and consider the balance of the agenda.

N. Report of the Improvement & Services Committee (June 22, 2022).

1. To approve the request to install sidewalk on the north side of University Avenue from Peters Street to Clement Street (referred from Traffic, Bicycle, & Pedestrian Commission by former Ald. LeFebvre).
2. To approve the request to install a pedestrian crosswalk crossing the west side of the University Avenue and Clement Street signalized intersection (referred from Traffic, Bicycle, & Pedestrian Commission by former Ald. LeFebvre).
3. To hold the request to consider alternatives to the overnight on-street parking ban ordinance to allow overnight on-street parking. (Ald. Wery)
4. To approve the request by Teri Johnson, 1350 Holiday Avenue, to have sidewalks removed from the Holiday Avenue frontage of the following properties: 1344 Holiday, 1345 Holiday, 1350 Holiday, 1351 Holiday, 1354 Holiday, 1355 Holiday, 1700-1702 Briquette, and 1714 Briquette Street (held at the May 11, 2022 Improvement and Services Committee meeting). (Ald. Wery)

5. To approve the proposed curb cuts for the ICAP Development project on S. Military Avenue in Green Bay.
6. To approve the request by Department of Public Works to award a contract for Topographic Surveying Services – 2023 Capital Improvement Program to Ayres Associates, Inc. in the amount of \$85,525.
7. To receive and place on file the Department of Public Works report on enforcement of proper use of City yard waste centers.
8. To approve the annual Compliance Maintenance Annual Report (CMAR) and resolution for Wisconsin Department of Natural Resources (WDNR) sanitary sewer collection permit to be executed by the Mayor and the City Clerk and authorize the Director of Public Works to submit the CMAR to the WDNR.
9. To approve the request by Department of Public Works to enter into a State/Municipal Agreement with the Wisconsin Department of Transportation for the reconstruction of Mather Street – Locust Street to Gray Street, Project ID 4987-02-79/80.
10. To approve the annual Lift Bridge Maintenance Agreement between the City of Green Bay and Wisconsin Department of Transportation for Fiscal Year 2023 to be executed by the Mayor and the City Clerk.
11. To approve the request by Department of Public Works to award the following:
 - A. A Sole Source contract for replacement of tub grinder motor to Kurz Industrial Solutions in the amount of \$24,150.
 - B. A Sole Source contract for repair of the tub grinder to Morbark, LLC, in the amount of \$27,942.21.
12. To approve the request by Department of Public Works to award the following contracts at a staff level and report the award at the next regular meeting of the Improvement and Services Committee.
 - A. ESG 3-22 OFFICE REROOF
 - B. PARKS 5-22 BAY BEACH WILDLIFE VIEWING PLATFORM
 - C. PAVEMENT X-22 ELIZA STREET RECONSTRUCTION
 - D. PAVEMENT X-22 LEGENDS DISTRICT SIDEWALK PHASE I
 - E. PAVEMENT X-22 S. VAN BUREN STREET RECONSTRUCTION
 - F. SEWERS 1-22 BASIN REPAIRS
 - G. SEWERS 2-22 LS 110 REPAIRS
13. To award the contract GBMFD 2-22 FIRE STATION NO. 4 REROOF to Premier Roofing Design in the amount of \$84,858.

To acknowledge that no bids were received for the contract PARKS 4-22 (PERKINS PARK BALLFIELD RENOVATION).

14. To receive and place on file the award of the following contracts:

- A. PAVEMENT 3-22 S. VAN BUREN STREET RECONSTRUCTION
- B. PAVEMENT 4-22 COURIER ROAD RESURFACING
- C. SIDEWALKS 2022

15. To receive and place on file the report of actions taken by Department of Public Works.

A. Granting of Licenses

1. Sidewalk Builder

- a. DeGroot Concrete LLC
- b. Independent Concrete Solutions
- c. N & L Concrete Construction LLP
- d. Pro I Property Service LLC
- e. Quality Asphalt of Green Bay LLC
- f. Sommers Construction Co., Inc.
- g. The Boldt Company
- h. Three Corners Concrete LLC

2. Tree & Brush Trimmer for Pro I Property Services LLC

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

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

P. Report of the Redevelopment Authority (June 14, 2022).

- 1. To amend the Tax Increment District Affordable Housing Fund Policy to include a period of affordability for units created to assist low-to-moderate income individuals.
- 2. To approve and recommend to the Common Council the City of Green Bay's 2022 Annual Action Plan for Community Development Block Grant Program (CDBG) and HOME Investment Partnerships Program (HOME) entitlement programs.

Q. Report of the Plan Commission (June 20, 2022).

- 1. To amend Zoning Ordinance No. 09-15, a Planned Unit Development (PUD), to permit a drive-through restaurant at 1567 E. Mason Street, subject to:
 - a. A site plan and applicable permit applications are submitted to the Community and Economic Development Department (CEDD) for review and approval.
 - b. Approval of the Traffic Impact Analysis (TIA) by the City Traffic Engineer.
 - c. Approval of the draft Planned Unit Development (PUD).
 - d. No less than one (1) tree and three (3) shrubs be included for each 60 ft. of John Street frontage.

2. To authorize a Conditional Use Permit (CUP) for a carwash facility in a Community Center Commercial (C3) District located at 1555 W. Mason Street, subject to the following conditions:
 - a. CSM submission to create a lot as described in the legal.
 - b. Standard site plan review and approval.
 - c. The applicant continues to work with City Staff to address traffic safety and circulation.
3. To authorize a Conditional Use Permit (CUP) for a two-family dwelling located at 420 S. Van Buren Street, with the condition to provide code-compliant parking 44-1726. (Public Hearing held 06/20/2022)
4. To vacate public utility easements located at 1100 University Avenue.

R. Report of the Park Committee. (June 22, 2022)

1. To approve the request by TDS Metrocom, LLC for a Utility Easement at Fisk Park.
2. To approve accepting the donation from the Friends of Bay Beach of a used Tot Hopper ride to replace the Bay Beast Tot Hopper ride, contingent upon the successful purchase of the ride.
3. To approve the Green Bay Parks Department's Adopt-a-Park, Adopt-a-Trail policy as presented.

S. Report of the Personnel Committee (June 21, 2022).

1. To approve the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a. Arborist II - Park, Recreation & Forestry
 - b. Parking Maintenance Technician - Public Works
 - c. Battalion Chief - Fire
2. To approve the request to over hire one sergeant position through September 8, 2022.
3. To hold until the July 26th Personnel meeting the request for update and feedback on the Remote Work Policy with the possibility for revision.
4. To approve the request to award a 3-year contract for Human Resources Benefit Administration Software (RFP #2022-11) to Bentek for the estimated amount of \$182,710.

T. Report of the Economic Development Authority (June 6, 2022).

1. To approve a six-month extension of the planning option with GB Real Estate Investments for Tax Parcel 11- 92 and to return to the EDA for consideration of future extensions beyond the December 30, 2022, expiration date.

U. Committee of the Whole.

- I. Consideration, with possible action, on the establishment of polling locations for the August 9, 2022 election.

V. Resolutions.

- I. Resolution drawing final orders to contractors for June 28, 2022.
2. Resolution establishing polling locations for the August 9, 2022 Partisan Primary
3. Resolution of public alley between Monroe Ave and Quincy Street from Cherry Street to Pine Street to be vacated. (Second reading for adoption)
4. Resolution authorizing conditional use permit at 420 S. Van Buren Street.
5. Resolution authorizing conditional use permit at 1555 W. Mason Street.
6. Resolution authorizing release of utility easement at 1100 University Avenue.
7. Resolution authorizing a budget amendment to transfer \$15,703.00 from Contingency account to Elections budget.

W. Ordinances - First Reading.

- I. Zoning Ordinance No. 04-22
An ordinance amending Zoning Ordinance No. 9-15 for the planned unit development overlay district 1567 East Mason Street.

X. Receive and Place on File.

Y. Referral of Petitions & Communications.

Z. Adjournment.

- 1) SUPPLEMENTAL INFORMATION: The Video of this meeting, Agenda, Agenda Packet, and Minutes are available online at www.greenbaywi.gov/Meetings.
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this committee meeting and will constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.
- 4) REPRESENTATION: The party requesting the communication, or their representative, should be present at this meeting.

Virtual Meeting Instructions



2022-06-28 Common Council

Zoom Meeting Information

Topic: 2022-06-28 Council Zoom

Time: Jun 28, 2022 06:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87077758524>

Meeting ID: 870 7775 8524

Passcode: 729286

One tap mobile

+13017158592,,87077758524#,,,,*729286# US (Washington DC)

+13126266799,,87077758524#,,,,*729286# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 870 7775 8524

Passcode: 729286

Find your local number: <https://us02web.zoom.us/j/87077758524>

Public Comments

If you wish to speak at this public meeting or leave a comment, please fill out the online [Comment Form](#) prior to the meeting.

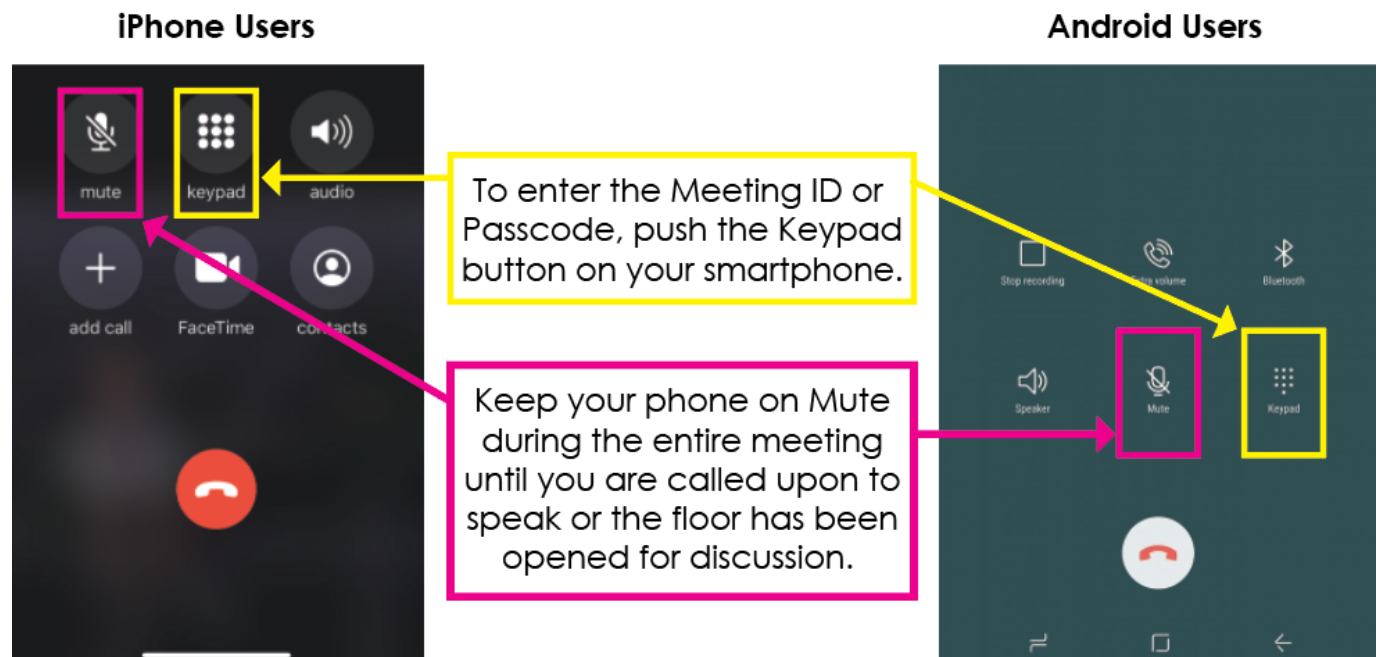
Additional Information

1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must state their name and address for the minutes.
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order Newly Revised 12th edition*.
2. Please log into the Zoom meeting at least 10 minutes before the meeting begins to ensure a proper connection and that your technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
3. Once you are in the meeting please mute yourself.
 - a. You may unmute yourself when you are called upon to speak.
4. Waiting room
 - a. When you call in or connect via web or Zoom app, you will be placed in a "waiting room."
 - b. The meeting host will then admit you to the meeting, and mute you upon entrance (you will still be able to hear and or otherwise observe the meeting).
5. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You'll receive another email confirming that you're registered for the meeting.
 - b. If you're using a phone, your registration will be tied to an email.
6. Raising your hand
 - a. Committee/Commission/Board members—you can either use CivicClerk and request to speak or you can also utilize the "raise your hand" tool in the Zoom platform (you'd need to use a computer or tablet) to let the host know you would like to speak. You can also un-mute yourself and start speaking.
 - b. Persons with items on the agenda or other interested parties—you can also utilize the "raise your hand" tool on the Zoom platform via computer or mobile device. You will be allowed to speak once the committee, commission, or board has moved to "open the floor for interested parties to speak." Once discussion on your agenda item has concluded, the host will mute you, unless the committee opens the floor again.
7. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—in advance of the meeting, please download the Zoom Meeting app by using either the Apple Store or the Play Store. You will be asked to input your name, to identify you for the meeting.
 - d. Computer—you can access the meeting through a web browser by clicking on the meeting link, or through the Zoom Meeting app. If using the app, please download it in advance of the meeting. You will be asked to input your name, to identify yourself for the meeting.
 - e. For tablet and computer users—if you download the app you may be asked to verify your email.

8. Zoom etiquette
 - a. Muting yourself when you're not speaking will prevent your background noise from interfering with others' ability to listen to and participate in the meeting.
 - b. If you're using a telephone, please identify yourself with your phone number and state your name and address before you speak. Zoom meeting hosts can see only your telephone number and will ask you to identify yourself.
9. Closed session
 - a. Persons in the Zoom meeting will be put into a waiting room while the committee/commission/board meets in Closed Session. Participants will be admitted back into the Zoom meeting once the committee reconvenes in Open Session.
 - b. Persons watching a Common Council meeting live on YouTube will see a gray screen with the City logo during closed session.
10. Persons interested in attending anonymously or listening to the meeting may call in by dialing *67 followed by the phone number in the Zoom Meeting Information box.

Calling into the Zoom meeting using a smartphone

1. Dial the phone number listed at the beginning of this document.
2. When prompted, enter the Meeting ID number followed by #
3. Once you are in the meeting, notify the meeting host that you are in and state your name.
4. If you do not wish to speak, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button



**RESOLUTION OF PUBLIC ALLEY BETWEEN MONROE AVE AND QUINCY
STREET FROM CHERRY STREET TO PINE STREET TO BE VACATED
(AV 22-02)**

MAY 17, 2022

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, a request has been filed with the Common Council requesting vacation of all of the Alley dedicated to the Public Alley lying westerly of Lots 516 and 547, and easterly of Lots 517 and 546, according to the recorded Plat of Navarino as recorded in Volume 1 of Plats, Page 35, all located in the City of Green Bay, East Side of the Fox River, Brown County, Wisconsin, described as follows:

Beginning at the northwest corner of said Lot 516, Plat of Navarino;

thence southerly along the west line of said Lots 516 and 547, to the southwest corner of said Lot 547; thence westerly to the southeast corner of said Lot 546; thence northerly along the east line of said Lots 546 and 517, to the northeast corner of said Lot 517; thence easterly to said northwest corner of said Lot 516, and the point of beginning.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that it appears to be in the public interest that the alley be vacated, and discontinued by the City of Green Bay subject to the above-referenced conditions, and that a reading be held on the abandonment, vacation, and discontinuance of the same on May 17, 2022 at 6:00 p.m. in the Council Chambers, City Hall, 100 North Jefferson Street, Green Bay, Wisconsin. The second a final reading will include a hearing and take place 40 days after the first reading in the Council Chambers, City Hall, 100 North Jefferson Street, Green Bay, Wisconsin.

Subject to the following conditions:

1. Adjacent property owners shall be responsible for, and owner of, the Storm Sewer within the vacated Alley.
2. Adjacent property owners shall be responsible for all costs to close curb openings to Pine Street and Cherry Street.
3. Any and all utility lines with another provider to be removed.

Parcels affected
11-157, 11-159
& 11-160

Owner Name and Mailing Address
City of Green Bay
100 N. Jefferson Street
Green Bay, WI 54301

Adopted _____

Approved _____

Eric Genrich, Mayor

Celestine Jeffreys, Clerk

MS:

Attachments (legal description and map)

DESCRIPTION OF PUBLIC ALLEY BETWEEN MONROE AVE AND QUINCY STREET
FROM CHERRY STREET TO PINE STREET TO BE VACATED
(SV 22-02)

All of the platted Public Alley lying westerly of Lots 516 and 547, and easterly of Lots 517 and 546, according to the recorded Plat of Navarino as recorded in Volume 1 of Plats, Page 35, all located in the City of Green Bay, East Side of the Fox River, Brown County, Wisconsin, described as follows:

Beginning at the northwest corner of said Lot 516, Plat of Navarino;
thence southerly along the west line of said Lots 516 and 547, to the southwest corner of said Lot 547;
thence westerly to the southeast corner of said Lot 546;
thence northerly along the east line of said Lots 546 and 517, to the northeast corner of said Lot 517;
thence easterly to said northwest corner of said Lot 516, and the point of beginning.

Parcels affected

11-157, 11-159
& 11-160

Owner Name and Mailing Address

City of Green Bay
100 N. Jefferson Street
Green Bay, WI 54301



HUMAN
RIGHTS
CAMPAIGN[®]

Municipal Equality Index

INTRODUCTION

Wendy Strout (She/Her)

HRC WI State Director (4.5 years)

Resided in WI since 2002

Lakeland University (previously Lakeland College)

Class of 1994



WHO IS THE HUMAN RIGHTS CAMPAIGN

- The Human Rights Campaign is the largest LGBTQ+ Civil Rights Organization in the country.
- We envision a world where every member of the LGBTQ+ family has the freedom to live their truth without fear, and with equality under the law.
- We empower 3 million members and supporters to mobilize against attacks on the most marginalized people in our community.

WHAT IS THE MEI?

Municipal Equality Index

- Examines how inclusive municipal laws, policies, and services are of LGBTQ+ people who live and work there
- Rated based on non-discrimination laws, the municipality as an employer, municipal services, law enforcement and leadership on LGBTQ+ equality

WHAT IS THE MEI? (CONT'D)

- Not a ranking of a city's atmosphere or quality of life
- An evaluation of the city's law and policies, and an examination of how inclusive city services are of LGBTQ+ PEOPLE.

How MUNICIPALITIES ARE SELECTED

- 50 state capitals
- 200 largest cities in the US
- 5 largest cities or municipalities in each state
- Cities home to the state's two largest public universities (including undergraduate and graduate enrollment)

HOW MUNICIPALITIES ARE SELECTED (CONT'D)

- 75 cities with proportions of same-sex couples drawn from an analysis of the 2010 census results by the Williams Institute at the UCLA School of Law
 - Ranked 25 large cities, 25 mid-size cities, and 25 small cities, and 98 cities selected by HRC and Equality Federation state groups members and supporters in 2016

CRITERIA

Non-Discrimination Laws

- Non-discrimination in Private Employment, Housing, and Public Accommodations

Municipality as Employer

- Non-Discrimination in City Employment
- Transgender Inclusive Healthcare Benefits
- City Contractor Non-Discrimination Ordinance
- Inclusive Workplace

CRITERIA (CONT'D)

Municipal Services

- Human Rights Commission
- Non-Discrimination Ordinance Enforcement by Human Rights Commission
- LGBTQ+ Liaison in the City Executive's Office

Law Enforcement

- LGBTQ+ Police Liaison or Task Force
- Reported 2020 Hate Crime Statistics to the FBI

CRITERIA (CONT'D)

Leadership on LGBTQ+ Equality

- Leadership's Public Position on LGBTQ+ Equality
- Leadership's Pro-Equality Legislative or Policy Efforts

WHY IMPROVE YOUR SCORE?

- Commitment to equality through laws and policies that protect everyone, including LGBTQ+ people, sends a message that ALL people and businesses are valued
- Inclusive non-discrimination laws give cities a competitive edge to attract new residents and new businesses.

WHY IMPROVE YOUR SCORE? (CONT'D)

- Growing body of research shows that openness to diversity and inclusiveness is not a byproduct of communities that achieve economic prosperity, but rather a **key element** in the formula that leads to economic growth

WHY IMPROVE YOUR SCORE? (CONT'D)

- Fortune 500 has long utilized inclusive workplace policies as proven recruitment and retention tools.
- When considering a place to headquarter, move, or grow their business, owners actively take into account local laws and policies and how inclusive they are.
 - Employers want to base their business in areas where their employees feel like they and their families are protected in their home, workplace, and communities.

WHY IMPROVE YOUR SCORE? (CONT'D)

The more inclusive a municipality's policies -
The more likely a municipality is to attract more residents
and more businesses

HOW TO GET GREEN BAY TO 100

Green Bay's Current Score: 84

- Transgender - Inclusive Healthcare Benefits: 6 Points
- City Contractor Non-Discrimination Ordinance - 6 Points
- Inclusive Workplace -2 points
- Enforcement Mechanism in Human Rights Commission - 2 Points

All Wisconsin Municipalities

2016

Appleton	78
Green Bay	40
Kenosha	37
Madison	100
Milwaukee	71
Oshkosh	21
Racine	28

2022

Appleton	94
Green Bay	84
Kenosha	39
Madison	100
Milwaukee	100
Oshkosh	75
Racine	86

HEAR FROM OTHER MUNICIPAL LEADERS



Questions?





Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.1

To approve the American Rescue Plan Act (ARPA) allocation within the Crime Prevention and Neighborhood Enhancement category for Neighborhood Association support for \$150,000 (held from May 17, 2022 Common Council Meeting).

BACKGROUND

American Rescue Plan Act resolution was approved at council on 12/7/21.

RECOMMENDATION

Approval

FISCAL IMPACT

ATTACHMENTS

- I. I ARPA - NE association support \$150,000



Finance Department
100 North Jefferson Street - Room 105
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

Phone 920.448.3020
Fax 920.448.3050

Memo

To: Finance Committee
Diana Ellenbecker, Finance Director

From: Susan House, Grant Administrator

Date:

Re: ARPA Requests- Revenue Replacement

The Finance Committee and Common Council have approved, on December 7, 2021, by resolution the following ARPA fund categories:

1. \$10,000,000 Capital Needs and Organizational Priorities
2. \$6,000,000 Affordable Housing Development and Small Business Support
3. \$3,000,000 Stormwater, Green Infrastructure, and Climate Resilience
4. \$2,000,000 Crime Prevention and Neighborhood Enhancement
5. \$1,500,000 Arts, Culture, and Tourism

The following requests are eligible, one (1) request from the Crime Prevention and Neighborhood Enhancement category and three (3) from the Affordable Housing Development and Small Business Support category. I recommend approving the requests individually.

Crime Prevention and Neighborhood Enhancement

Control #9-3-004 Neighborhood Association Support \$150,000.00

Project Summary: Partnership with GBN, (a non-profit organization that represents all 47 recognized neighborhood associations) provide funding to assist recognized neighborhood associations in building a safer community, enhancing neighborhoods, educating residents about important issues in the neighborhood and support residents who are struggling with COVID fatigue.

- \$15,000 for Competitive mini grants for bricks and mortar/special events projects- annual application

- \$20,000 for Operating grants for funding to help sustain neighborhood associations through newsletters creation and distribution, outreach and meeting expenses
- \$1,000 for Creation of a City Hall Academy, a learning experience where neighbors can sign up to learn how City Government works by attending meetings with various City departments
- \$9,000 for Crime Prevention grants, in partnership with the GBPD, funding creative ways to decrease neighborhood crime and set up crime prevention initiatives in neighborhoods
- \$5,000 for Neighborhood asset building- teaching neighborhood associations how to discover the human assets that exist in each neighborhood and to help find ways to increase diversity and inclusiveness in board representation and event attendance.

Project Outcomes: Decrease in crime, diverse and supportive neighborhoods. Over 75,000 residents are within recognized neighborhood association boundaries.

Recurring Costs: When ARPA funds are depleted, the nonprofit Green Bay Neighborhoods (GBN) will still have a pool of privately raised dollars to provide limited support of neighborhood associations

Recommendation: Motion to approve request 9-3-004, Neighborhood Association Support project, from the Crime Prevention and Neighborhood Enhancement category for \$150,000.

Affordable Housing Development and Small Business Support

Control #5-2-201 Energy Efficiency Grants \$500,000.00

Project Summary: The Energy Efficiency Grants are added as a rider to loans provided under the Home Improvement Loan Program HILP. HILP Program offers property owners at or below 80% of median income, an interest free, pay it back when you move or sell loan to make home improvements to their properties. It is administered by NeighborWorks Green Bay and is primarily funded through the City's HOME allocation. The ARPA funding would be used to subsidize each loan. The owner would be eligible for a grant of up to \$10,000 to be used for energy efficiency improvements at the home such as furnaces, water heaters, windows, doors etc.

- The City has been administering an owner rehab loan program for over 30 years. It has been a very successful program that has allowed

working families and elderly residents the ability to stay in their homes, thus providing housing security and a safe living environment.

- The additional grant dollars will ensure all needed repairs can be completed with essential energy efficiency improvements included in the project.

Project Outcomes: The HILP program is very popular with a current a waiting list of over 100 people. These grant dollars will assist over 50 low income homeowners in Green Bay. This subsidy would help the owner pay for items that would have a cost savings to the household by decreasing energy costs.

Recurring Costs: Once ARPA funding is exhausted, the HILP Program will still exist funded solely by HUD HOME and CDBG funding

Recommendation: Motion to approve request 5-2-201, Energy Efficiency Grants Program project, from the Affordable Housing Development and Small Business Support for \$500,000.

Control #5-2-202 Curb Appeal \$300,000.00

Project Summary: The Curb Appeal Program is a program set up for property owners to complete exterior improvements to their properties, specifically items that aren't eligible under the City's HOME funded rehab programs.

- This is a program that provides a grant of up to \$7,500 to cover the cost of exterior repairs.
- Historically, the average curb appeal grant has been \$4,000. Staff has packaged 29 of these grants in the past. Based on this average \$4,000 grant, 75 properties would be improved.
- This program would operate within the eligible Qualified Census Tracts only

Project Outcomes: Providing this grant allows the owners to have a funding resource to make these exterior improvements, thus improving the overall beautification of the neighborhood, 75 properties would be improved.

Recurring Costs: None

Recommendation: Motion to approve request 5-2-202, Curb Appeal project, from the Affordable Housing Development and Small Business Support category for \$300,000.

Control #5-2-203 Great to be Home! \$500,000.00

Project Summary: Great Being Home is a homeownership program serving employees of participating Green Bay employers. Eligible buyers will receive a \$5,000 grant in addition to other assistance programs for which they may qualify (up to \$10,000) Staff worked with our outside partners, NeighborWorks Green Bay and the Greater Green Bay Chamber of Commerce (Housing Committee) to craft this program. Great Being Home will help employers attract and retain talent, increase awareness and resources for homeownership among local employees, increase homeownership rates within the City, and strengthen neighborhoods. If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.

Project Outcomes: If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.

Recurring Costs: When ARPA funding is exhausted, there will still be a pool of funding available from donations made by businesses and Federal and State funding available.

Recommendation: Motion to approve request 5-2-203, Great to be Home project, from the Affordable Housing Development and Small Business Support category for \$500,000.

Total of Projects:

May 10, 2022 Requests		
Crime Prevention/ Neighborhood Enhancement Remaining Balance		\$1,689,340.80
9-3-004 Neighborhood Association Support	\$150,000.00	
	Remaining Balance	<u>\$1,539,340.80</u>
Affordable Housing Development & Small Business Support Remaining Balance		\$4,885,000.00
5-2-201 Home Improvement Loan Program	\$500,000.00	
5-2-202 Curb Appeal Program	\$300,000.00	
5-2-203 Great to be Home! Program	\$500,000.00	

	Remaining Balance	<u>\$3,585,000.00</u>
ARPA Grant Award		\$23,695,516.00
ARPA Grant Amount Received		\$11,847,758.00

Approved Projects

3-2-001	Administrative Expenses	\$200,000.00
10-6-001	One Time Expenses FY22	\$655,000.00
9-2-007	NIBIN	\$188,358.00
9-1-008	Recruit/ Retain	\$88,000.00
9-2-009	Lot Cop	\$40,000.00
12-3-001	Shot Detection System	\$0.00
7-5-001	Rain Barrel/ Rain Garden	\$60,000.00
5-5-001	E. Seymour Park Stormwater	\$1,000,000.00
2-6-001	Roads	\$1,500,000.00
2-3-002	Body-worn Cameras	\$307,316.25
2-2-003	City Façade Project	\$1,000,000.00
2-2-004	Blueprint Business Accelerator	\$40,000.00
2-2-005	Farmers Markets	\$75,000.00
2-2-006	Tourism Grants	\$250,000.00
2-7-008	Audio Upgrades	\$29,440.83
<u>1-4-004</u>	<u>Pandemic Pay</u>	<u>\$38,811.00</u>
		\$5,466,227.28

Proposed Projects

9-3-004	Neighborhood Assoc Support	\$150,000.00
5-2-001	Energy Efficiency Grants	\$500,000.00
5-2-202	Curb Appeal	\$300,000.00
5-2-203	Great to be Home!	\$500,000.00

Proposed Remaining Unobligated Balance \$4,931,530.72

**RESOLUTION ADOPTING THE CITY'S PLAN FOR
EXPENDITURE OF FUNDS RECEIVED PURSUANT TO
THE AMERICAN RESCUE PLAN ACT OF 2021**

December 7, 2021

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, on March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021 (ARPA), under which the Coronavirus State and Local Fiscal Recovery Funds will deliver \$350 billion for state, local, territorial, and tribal governments to respond to the COVID-19 emergency; and

WHEREAS ARPA permits municipalities to use Fiscal Recovery Funds for four broad purposes: to respond to the public health emergency or its negative economic impacts; to respond to workers providing essential services during the public health emergency; to replace lost public sector revenue; and to invest in water, sewer, and broadband infrastructure; and

WHEREAS the City's Plan for expenditure of the Fiscal Recovery Funds received pursuant to ARPA (ARPA Plan) was created after receiving input from residents and consulting with staff as to the most appropriate and effective utilization of those funds to assist the citizens of the City of Green Bay in recovering from the COVID-19 emergency; and

WHEREAS the City of Green Bay received \$11,847,758 in Fiscal Recovery Funds in May 2021, and is projected to receive a second disbursement of \$11,847,758 in May 2022; and

WHEREAS the ARPA Plan described herein is intended to provide a general framework for the amount of Fiscal Recovery Funds to be spent in each of the listed categories, and contemplates expenditure of the combined disbursements; and

WHEREAS plans for specific projects and/or services funded by Fiscal Recovery Funds will be presented to the Common Council in more detail prior to the expenditure of such funds;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Green Bay hereby approves and adopts the following ARPA Plan for expenditure of Fiscal Recovery Funds in the following categories:

- \$10 million for City of Green Bay capital needs (roads, bridges, etc.) and organizational priorities;
- \$6 million for affordable housing development and small business support;
- \$3 million for stormwater, green infrastructure, and climate resilience;

ARPA Plan Resolution
Page 2

- \$2 million for crime prevention and neighborhood enhancement;
- \$1.5 million for arts, culture, and tourism.

BE IT FURTHER RESOLVED that the above-referenced amounts are intended to be approximate.

Adopted December 7, 2021

Approved December 8, 2021

C. Jeffrey
Clerk

[Signature]
Mayor



City of Green Bay
Department of Community and Economic Development

MEMORANDUM

TO: Finance Committee
FROM: Cheryl Renier-Wigg, Deputy Community & Economic Development Director
RE: Recommended ARPA Allocations (Crime Prevention and Neighborhood Enhancement)
DATE: May 5, 2022

Staff is seeking approval for ARPA funding for the below described neighborhood programs.

Crime Prevention and Neighborhood Enhancement (\$150,000)

Green Bay Neighborhoods Program (\$50,000 per year for 3 years)

In partnership with GBN, (a non-profit organization that represents all 47 recognized neighborhood associations) the Community and Economic Development Department would oversee and provide funding to assist recognized neighborhood associations in building a safer community, enhancing neighborhoods, educating residents about important issues in the neighborhood and support residents who are struggling with COVID fatigue. Over 75,000 residents are within recognized neighborhood association boundaries. Funding would include:

- Competitive mini grants for bricks and mortar/special events projects
 - \$15,000 NA would apply annually with best applications awarded
- Operating grants for funding to help sustain neighborhood associations through newsletters creation and distribution, outreach and meeting expenses
 - \$20,000 NA would apply annually with grant amount up to \$1,000 with requirement of NA fundraising 25% of ask
- Creation of a City Hall Academy, a learning experience where neighbors can sign up to learn how City Government works by attending meetings with various City departments
 - \$1,000 meeting/program supplies Program set up and administered by City Staff
- Crime Prevention grants, in partnership with the GBPD, funding creative ways to decrease neighborhood crime and set up crime prevention initiatives in neighborhoods
 - \$9,000 cost of supplies for specific programs or pool of funding for associations to apply for crime prevention/safety initiatives
- Neighborhood asset building- teaching neighborhood associations how to discover the human assets that exist in each neighborhood and to help find ways to increase diversity and inclusiveness in board representation and event attendance.
 - \$5,000 Cost of staff to administer programs in specific neighborhoods

CARW

Enclosure

The Green Bay Neighborhood Associations Deliver:

Neighborhood Association Outreach

- Newsletters
- Guest Speakers
- Bi-monthly Meetings

Crime Prevention

- Education (Heroin, Gangs, Graffiti, etc.)
- Funding of National Night Out events
- Neighborhood Watch Walks

Community Enhancement

- Funding Community Gardens
- Funding Park Improvements
- Coordinating Planning & Visioning Sessions

Branding

- Logo Street Signs
- Neighborhood Identity Signs & Landscaping

Neighborhood Events & Projects

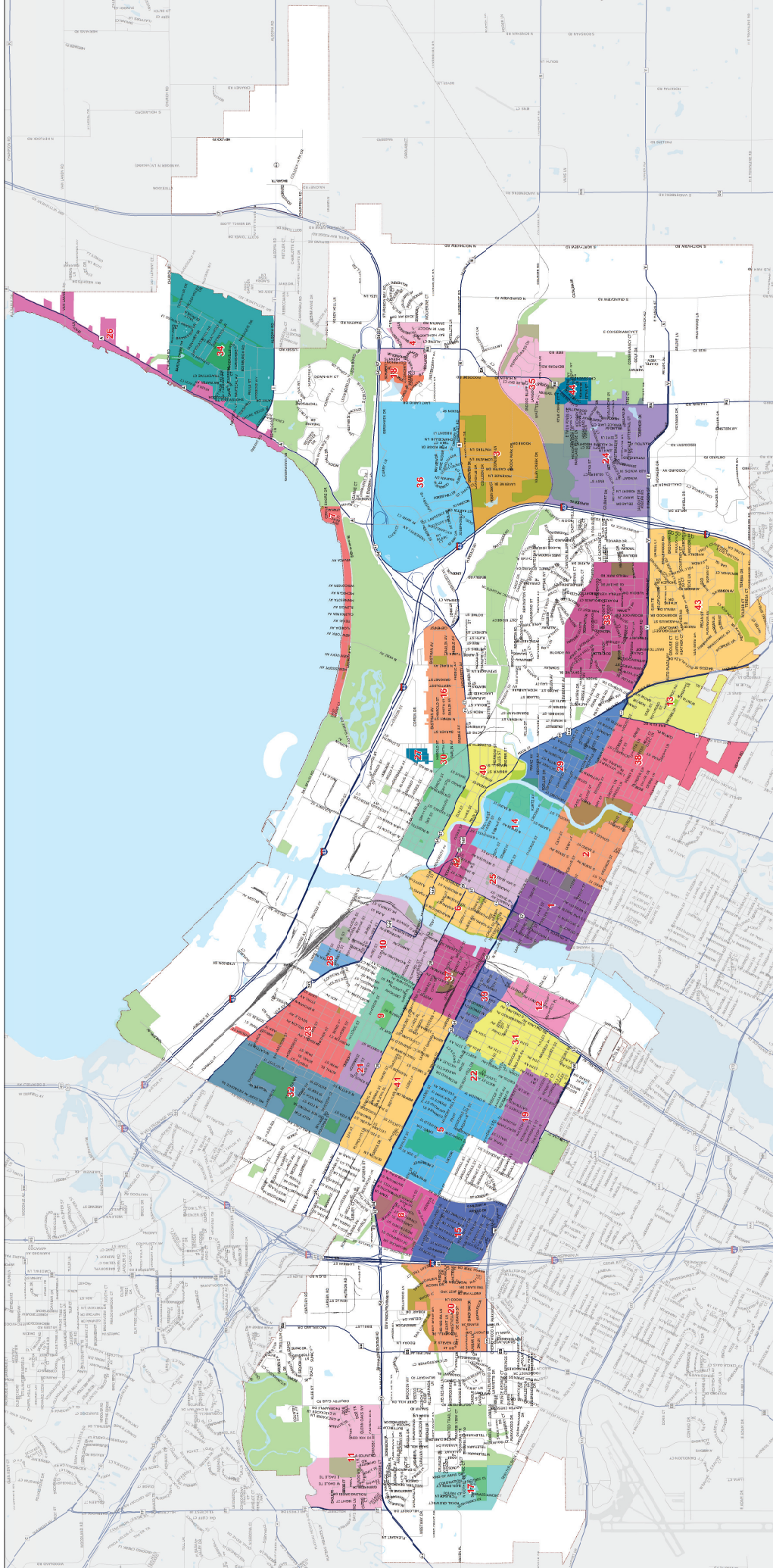
- Scholarships
- Fundraisers for area schools
- Little Libraries
- Parenting & Nutrition Classes
- Community Gardens
- Picnics
- Concerts
- Movies in the Park
- Rummage Sales
- Candidate Forums
- Fitness Groups
- Trail benches
- Wildlife Preservation

Leadership Training

- Mailing Training
- How To Conduct Meetings
- Leadership Classes
- Leadership Green Bay Support
- City Council Recognition
- Gavel Presentation to New Associations
- Access to Elected Leaders and Department Heads

Public Art Installations

- Life of the River, Public Sculpture Walk
- Whitney Commons Sculpture
- Oak Grove NHA, "Twig" metal sculpture
- Astor "Fox" mural on Monroe



City of Green Bay Neighborhood Associations

1 Astor	12 Graceland	23 Matter Heights	34 Red Smith
2 Astor East River	13 Imperial Pride	24 McAuliffe Park	35 Royal Ponds Preserve
3 Bay Creek	14 Joannes Park	25 Navarino	36 Schmitt Park
4 Bay Highlands	15 John Muir Park	26 Nicolet Drive	37 Seymour Park
5 Colburn	16 Kennedy Park	27 North Bird Traller Court	38 Starlite
6 Downtown	17 King of Arms	28 Northwest Railway Gardens	39 Tank Park
7 East Shore Drive	18 Lake Largo	29 Oak Grove	40 Three Corners
8 Firemans Park	19 Lombardi	30 Olde North	41 Western Corridor
9 Fisk Addition	20 MacArthur Heights	31 Olde Norwood	42 Whitney Park
10 Fort Howard	21 Maple Arches	32 Perkins Park Area	43 Wilder Park
11 Frisch Park	22 Marquette Park	33 Preble Park	44 Woodside Heights



This is a representation of the current neighborhood boundaries of the City of Green Bay, Wisconsin. The boundaries are subject to change and are not intended to be a legal description of the property. The boundaries are based on the most current information available to the City of Green Bay. The boundaries are not intended to be a legal description of the property. The boundaries are based on the most current information available to the City of Green Bay.



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.2

To approve the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Energy Efficiency grants for \$500,000 (held from the May 17, 2022 Common Council meeting).

BACKGROUND

American Rescue Plan Act resolution was approved at council on 12/7/21.

RECOMMENDATION

Approval

FISCAL IMPACT

ATTACHMENTS

- I. 2 ARPA - Energy Efficiency Grants \$500,000



Finance Department
100 North Jefferson Street - Room 105
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

Phone 920.448.3020
Fax 920.448.3050

Memo

To: Finance Committee
Diana Ellenbecker, Finance Director

From: Susan House, Grant Administrator

Date:

Re: ARPA Requests- Revenue Replacement

The Finance Committee and Common Council have approved, on December 7, 2021, by resolution the following ARPA fund categories:

1. \$10,000,000 Capital Needs and Organizational Priorities
2. \$6,000,000 Affordable Housing Development and Small Business Support
3. \$3,000,000 Stormwater, Green Infrastructure, and Climate Resilience
4. \$2,000,000 Crime Prevention and Neighborhood Enhancement
5. \$1,500,000 Arts, Culture, and Tourism

The following requests are eligible, one (1) request from the Crime Prevention and Neighborhood Enhancement category and three (3) from the Affordable Housing Development and Small Business Support category. I recommend approving the requests individually.

Crime Prevention and Neighborhood Enhancement

Control #9-3-004 Neighborhood Association Support \$150,000.00

Project Summary: Partnership with GBN, (a non-profit organization that represents all 47 recognized neighborhood associations) provide funding to assist recognized neighborhood associations in building a safer community, enhancing neighborhoods, educating residents about important issues in the neighborhood and support residents who are struggling with COVID fatigue.

- \$15,000 for Competitive mini grants for bricks and mortar/special events projects- annual application

- \$20,000 for Operating grants for funding to help sustain neighborhood associations through newsletters creation and distribution, outreach and meeting expenses
- \$1,000 for Creation of a City Hall Academy, a learning experience where neighbors can sign up to learn how City Government works by attending meetings with various City departments
- \$9,000 for Crime Prevention grants, in partnership with the GBPD, funding creative ways to decrease neighborhood crime and set up crime prevention initiatives in neighborhoods
- \$5,000 for Neighborhood asset building- teaching neighborhood associations how to discover the human assets that exist in each neighborhood and to help find ways to increase diversity and inclusiveness in board representation and event attendance.

Project Outcomes: Decrease in crime, diverse and supportive neighborhoods. Over 75,000 residents are within recognized neighborhood association boundaries.

Recurring Costs: When ARPA funds are depleted, the nonprofit Green Bay Neighborhoods (GBN) will still have a pool of privately raised dollars to provide limited support of neighborhood associations

Recommendation: Motion to approve request 9-3-004, Neighborhood Association Support project, from the Crime Prevention and Neighborhood Enhancement category for \$150,000.

Affordable Housing Development and Small Business Support

Control #5-2-201 Energy Efficiency Grants \$500,000.00

Project Summary: The Energy Efficiency Grants are added as a rider to loans provided under the Home Improvement Loan Program HILP. HILP Program offers property owners at or below 80% of median income, an interest free, pay it back when you move or sell loan to make home improvements to their properties. It is administered by NeighborWorks Green Bay and is primarily funded through the City's HOME allocation. The ARPA funding would be used to subsidize each loan. The owner would be eligible for a grant of up to \$10,000 to be used for energy efficiency improvements at the home such as furnaces, water heaters, windows, doors etc.

- The City has been administering an owner rehab loan program for over 30 years. It has been a very successful program that has allowed

working families and elderly residents the ability to stay in their homes, thus providing housing security and a safe living environment.

- The additional grant dollars will ensure all needed repairs can be completed with essential energy efficiency improvements included in the project.

Project Outcomes: The HILP program is very popular with a current a waiting list of over 100 people. These grant dollars will assist over 50 low income homeowners in Green Bay. This subsidy would help the owner pay for items that would have a cost savings to the household by decreasing energy costs.

Recurring Costs: Once ARPA funding is exhausted, the HILP Program will still exist funded solely by HUD HOME and CDBG funding

Recommendation: Motion to approve request 5-2-201, Energy Efficiency Grants Program project, from the Affordable Housing Development and Small Business Support for \$500,000.

Control #5-2-202 Curb Appeal \$300,000.00

Project Summary: The Curb Appeal Program is a program set up for property owners to complete exterior improvements to their properties, specifically items that aren't eligible under the City's HOME funded rehab programs.

- This is a program that provides a grant of up to \$7,500 to cover the cost of exterior repairs.
- Historically, the average curb appeal grant has been \$4,000. Staff has packaged 29 of these grants in the past. Based on this average \$4,000 grant, 75 properties would be improved.
- This program would operate within the eligible Qualified Census Tracts only

Project Outcomes: Providing this grant allows the owners to have a funding resource to make these exterior improvements, thus improving the overall beautification of the neighborhood, 75 properties would be improved.

Recurring Costs: None

Recommendation: Motion to approve request 5-2-202, Curb Appeal project, from the Affordable Housing Development and Small Business Support category for \$300,000.

Control #5-2-203 Great to be Home! \$500,000.00

Project Summary: Great Being Home is a homeownership program serving employees of participating Green Bay employers. Eligible buyers will receive a \$5,000 grant in addition to other assistance programs for which they may qualify (up to \$10,000) Staff worked with our outside partners, NeighborWorks Green Bay and the Greater Green Bay Chamber of Commerce (Housing Committee) to craft this program. Great Being Home will help employers attract and retain talent, increase awareness and resources for homeownership among local employees, increase homeownership rates within the City, and strengthen neighborhoods. If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.

Project Outcomes: If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.

Recurring Costs: When ARPA funding is exhausted, there will still be a pool of funding available from donations made by businesses and Federal and State funding available.

Recommendation: Motion to approve request 5-2-203, Great to be Home project, from the Affordable Housing Development and Small Business Support category for \$500,000.

Total of Projects:

May 10, 2022 Requests		
Crime Prevention/ Neighborhood Enhancement Remaining Balance		\$1,689,340.80
9-3-004 Neighborhood Association Support	\$150,000.00	
	Remaining Balance	<u>\$1,539,340.80</u>
Affordable Housing Development & Small Business Support Remaining Balance		\$4,885,000.00
5-2-201 Home Improvement Loan Program	\$500,000.00	
5-2-202 Curb Appeal Program	\$300,000.00	
5-2-203 Great to be Home! Program	\$500,000.00	

	Remaining Balance	<u>\$3,585,000.00</u>
ARPA Grant Award		\$23,695,516.00
ARPA Grant Amount Received		\$11,847,758.00

Approved Projects

3-2-001	Administrative Expenses	\$200,000.00
10-6-001	One Time Expenses FY22	\$655,000.00
9-2-007	NIBIN	\$188,358.00
9-1-008	Recruit/ Retain	\$88,000.00
9-2-009	Lot Cop	\$40,000.00
12-3-001	Shot Detection System	\$0.00
7-5-001	Rain Barrel/ Rain Garden	\$60,000.00
5-5-001	E. Seymour Park Stormwater	\$1,000,000.00
2-6-001	Roads	\$1,500,000.00
2-3-002	Body-worn Cameras	\$307,316.25
2-2-003	City Façade Project	\$1,000,000.00
2-2-004	Blueprint Business Accelerator	\$40,000.00
2-2-005	Farmers Markets	\$75,000.00
2-2-006	Tourism Grants	\$250,000.00
2-7-008	Audio Upgrades	\$29,440.83
<u>1-4-004</u>	<u>Pandemic Pay</u>	<u>\$38,811.00</u>
		\$5,466,227.28

Proposed Projects

9-3-004	Neighborhood Assoc Support	\$150,000.00
5-2-001	Energy Efficiency Grants	\$500,000.00
5-2-202	Curb Appeal	\$300,000.00
5-2-203	Great to be Home!	\$500,000.00

Proposed Remaining Unobligated Balance \$4,931,530.72



City of Green Bay
Department of Community and Economic Development

MEMORANDUM

TO: Finance Committee

FROM: Cheryl Renier-Wigg, Deputy Community & Economic Development Director

RE: Recommended ARPA Allocations (Affordable Housing Development)
Energy Efficiency Grant

DATE: May 5, 2022

Staff is seeking approval for ARPA funding for the below described housing programs.

Affordable Housing Development \$500,000

I. Energy Efficiency Grants (\$ 500,000)

- The Energy Efficiency Grants are grants that are added as a rider to loans provided under the Home Improvement Loan Program (HILP). HILP is an existing loan program that offers property owners at or below 80% of median income, an interest free, pay it back when you move or sell loan to make home improvements to their properties. It is administered by NeighborWorks Green Bay (under contract with the RDA) and is primarily funded through the City's HOME allocation. This is a very popular program with a current a waiting list of over 100 people.
- The ARPA funding would be used to fund the Energy Efficiency Grants and would be available to each loan recipient in hopes of extending the rehab project to include items that would provide energy savings to them after rehab. The loan recipient would be eligible for a grant of up to \$10,000 to be used for energy efficiency improvements at the home such as furnaces, water heaters, windows, doors etc. This subsidy would help the owner pay for items that would have a cost savings to the household by decreasing energy costs.
- The City has been administering an owner rehab loan program for over 30 years. It has been a very successful program that has allowed working families and elderly residents the ability to stay in their homes, thus providing housing security and a safe living environment. The additional grant dollars will ensure all needed repairs can be completed with essential energy efficiency improvements included in the project.
- These grant dollars will assist over 50 low income home owners in Green Bay.

CARW
enclosure

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100 North Jefferson Street, Room 608, Green Bay, Wisconsin 54301-5026
(p) 920.448.3400 (f) 920.448.3426 greenbaywi.gov

HOME IMPROVEMENT LOAN PROGRAM



The HOME Improvement Loan Program is a zero interest, deferred payment loan, designed to assist low- to moderate-income homeowners with upgrades to your homes without negatively impacting personal budgets.

HOME IMPROVEMENT LOAN PROGRAM

Eligible Upgrades:

- Exterior upgrades are the primary focus including roofs, siding, windows, doors, trim, porches, concrete, gutters, down spouts, and insulation
- Interior upgrades are eligible if exterior is up to code
- Electrical upgrades, plumbing upgrades, floors, kitchens, bathrooms, plaster, and painting
- Garages are eligible if home is entirely up to code

Eligibility:

To qualify, applicant must meet HUD income requirements:

Family Size	Max Income	Family Size	Max Income
1	\$45,200	5	\$69,750
2	\$51,650	6	\$74,900
3	\$58,100	7	\$80,050
4	\$64,550	8	\$85,250

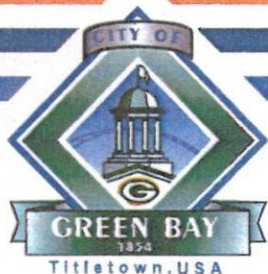
- Owner-occupant must have owned the home for at least 5 years or have equivalent equity
- Loan amount is based on the homeowners available equity (up to 100% equity)
- All code violations must be corrected
- Must be current on property taxes
- Flood insurance is required if located in 100 year floodplain

Terms:

- Minimum loan \$2,000 / Maximum loan \$35,000
- Zero interest for the life of the loan
- Payments are deferred as long as you live in the home
- Personal guarantee required for all loans

Loan Applications:

- Applications are accepted year round
- All applications must be complete to be accepted
- Priority given to applicants living within CDBG eligible area
- Eligible applicants are taken on a first come first serve basis



Department of Community & Economic Development

100 North Jefferson Street • Green Bay, WI 54301-5026
920.448.3400

www.greenbaywi.gov

To apply, please contact the
NeighborWorks Green Bay
staff at: 920.448.3075



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.3

To approve as amended. To amend the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Curb Appeal program for \$300,000 to mirror the Shipyard program with \$1,000 for landscaping, \$2,500 for structural, \$5,000 for site improvement and a minimum 25% match (held from the May 17, 2022 Common Council meeting).

BACKGROUND

American Rescue Plan Act resolution was approved at council on 12/7/21.

RECOMMENDATION

Approval

FISCAL IMPACT

ATTACHMENTS

- I. 3 ARPA - Curb Appeal \$300,000



Finance Department
100 North Jefferson Street - Room 105
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

Phone 920.448.3020
Fax 920.448.3050

Memo

To: Finance Committee
Diana Ellenbecker, Finance Director

From: Susan House, Grant Administrator

Date:

Re: ARPA Requests- Revenue Replacement

The Finance Committee and Common Council have approved, on December 7, 2021, by resolution the following ARPA fund categories:

1. \$10,000,000 Capital Needs and Organizational Priorities
2. \$6,000,000 Affordable Housing Development and Small Business Support
3. \$3,000,000 Stormwater, Green Infrastructure, and Climate Resilience
4. \$2,000,000 Crime Prevention and Neighborhood Enhancement
5. \$1,500,000 Arts, Culture, and Tourism

The following requests are eligible, one (1) request from the Crime Prevention and Neighborhood Enhancement category and three (3) from the Affordable Housing Development and Small Business Support category. I recommend approving the requests individually.

Crime Prevention and Neighborhood Enhancement

Control #9-3-004 Neighborhood Association Support \$150,000.00

Project Summary: Partnership with GBN, (a non-profit organization that represents all 47 recognized neighborhood associations) provide funding to assist recognized neighborhood associations in building a safer community, enhancing neighborhoods, educating residents about important issues in the neighborhood and support residents who are struggling with COVID fatigue.

- \$15,000 for Competitive mini grants for bricks and mortar/special events projects- annual application

- \$20,000 for Operating grants for funding to help sustain neighborhood associations through newsletters creation and distribution, outreach and meeting expenses
- \$1,000 for Creation of a City Hall Academy, a learning experience where neighbors can sign up to learn how City Government works by attending meetings with various City departments
- \$9,000 for Crime Prevention grants, in partnership with the GBPD, funding creative ways to decrease neighborhood crime and set up crime prevention initiatives in neighborhoods
- \$5,000 for Neighborhood asset building- teaching neighborhood associations how to discover the human assets that exist in each neighborhood and to help find ways to increase diversity and inclusiveness in board representation and event attendance.

Project Outcomes: Decrease in crime, diverse and supportive neighborhoods. Over 75,000 residents are within recognized neighborhood association boundaries.

Recurring Costs: When ARPA funds are depleted, the nonprofit Green Bay Neighborhoods (GBN) will still have a pool of privately raised dollars to provide limited support of neighborhood associations

Recommendation: Motion to approve request 9-3-004, Neighborhood Association Support project, from the Crime Prevention and Neighborhood Enhancement category for \$150,000.

Affordable Housing Development and Small Business Support

Control #5-2-201 Energy Efficiency Grants \$500,000.00

Project Summary: The Energy Efficiency Grants are added as a rider to loans provided under the Home Improvement Loan Program HILP. HILP Program offers property owners at or below 80% of median income, an interest free, pay it back when you move or sell loan to make home improvements to their properties. It is administered by NeighborWorks Green Bay and is primarily funded through the City's HOME allocation. The ARPA funding would be used to subsidize each loan. The owner would be eligible for a grant of up to \$10,000 to be used for energy efficiency improvements at the home such as furnaces, water heaters, windows, doors etc.

- The City has been administering an owner rehab loan program for over 30 years. It has been a very successful program that has allowed

working families and elderly residents the ability to stay in their homes, thus providing housing security and a safe living environment.

- The additional grant dollars will ensure all needed repairs can be completed with essential energy efficiency improvements included in the project.

Project Outcomes: The HILP program is very popular with a current a waiting list of over 100 people. These grant dollars will assist over 50 low income homeowners in Green Bay. This subsidy would help the owner pay for items that would have a cost savings to the household by decreasing energy costs.

Recurring Costs: Once ARPA funding is exhausted, the HILP Program will still exist funded solely by HUD HOME and CDBG funding

Recommendation: Motion to approve request 5-2-201, Energy Efficiency Grants Program project, from the Affordable Housing Development and Small Business Support for \$500,000.

Control #5-2-202 Curb Appeal \$300,000.00

Project Summary: The Curb Appeal Program is a program set up for property owners to complete exterior improvements to their properties, specifically items that aren't eligible under the City's HOME funded rehab programs.

- This is a program that provides a grant of up to \$7,500 to cover the cost of exterior repairs.
- Historically, the average curb appeal grant has been \$4,000. Staff has packaged 29 of these grants in the past. Based on this average \$4,000 grant, 75 properties would be improved.
- This program would operate within the eligible Qualified Census Tracts only

Project Outcomes: Providing this grant allows the owners to have a funding resource to make these exterior improvements, thus improving the overall beautification of the neighborhood, 75 properties would be improved.

Recurring Costs: None

Recommendation: Motion to approve request 5-2-202, Curb Appeal project, from the Affordable Housing Development and Small Business Support category for \$300,000.

Control #5-2-203 Great to be Home! \$500,000.00

Project Summary: Great Being Home is a homeownership program serving employees of participating Green Bay employers. Eligible buyers will receive a \$5,000 grant in addition to other assistance programs for which they may qualify (up to \$10,000) Staff worked with our outside partners, NeighborWorks Green Bay and the Greater Green Bay Chamber of Commerce (Housing Committee) to craft this program. Great Being Home will help employers attract and retain talent, increase awareness and resources for homeownership among local employees, increase homeownership rates within the City, and strengthen neighborhoods. If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.

Project Outcomes: If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.

Recurring Costs: When ARPA funding is exhausted, there will still be a pool of funding available from donations made by businesses and Federal and State funding available.

Recommendation: Motion to approve request 5-2-203, Great to be Home project, from the Affordable Housing Development and Small Business Support category for \$500,000.

Total of Projects:

May 10, 2022 Requests

Crime Prevention/ Neighborhood Enhancement Remaining
Balance

\$1,689,340.80

9-3-004 Neighborhood Association Support

\$150,000.00

Remaining Balance

\$1,539,340.80

Affordable Housing Development & Small Business Support
Remaining Balance

\$4,885,000.00

5-2-201 Home Improvement Loan Program

\$500,000.00

5-2-202 Curb Appeal Program

\$300,000.00

5-2-203 Great to be Home! Program

\$500,000.00

	Remaining Balance	<u>\$3,585,000.00</u>
ARPA Grant Award		\$23,695,516.00
ARPA Grant Amount Received		\$11,847,758.00

Approved Projects

3-2-001	Administrative Expenses	\$200,000.00
10-6-001	One Time Expenses FY22	\$655,000.00
9-2-007	NIBIN	\$188,358.00
9-1-008	Recruit/ Retain	\$88,000.00
9-2-009	Lot Cop	\$40,000.00
12-3-001	Shot Detection System	\$0.00
7-5-001	Rain Barrel/ Rain Garden	\$60,000.00
5-5-001	E. Seymour Park Stormwater	\$1,000,000.00
2-6-001	Roads	\$1,500,000.00
2-3-002	Body-worn Cameras	\$307,316.25
2-2-003	City Façade Project	\$1,000,000.00
2-2-004	Blueprint Business Accelerator	\$40,000.00
2-2-005	Farmers Markets	\$75,000.00
2-2-006	Tourism Grants	\$250,000.00
2-7-008	Audio Upgrades	\$29,440.83
<u>1-4-004</u>	<u>Pandemic Pay</u>	<u>\$38,811.00</u>
		\$5,466,227.28

Proposed Projects

9-3-004	Neighborhood Assoc Support	\$150,000.00
5-2-001	Energy Efficiency Grants	\$500,000.00
5-2-202	Curb Appeal	\$300,000.00
5-2-203	Great to be Home!	\$500,000.00

Proposed Remaining Unobligated Balance \$4,931,530.72



City of Green Bay
Department of Community and Economic Development

MEMORANDUM

TO: Finance Committee

FROM: Cheryl Renier-Wigg, Deputy Community & Economic Development Director

RE: Recommended ARPA Allocations (Affordable Housing Development)
Curb Appeal Program

DATE: May 5, 2022

Staff is seeking approval for ARPA funding for the below described housing program.

Affordable Housing Development \$300,000

I. Curb Appeal Program (\$100,000 a year for 3 years)

- The Curb Appeal Program is a program set up for property owners to complete exterior improvements to their properties, specifically items that aren't eligible under the City's HOME funded rehab programs. Staff discovered that there were a number of properties in our older neighborhoods that were in good shape, but had overgrown or missing landscaping, gravel driveways, dying trees and minor exterior repair issues that needed correction. Providing this grant allows the owners to have a funding resource to make these exterior improvements, thus improving the overall beautification of the neighborhood.
- This is a program that provides a grant of up to \$7,500 to cover the cost of exterior improvements.
- Historically, the average curb appeal grant has been \$4,000. Staff has packaged 29 of these grants in the past. Based on this average \$4,000 grant, 75 properties would be improved.
- This program would operate within the eligible Qualified Census Tracts only
- It would be administered by Community and Economic Development Staff

CARW
enclosure



CURB APPEAL GRANT PROGRAM
Department of Community and Economic Development
100 N. Jefferson Street, Room 608
Green Bay, WI 54301



PROGRAM GUIDELINES

The City of Green Bay Curb Appeal Program is an assistance program for property owners to improve the appearance and quality of their property and enhance neighborhood aesthetic appeal.

PROGRAM OBJECTIVES

1. To assist in overall revitalization and improvement of a property's appearance and image.
2. To help raise and improve the value of housing within the defined neighborhood.
3. To help provide property owners in the defined neighborhoods resources to make improvements to the exterior of their homes and their property.
4. To help leverage larger improvement projects and investment that may not otherwise take place.
5. To create a positive influence on surrounding properties and encourage further investment by neighboring and nearby property owners.

PROGRAM OVERVIEW/APPLICABILITY

The Curb Appeal Program provides a grant as an incentive to property owners to enhance the exterior appearance / "curb appeal" of their property. The program is available to owners of residentially used owner-occupied or rental properties within the qualified census tract area. Participants in the program can receive a grant of up to a maximum of \$7500.

ELIGIBLE GRANT PROJECTS/EXPENDITURES

Items/projects that are eligible for reimbursement fall under three grant categories:

LANDSCAPING CATEGORY

Eligible Projects (must be visible from the public sidewalk or right of way):

1. Lawns
2. Landscape beds or planter areas
3. Tree and/or shrub maintenance or installation

Eligible Items for reimbursement for landscaping:

1. Soil, mulch, sod, landscape stone or another groundcover
2. Flowers, shrubs, bushes, trees, or other vegetation
3. Landscape fabric, edging, and pavers
4. Other items may be eligible for reimbursement upon approval of the Program Coordinator

EXTERIOR BUILDING/STRUCTURE REHABILITATION CATEGORY

Painting/Staining

Eligible Painting/Staining Projects (must be visible from the public sidewalk or right of way):

1. Exterior washing of the primary building
2. Exterior painting of the primary building
3. Exterior painting of a detached garage or accessory building
4. Painting or staining of porches, decks or fences
5. Other projects may be eligible upon approval of the Program Coordinator

Eligible Items for reimbursement for painting/staining projects:

1. Lead-based paint testing/remediation
2. Exterior paint/primer/stain
3. Brushes, rollers, scrapers or cleaners to remove existing paint
4. Painting tape, drop cloths and paint pans
5. Other items may be eligible upon approval of the Program Coordinator

Exterior Building/Structure Rehabilitation

Any material required to complete the exterior rehabilitation project that was included within the approved application. This does not include tools such as ladders, nail guns, etc.

Eligible Building Rehabilitation Projects (must be visible from the public sidewalk or right of way):

1. Roofing and/or siding repair of the primary building, detached garage, or accessory building
2. Tuck-pointing, masonry repair or reconstruction of the primary building, detached garages, existing masonry walls, or accessory structures
3. Repair or replacement of features on the primary building, detached garage, or accessory building including, but not limited to, the following:
 - Windows, doors and trim
 - Lighting
 - Gutters, soffit and fascia
 - Porches and/or decks, including railings and steps
4. Other projects may be eligible for reimbursement upon approval of the Program Coordinator.

SITE IMPROVEMENTS CATEGORY

Any material required to complete the site improvement that was stated on the approved application. This does not include tools such as ladders, nail guns, etc.

1. Repair, reconstruction, removal, or installation of private walks, including masonry steps
2. Repair, reconstruction, removal, or installation of driveways/driveway aprons
3. Repair, reconstruction, removal, or installation of fencing

***LABOR**

Only professional labor can be claimed for reimbursement. Professional labor is someone other than the property owner/applicant who is trained and engaged in such work for a career. Professional labor is required to have a Wisconsin Builders License and be lead certified (if applicable). An invoice from an established professional detailing the work performed/completed and that indicates the invoice has been "Paid in Full" is required in order to be considered for reimbursement.

ADMINISTRATION

The Department of Community and Economic Development will administer the Curb Appeal Program. Representatives can be reached at the Department of Community and Economic Development, 100 North Jefferson Street, Room 608, Green Bay, WI 54301-5026 / 920-448-3400 / www.greenbaywi.gov.

PROGRAM ELIGIBILITY

This program is available to:

1. Residentially used owner-occupied or rental property within the Qualified Census Tract area.
2. All projects must be visible from public sidewalk and/or street right-of-way (typically within the front or side yards).

INELIGIBLE PROPERTIES

A property which has any of the following conditions is ineligible:

1. Not located within the limits of the Qualified Census Tract area.
2. Owner owes the City of Green Bay any money or debt such as delinquent property taxes and/or outstanding citations. This does not include loan balances associated with other City programs.
3. Owner has an open Correction Notice. Applications that are submitted for projects that will close a Correction Notice will be considered on a case-by-case basis.
4. Property that has received Curb Appeal Grant Program funds within any of the three categories are not eligible for another grant within the same category for a minimum of 12 months.
5. Properties owned by a current elected official of the City of Green Bay or by a government entity.

GRANT GUIDELINES

1. Applicants must submit a completed application packet including “before” photos, prior to any work being completed to be considered for a Curb Appeal Grant Program.
2. The Curb Appeal Grant Program is for the most part a reimbursement grant. The applicant is required to pay all expenses related to their approved project and then submit for reimbursement from the city. At the discretion of the Program Coordinator, payment directly to professional contractors from the City may be applicable if the participant is low to moderate income.
3. For any painting or staining projects applicants are required to remove peeling paint and prime surfaces prior to painting or staining. Photo documentation of finished prep work is required. *Be aware lead-based paint testing/remediation may be required but is an eligible for reimbursement.
4. Owner agrees to obtain all necessary approvals and permits, at owners’ expense if needed.
5. All work must meet local, state, and national standards and regulations.
6. All project participants will receive the EPA brochure “Protect Your Family from Lead in Your Home” and “The Lead Safe Certified Guide to Renovate Right”.

INELIGIBLE GRANT EXPENDITURES

Items/projects that are NOT eligible for reimbursement under the Curb Appeal Grant Program include, but are not limited to, the following:

1. Any item that is not visible from the public sidewalk or right of way
2. Any interior projects to the primary building, detached garage, or accessory buildings
3. Rental companies may not use this program to reimburse their own staff's labor expenses to complete their projects. Must be an outside contractor
4. Materials that have been purchased or projects that are started or underway prior to issuance of a signed Contract for Services and Grant Award Letter by the Curb Appeal Grant Program Coordinator
5. Owner, owner's family or owner's employees labor costs

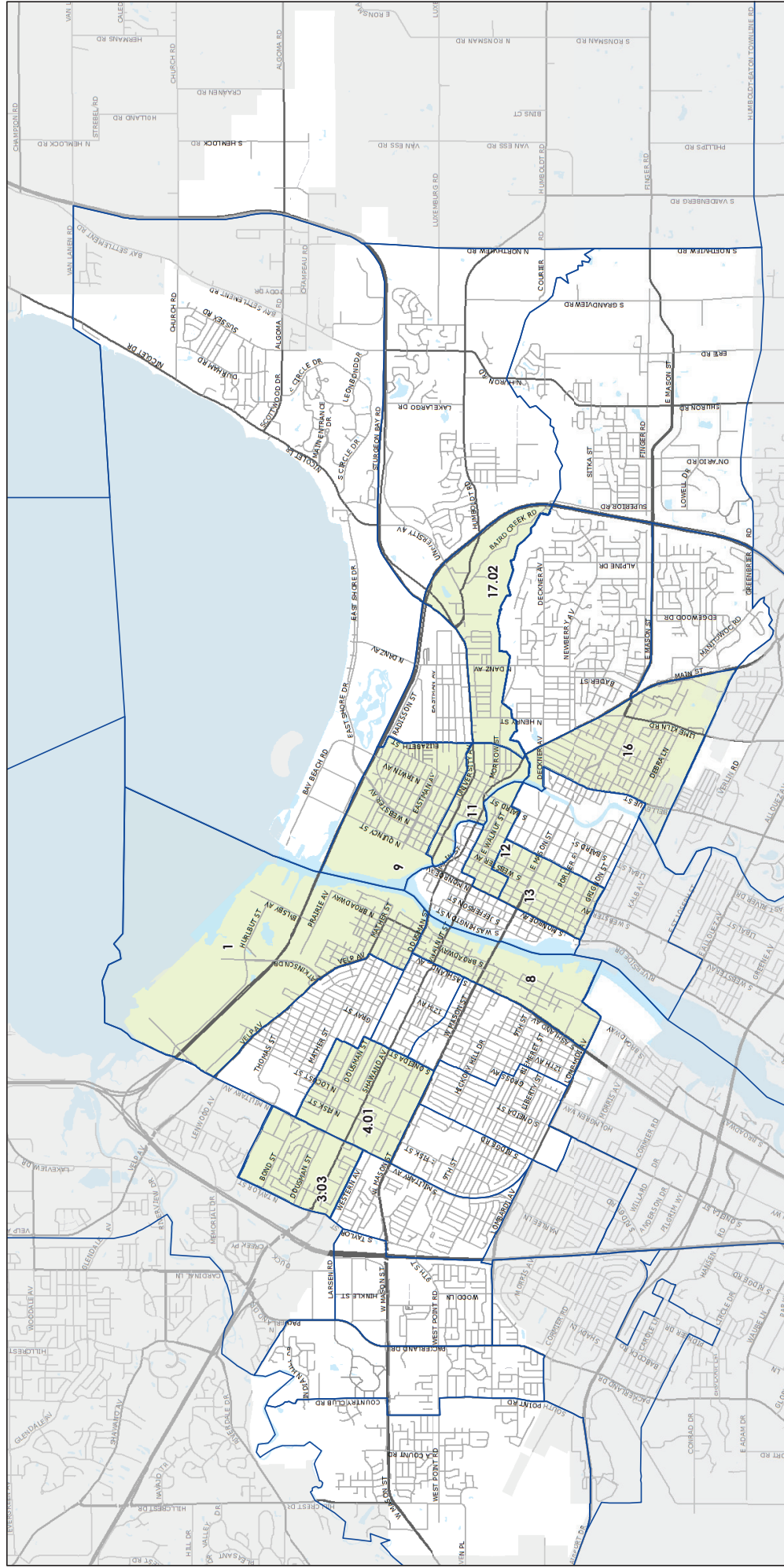
APPLICATION

1. All applicants must submit a complete application to be considered for a Curb Appeal Grant Program. A complete application includes:
 - a. A completed Pre-Documentation Form. This Form must include an itemized description of the proposed project and an estimated cost for each item. Any item not listed will not be considered for reimbursement. If the project is being completed by a contractor, a signed copy of their estimate to complete the work must be attached.
 - b. Before photos of the proposed project. Applications will not be considered if before photos are not submitted.
 - c. A complete W-9 Form. A W-9 form must be submitted to be eligible for the program. This form is required to process reimbursement requests.
2. Once the application is considered complete, the Program Coordinator will review the application to ensure that the proposed project(s) is/are eligible under the Program's guidelines.
3. If the application meets program requirements, the Program Coordinator determines the amount of award, based on the estimated cost, grant caps, and required fund match.
4. An award letter will be sent to the applicant informing them that their application has been approved and indicating the estimated amount to be awarded. The applicant has twelve (12) months to complete the project(s).

REIMBURSEMENT

To receive reimbursement for completed projects the applicant must submit the following:

1. A completed Final Reimbursement Form/Worksheet. This Form must include a description of the proposed project(s) and the actual cost for each project. Any items not listed on the Pre-Documentation Form will not be considered for reimbursement.
2. Copies of receipts/paid invoices showing proof of purchase of the approved/completed items/materials for each project. The applicant is required to mark on their receipts which item(s) is/are being requested for reimbursement and what project they were for.
3. Final photo documentation of the completed project. ("After" Photos)
4. After the applicant submits all the required information for reimbursement, the Program Coordinator reviews all information submitted to ensure it is eligible for reimbursement. The Program Coordinator also reviews the applicant's requested reimbursement amount to make sure the correct amount is stated on the form.
5. Once it is determined the request is complete, the Reimbursement Form and all receipts and/or paid invoices are forwarded to the City of Green Bay's Finance Department for reimbursement back to the participant/applicant.



City of Green Bay Qualified Census Tracts

Source: 2022 IRS Section 42(d)(5)(B) Qualified Census Tract

Low-Income Housing Tax Credit Qualified Census Tracts must have 50% of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25% or more.

Legend

- Census Tract
- Qualified Census Tract

This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Department of Community and Economic Development, E.R. 21 Jan 2022 X:\Planning\Work Order Requests\2022\22.01 Office Maps\CensusTracts.mxd

CURB APPEAL GRANT PROGRAM

Program Mission:

The Curb Appeal program is a grant program designed to assist property owners with funding projects that improve the exterior appearance of their property as viewed from the street.



Department of Community & Economic Development

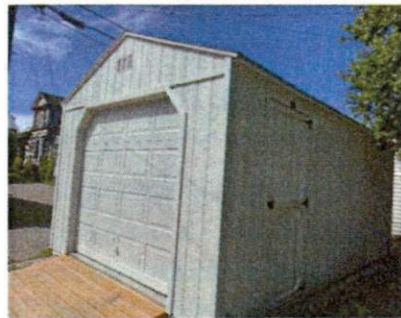
100 North Jefferson Street • Green Bay, WI 54301-5026
920.448.3300

www.greenbaywi.gov

CURB APPEAL GRANT PROGRAM

Program Eligibility:

- Owner of a residential or rental property
- Project must be visible from the public sidewalk/street
- Project includes:
 1. Landscaping
 2. Exterior Structural Rehabilitation
 3. Site Improvement



Other Relevant Information:

- Grant will reimburse eligible project costs up to \$7,500 maximum grant amount
- Reimbursement Grant. Recipient required to pay all expenses of approved project up front and be reimbursed when complete
- All work must meet local, state and federal regulations
- Recipient is responsible for all costs associated with approval and permits
- Total grant funds are limited. Program is administered on a first-come first-served basis

To apply, please contact the
City's Economic Development staff at:
920.448.3300



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.4

To approve the American Rescue Plan Act (ARPA) allocation within the Affordable Housing Development and Small Business Support category for Great to be Home! program for \$500,000 (held from May 17, 2022 Common Council meeting).

BACKGROUND

American Rescue Plan Act resolution was approved at council on 12/7/21.

RECOMMENDATION

Approval

FISCAL IMPACT

ATTACHMENTS

- I. 4 ARPA - Great to be home \$500,000



Finance Department
100 North Jefferson Street - Room 105
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

Phone 920.448.3020
Fax 920.448.3050

Memo

To: Finance Committee
Diana Ellenbecker, Finance Director

From: Susan House, Grant Administrator

Date:

Re: ARPA Requests- Revenue Replacement

The Finance Committee and Common Council have approved, on December 7, 2021, by resolution the following ARPA fund categories:

1. \$10,000,000 Capital Needs and Organizational Priorities
2. \$6,000,000 Affordable Housing Development and Small Business Support
3. \$3,000,000 Stormwater, Green Infrastructure, and Climate Resilience
4. \$2,000,000 Crime Prevention and Neighborhood Enhancement
5. \$1,500,000 Arts, Culture, and Tourism

The following requests are eligible, one (1) request from the Crime Prevention and Neighborhood Enhancement category and three (3) from the Affordable Housing Development and Small Business Support category. I recommend approving the requests individually.

Crime Prevention and Neighborhood Enhancement

Control #9-3-004 Neighborhood Association Support \$150,000.00

Project Summary: Partnership with GBN, (a non-profit organization that represents all 47 recognized neighborhood associations) provide funding to assist recognized neighborhood associations in building a safer community, enhancing neighborhoods, educating residents about important issues in the neighborhood and support residents who are struggling with COVID fatigue.

- \$15,000 for Competitive mini grants for bricks and mortar/special events projects- annual application

- \$20,000 for Operating grants for funding to help sustain neighborhood associations through newsletters creation and distribution, outreach and meeting expenses
- \$1,000 for Creation of a City Hall Academy, a learning experience where neighbors can sign up to learn how City Government works by attending meetings with various City departments
- \$9,000 for Crime Prevention grants, in partnership with the GBPD, funding creative ways to decrease neighborhood crime and set up crime prevention initiatives in neighborhoods
- \$5,000 for Neighborhood asset building- teaching neighborhood associations how to discover the human assets that exist in each neighborhood and to help find ways to increase diversity and inclusiveness in board representation and event attendance.

Project Outcomes: Decrease in crime, diverse and supportive neighborhoods. Over 75,000 residents are within recognized neighborhood association boundaries.

Recurring Costs: When ARPA funds are depleted, the nonprofit Green Bay Neighborhoods (GBN) will still have a pool of privately raised dollars to provide limited support of neighborhood associations

Recommendation: Motion to approve request 9-3-004, Neighborhood Association Support project, from the Crime Prevention and Neighborhood Enhancement category for \$150,000.

Affordable Housing Development and Small Business Support

Control #5-2-201 Energy Efficiency Grants \$500,000.00

Project Summary: The Energy Efficiency Grants are added as a rider to loans provided under the Home Improvement Loan Program HILP. HILP Program offers property owners at or below 80% of median income, an interest free, pay it back when you move or sell loan to make home improvements to their properties. It is administered by NeighborWorks Green Bay and is primarily funded through the City's HOME allocation. The ARPA funding would be used to subsidize each loan. The owner would be eligible for a grant of up to \$10,000 to be used for energy efficiency improvements at the home such as furnaces, water heaters, windows, doors etc.

- The City has been administering an owner rehab loan program for over 30 years. It has been a very successful program that has allowed

working families and elderly residents the ability to stay in their homes, thus providing housing security and a safe living environment.

- The additional grant dollars will ensure all needed repairs can be completed with essential energy efficiency improvements included in the project.

Project Outcomes: The HILP program is very popular with a current a waiting list of over 100 people. These grant dollars will assist over 50 low income homeowners in Green Bay. This subsidy would help the owner pay for items that would have a cost savings to the household by decreasing energy costs.

Recurring Costs: Once ARPA funding is exhausted, the HILP Program will still exist funded solely by HUD HOME and CDBG funding

Recommendation: Motion to approve request 5-2-201, Energy Efficiency Grants Program project, from the Affordable Housing Development and Small Business Support for \$500,000.

Control #5-2-202 Curb Appeal \$300,000.00

Project Summary: The Curb Appeal Program is a program set up for property owners to complete exterior improvements to their properties, specifically items that aren't eligible under the City's HOME funded rehab programs.

- This is a program that provides a grant of up to \$7,500 to cover the cost of exterior repairs.
- Historically, the average curb appeal grant has been \$4,000. Staff has packaged 29 of these grants in the past. Based on this average \$4,000 grant, 75 properties would be improved.
- This program would operate within the eligible Qualified Census Tracts only

Project Outcomes: Providing this grant allows the owners to have a funding resource to make these exterior improvements, thus improving the overall beautification of the neighborhood, 75 properties would be improved.

Recurring Costs: None

Recommendation: Motion to approve request 5-2-202, Curb Appeal project, from the Affordable Housing Development and Small Business Support category for \$300,000.

Control #5-2-203 Great to be Home! \$500,000.00

Project Summary: Great Being Home is a homeownership program serving employees of participating Green Bay employers. Eligible buyers will receive a \$5,000 grant in addition to other assistance programs for which they may qualify (up to \$10,000) Staff worked with our outside partners, NeighborWorks Green Bay and the Greater Green Bay Chamber of Commerce (Housing Committee) to craft this program. Great Being Home will help employers attract and retain talent, increase awareness and resources for homeownership among local employees, increase homeownership rates within the City, and strengthen neighborhoods. If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.

Project Outcomes: If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.

Recurring Costs: When ARPA funding is exhausted, there will still be a pool of funding available from donations made by businesses and Federal and State funding available.

Recommendation: Motion to approve request 5-2-203, Great to be Home project, from the Affordable Housing Development and Small Business Support category for \$500,000.

Total of Projects:

May 10, 2022 Requests		
Crime Prevention/ Neighborhood Enhancement Remaining Balance		\$1,689,340.80
9-3-004 Neighborhood Association Support	\$150,000.00	
	Remaining Balance	<u>\$1,539,340.80</u>
Affordable Housing Development & Small Business Support Remaining Balance		\$4,885,000.00
5-2-201 Home Improvement Loan Program	\$500,000.00	
5-2-202 Curb Appeal Program	\$300,000.00	
5-2-203 Great to be Home! Program	\$500,000.00	

	Remaining Balance	<u>\$3,585,000.00</u>
ARPA Grant Award		\$23,695,516.00
ARPA Grant Amount Received		\$11,847,758.00

Approved Projects

3-2-001	Administrative Expenses	\$200,000.00
10-6-001	One Time Expenses FY22	\$655,000.00
9-2-007	NIBIN	\$188,358.00
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		\$5,466,227.28

Proposed Projects

9-3-004	Neighborhood Assoc Support	\$150,000.00
5-2-001	Energy Efficiency Grants	\$500,000.00
5-2-202	Curb Appeal	\$300,000.00
5-2-203	Great to be Home!	\$500,000.00

Proposed Remaining Unobligated Balance \$4,931,530.72



City of Green Bay
Department of Community and Economic Development

MEMORANDUM

TO: Finance Committee

FROM: Cheryl Renier-Wigg, Deputy Community & Economic Development Director

RE: Recommended ARPA Allocations (Affordable Housing Development)
Great Being Home Down-payment Assistance Program

DATE: May 5, 2022

Staff is seeking approval for ARPA funding for the below described housing programs.

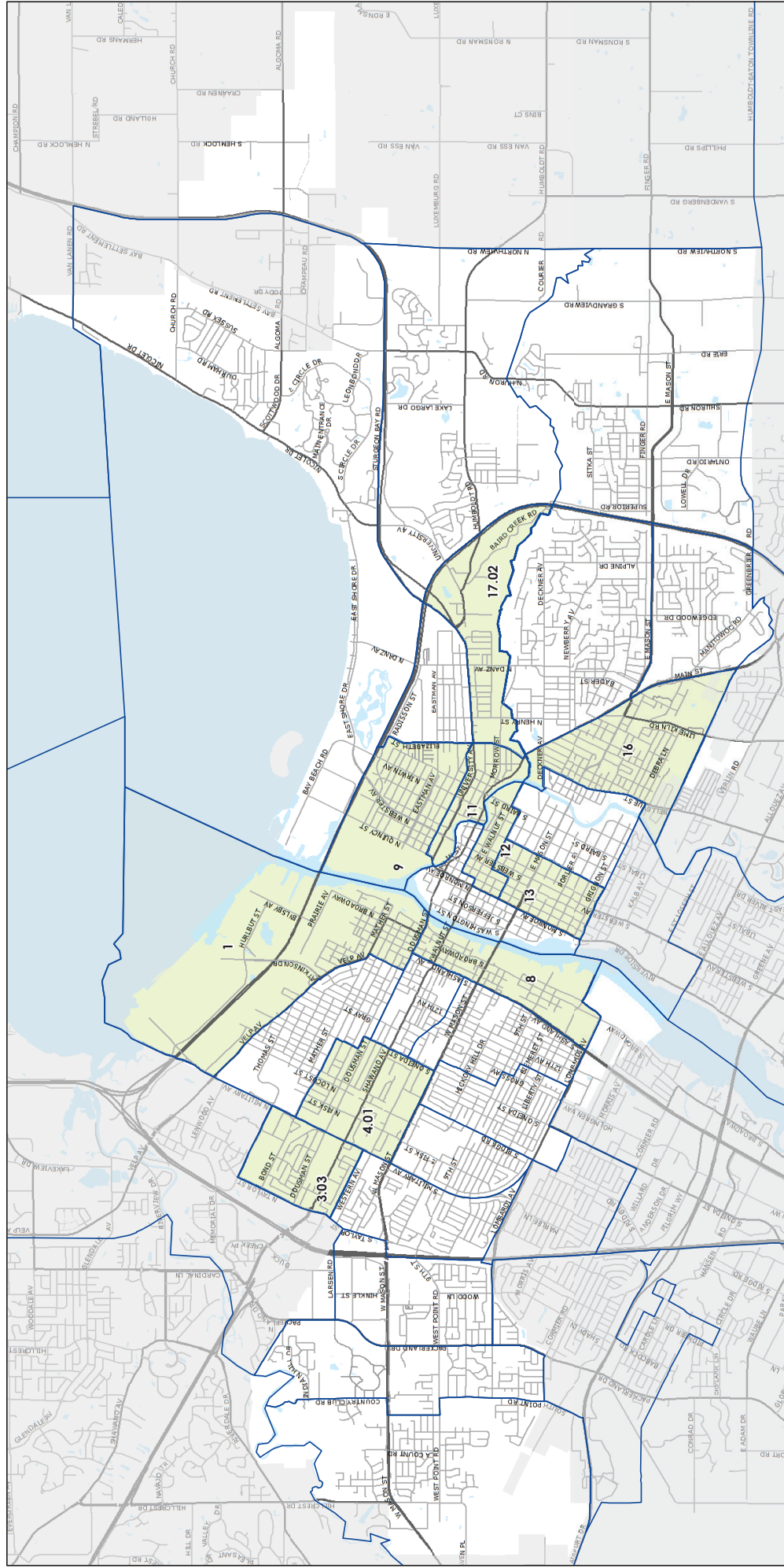
Affordable Housing Development \$500,000

Great Being Home Down-payment Assistance Program (\$ 500,000) over a 3 year timeline

Great Being Home is a homeownership program serving employees of participating Green Bay employers. Eligible buyers will receive a \$5,000 grant in addition to other assistance programs for which they may qualify (up to \$10,000) Staff worked with our outside partners, NeighborWorks Green Bay and the Greater Green Bay Chamber of Commerce (Housing Committee) to craft this program. Great Being Home will help employers attract and retain talent, increase awareness and resources for homeownership among local employees, increase homeownership rates within the City, and strengthen neighborhoods. The City of Green Bay is currently under contract with NeighborWorks Green Bay to provide down-payment assistance under the City's HOME Program. We would continue to use NWGB to administer this program along with the HOME funded program. We will also continue to work with the Chamber of Commerce in attracting larger employers to participate in this program by making a donation on behalf of their employees. If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.

- Eligible buyers include:
 - Employees of the City of Green Bay
 - Employees of Green Bay headquartered non-profits and businesses with 25 or fewer employees
 - Employees of larger employers who contribute to the Great Being Home Program
- Requirements of the Program
 - Applicants must complete pre-purchase education and counseling provided by NeighborWorks Green Bay and comply with other program requirements prior to receiving assistance.
 - Grants may be used for down-payment and closing costs assistance and to fund home repairs needed to be completed prior to closing
 - Purchased homes can be existing or new construction and can be 1-2 units
 - Purchased home must be owner occupied and serve as the primary residence of the buyer
 - Purchased homes must be located within the City of Green Bay
 - For buyers above 80% of median income, purchased homes must be in a Qualified Census Tract

CARW
enclosure



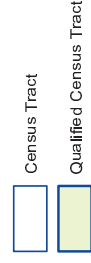
City of Green Bay Qualified Census Tracts

Source: 2022 IRS Section 42(d)(5)(B) Qualified Census Tract

Low-Income Housing Tax Credit Qualified Census Tracts must have 50% of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25% or more.



Legend



This is a compilation of records and data located in various City of Green Bay offices and is to be used for reference purposes only. The City of Green Bay is not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied. Map prepared by City of Green Bay Department of Community and Economic Development, E.R. 21 Jan 2022 X:\Planning\Work Order Requests\2022\22.01 Office Maps\CensusTracts.mxd



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.5

To approve a budget amendment resolution to transfer \$15,703.00 from Contingency account to Elections budget.

BACKGROUND

Total contingency request for \$15,703.00 to Election budget to help cover these items above the 2022 budget.

Seasonal Salaries:

- To cover extra nights and weekend for In Person Absentee Voting
- Concerned about recruiting and retaining pollworkers
- Central count for Aug / Nov
- Temp help
- Requesting \$11,767.00 for additional seasonal salaries

Office Supplies:

- Due to the high volume of absentee ballot requests, re-stock EL-122 Absentee Ballot Certificate Envelope and EL-120 outside envelope
- Based 2022 budget on 2020 budget, where the 2020 actual was \$1,408.42
- The 2022 cost for envelopes (EL-122 and EL-120) is \$3,936.00 and \$2,165.00, respectively.
- I would like to use \$3,936.00 of contingency to cover this unexpected cost.

RECOMMENDATION

Approve.

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.6

To approve the purchase of Motorola radios for GBFD from Motorola Solutions through Baycom Enterprises for \$456,241.52.

BACKGROUND

2022 budgeted \$468,000.

RECOMMENDATION

Approve.

FISCAL IMPACT

ATTACHMENTS

- I. Finance Agenda



Purchasing Department
100 North Jefferson Street - Room 101
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

Phone 920.448.3047
Fax 920.448.3050

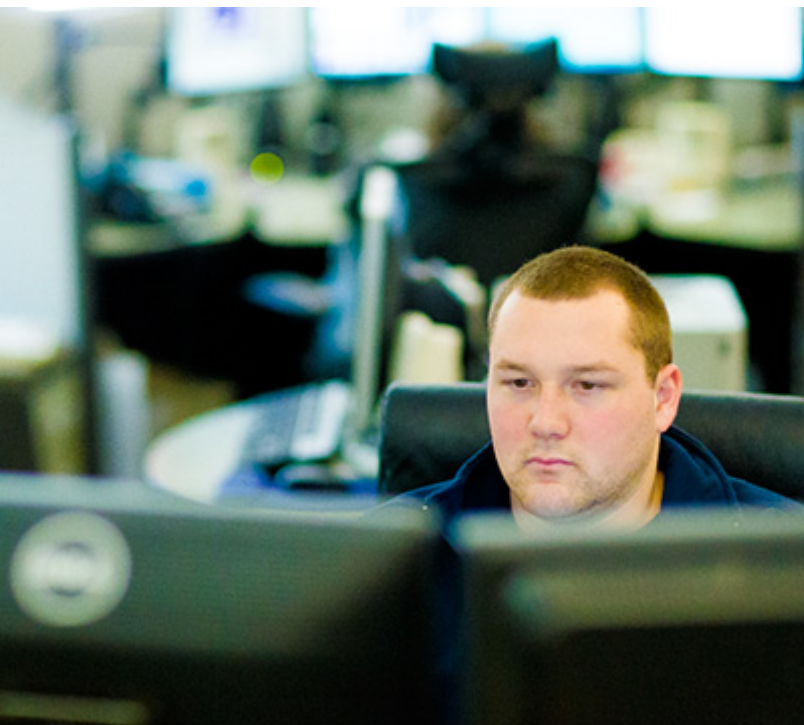
TO: Finance Committee
FR: Diane Kruse
DT: June 16, 2022
RE: Purchasing Report
Cc: Diana Ellenbecker, Pam Manley, Chief David Litton, Eric Jeltrema and Robert Jones

Report from the Procurement Department:

1. Request approval to purchase Motorola radios for GBFD from Motorola Solutions through Baycom Enterprises for \$456,241.52.

The following items were openly and competitively offered through the Wisconsin Counties Association Contract #24752:

DESCRIPTION	FUNDING SOURCE	AWARDED VENDOR	RESPONSES	\$ AMOUNT
Radios GBFD	424400-55140-41196 Fire Equipment Replacement	Motorola Solutions	Bought off of Wisconsin Counties Association Contract #24752 which was competitively bid	\$456,241.52



GREEN BAY DEPT OF PUBLIC WORKS, CITY OF

Green Bay; (56) APX8000

06/07/2022

06/07/2022

GREEN BAY DEPT OF PUBLIC WORKS, CITY OF
1820 MILLS ST
GREEN BAY, WI 54307

RE: Motorola Quote for Green Bay; (56) APX8000
Dear Robert Jones,

Motorola Solutions is pleased to present GREEN BAY DEPT OF PUBLIC WORKS, CITY OF with this quote for quality communications equipment and services. The development of this quote provided us the opportunity to evaluate your requirements and propose a solution to best fulfill your communications needs.

This information is provided to assist you in your evaluation process. Our goal is to provide GREEN BAY DEPT OF PUBLIC WORKS, CITY OF with the best products and services available in the communications industry. Please direct any questions to Eric Schroeder at eschroeder@baycominc.com.

We thank you for the opportunity to provide you with premier communications and look forward to your review and feedback regarding this quote.

Sincerely,

Eric Schroeder
Communications Consultant

Motorola Solutions Manufacturer's Representative

Billing Address:
GREEN BAY DEPT OF PUBLIC
WORKS, CITY OF
1820 MILLS ST
GREEN BAY, WI 54307
US

Quote Date:06/07/2022
Expiration Date:09/05/2022
Quote Created By:
Eric Schroeder
Communications Consultant
eschroeder@baycominc.com
920-544-4203

End Customer:
GREEN BAY DEPT OF PUBLIC WORKS,
CITY OF
Robert Jones
Robert.Jones@greenbaywi.gov
920-391-3651

Contract: 24752 - WCA
Payment Terms:30 NET

Radio programming if needed will be invoiced separately.

Line #	Item Number	Description	Qty	List Price	Contract Price
	APX™ 8000 Series	APX8000			
1	H91TGD9PW6AN	APX 8000 ALL BAND PORTABLE MODEL 2.5	56	\$7,108.00	\$5,188.84
1a	H869BW	ENH: MULTIKEY	56	\$363.00	\$264.99
1b	QA01648AA	ADD: HW KEY SUPPLEMENTAL DATA*	56	\$6.00	\$4.38
1c	Q806CB	ADD: ASTRO DIGITAL CAI OPERATION	56	\$567.00	\$413.91
1d	Q361AN	ADD: P25 9600 BAUD TRUNKING	56	\$330.00	\$240.90
1e	QA05594AA	ALT: BATT IMPRES 2 LIION DIV2 3400	56	\$143.00	\$104.39
1f	QA05100AA	ENH: STD 1 YR WARRANTY APPLIES NO SFS	56	\$0.00	\$0.00
1g	H38BS	ADD: SMARTZONE OPERATION	56	\$1,650.00	\$1,204.50
1h	Q629AH	ENH: AES ENCRYPTION AND ADP	56	\$523.00	\$381.79
2	PMNN4504A	BATT IMPRES 2 LIION UL2054 DIV2 R IP68 3400T	56	\$212.30	\$154.98



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.
Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

Line #	Item Number	Description	Qty	List Price	Contract Price
3	PMMN4136B	ACCESSORY KIT,XVP830 REMOTE SPEAKER MICROPHONE, NO CHANNEL KNOB	56	\$486.00	\$354.78

Grand Total	\$456,241.52(USD)
-------------	-------------------

Notes:

- Additional information is required for one or more items on the quote for an order.
- Unless otherwise noted, this quote excludes sales tax or other applicable taxes (such as Goods and Services Tax, sales tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.





Purchase Order Checklist

Marked as PO/ Contract/ Notice to Proceed on Company Letterhead
(PO will not be processed without this)

PO Number/ Contract Number

PO Date

Vendor = Motorola Solutions, Inc.

Payment (Billing) Terms/ State Contract Number

Bill-To Name on PO must be equal to the *Legal* Bill-To Name

Bill-To Address

Ship-To Address (If we are shipping to a MR location, it must be documented on PO)

Ultimate Address (If the Ship-To address is the MR location then the Ultimate Destination address must be documented on PO)

PO Amount must be equal to or greater than Order Total

Non-Editable Format (Word/ Excel templates cannot be accepted)

Bill To Contact Name & Phone # and EMAIL for customer accounts payable dept

Ship To Contact Name & Phone #

Tax Exemption Status

Signatures (As required)



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.7

To approve the adoption of the newly created Capitalization policy for the City of Green Bay.

BACKGROUND

- Policy is to assure the City is consistent on how capital assets are reported on financial reports.
- Policy was created with feedback from department heads and staff.
- Reflects current processes and how we report capital assets.
- Per a suggestion from our auditors from our 2020 & 2021 audits, it was recommended we create a policy regarding our capital asset processes.

RECOMMENDATION

Approve.

FISCAL IMPACT

ATTACHMENTS

- I. City of Green Bay Asset Capitalization Policy 6.I

City of Green Bay Asset Capitalization Policy

Capital assets include land and land improvements, buildings and building improvements, equipment, vehicles, construction work in progress, infrastructure, and all other tangible and intangible assets that are used in operations that have initial useful lives extending beyond a single reporting period.

Infrastructure assets are generally long-lived capital assets that are stationary in nature.

This policy establishes the minimum cost value (capitalization amount) that shall be used to determine the capital assets, including infrastructure assets that are to be recorded in the city's annual financial statements. This policy also addresses other considerations for recording and depreciating fixed assets.

In the fund financial statements, capital assets used in governmental fund operations are accounted for as capital outlay expenditures of the governmental fund upon acquisition.

Capitalization Threshold

Capital assets may be acquired through purchase, self-construction, or donation. The asset value when purchased will be the initial cost plus the trade-in value of any old asset traded, plus all costs related to placing the asset into operation. Donated or contributed assets are recorded at fair market value as of the date the asset is acquired. The cost of self-constructed assets will include all costs of construction.

Capital asset value thresholds for capitalization are to be applied to individual capital assets rather than to groups of similar capital assets. Expenditures less than the stated thresholds are not considered for capitalization and shall be expensed. For relevant categories, expenses exceeding the stated thresholds shall be compared to the policy stated in Exhibit A to determine if the expenditure is expensed or capitalized.

Construction work in progress (CWIP) is reported for assets that are not yet completed including retainage. Assets will be capitalized based on the completion date.

Any contracts that require retainage will be reviewed and recorded at year end. A log will be maintained throughout the year.

Class of Asset	Costs to be Capitalized	Capitalization
Land	Purchase price or market value, closing costs, cost of preparing land for use, demolition of existing buildings and improvements	Capitalize All Land
Land Improvements	Included parking lots, outdoor lighting, fences, tennis courts, playground equipment, athletic fields, trails, retaining walls	\$5,000
Equipment & Machinery	Purchase price, freight charges, assembly, installation	\$5,000
Buildings	Materials, labor, design costs, site excavation, purchase price. See also Exhibit A	\$5,000
Building Improvements	Component units when separately replaced. Major	\$5,000

	renovation or alterations of original building.	
Vehicles	The initial cost plus the trade-in value of any old asset traded, plus all costs related to placing the asset into operation.	\$5,000
Intangible assets	Software, land use rights, patents, copyrights, trademarks	\$25,000
Infrastructure	See Exhibit A	\$25,000

Exhibit A

Buildings	Costs to be Capitalized	Costs to be Expensed
Buildings including parking structures	Activities that do change the use of the building, affect structural integrity or change the life expectancy-shower/locker room renovations, roof replacement window replacement.	Activities that do not contribute to change of use to the building, or change the life expectancy-tuck pointing, parapet wall repairs, interior wall repairs.
Infrastructure	Costs to be Capitalized	Costs to be Expensed
Roads/Streets	Resurfacing, Reconstruction, Intersections	Joint sealing, crack sealing, pothole patching
Traffic Signals	Reconstruction-new poles, signal heads, detection hardware, buttons & signal indicators or pre-emption devices. Installation of new features not previously part of the intersection-buttons, posts, bases, signal detection.	Replacement of existing traffic signal components-control cabinets, bulbs/lens, isolated poles.
Sewers	New sewers installed in areas where that utility did not exist previously. Any removal and replacement of Cured-In-Place Pipe projects from CIP.	Emergency repairs on existing sewer lines and/or manholes which are deemed necessary that are greater than 50% of the horizontal dimension.
Surface Parking Lots	Resurfacing or reconstruction of the lot	Slurry seal, pothole patching, pavement marking
Street Lighting, including pedestrian level lighting and decorative lighting	New installations, replacement of poles, luminaries, and ancillary equipment for an entire circuit from a feed point	Bulb replacement, festoon replacement/repair, isolated pole replacement due to damage or wear
Bridges	Rehabilitation and reconstruction	All other costs.

Capital assets having values of \$250 to \$4,999 are to be controlled at the department level for insurance and inventory reporting purposes. However, these capital assets will not be capitalized and will not be reported as capital assets.

A listing of capital assets is to be kept, annually reconciled, and reported in the annual financial statements.

Useful Lives

Consider the following with determining the useful life of an asset:

- The length of time these assets have historically lasted.
- Anticipated changes in technology.
- Specific asset use.
- Maintenance practices-among City departments, similar assets may be assigned different useful lives, depending on asset use and maintenance.

	<u>Years</u>
	Governmental
	<u>Activities</u>
Buildings	25-50
Land Improvements	15-100
Machinery and Equipment	2-20
Infrastructure	25-75

The useful lives of the general capital assets and infrastructure capital assets will be reviewed annually, and adjustments will be made to the capital asset records as necessary.

Disposition

Fixed assets may be disposed of due to sale, obsolescence, loss, destruction or replacement. Upon disposal of an asset, the capital asset records will be relieved of the cost and related depreciation. If an original cost is unknown a calculation can be made using the Construction Cost Index (CCI) as published by Engineering News-Record (ENR) to back into the estimated original value.

Depreciation Method

The straight-line depreciation method will be used for all general capital assets and infrastructure capital assets. In addition, depreciation will be calculated in the year of addition based on a full year's depreciation regardless of when in the year the asset was put into use. For accounting and interim financial reporting purposes, depreciation expense will be recorded on an annual basis.



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.8

To approve acceptance of the allocation from Department of Justice (DOJ) grant for \$151,145.00 for Coronavirus Emergency Response Funding.

BACKGROUND

- One year extension – grant runs through 1/31/23
- Will focus on the IT and technology needs
- Reimbursement grant

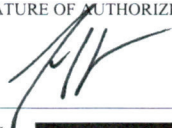
RECOMMENDATION

Approve.

FISCAL IMPACT

ATTACHMENTS

- I. \$151K Grant backup

 Department of Justice (DOJ) Office of Justice Programs Bureau of Justice Assistance		Grant		PAGE 1 OF 16																
1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Green Bay 307 South Adams Street Green Bay, WI 54301-4515		4. AWARD NUMBER: 2020-VD-BX-1430 5. PROJECT PERIOD: FROM 01/20/2020 TO 01/31/2022 BUDGET PERIOD: FROM 01/20/2020 TO 01/31/2022																		
2a. GRANTEE IRS/VENDOR NO. 396005459		6. AWARD DATE 06/04/2020		7. ACTION Initial																
2b. GRANTEE DUNS NO. 868451816		8. SUPPLEMENT NUMBER 00																		
3. PROJECT TITLE City of Green Bay Coronavirus Emergency Response		9. PREVIOUS AWARD AMOUNT \$ 0																		
		10. AMOUNT OF THIS AWARD \$ 151,145																		
		11. TOTAL AWARD \$ 151,145																		
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).																				
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY20(BJA - CESF) Pub. L. No. 116-136, Div. B; 28 U.S.C. 530C																				
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.034 - Coronavirus Emergency Supplemental Funding Program																				
15. METHOD OF PAYMENT GPRS																				
AGENCY APPROVAL		GRANTEE ACCEPTANCE																		
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Katharine T. Sullivan Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Andrew Smith Chief																		
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 		19A. DATE 6-8-20																
AGENCY USE ONLY																				
20. ACCOUNTING CLASSIFICATION CODES <table border="1"> <thead> <tr> <th>FISCAL YEAR</th> <th>FUND CODE</th> <th>BUD. ACT.</th> <th>DIV. OFC.</th> <th>REG.</th> <th>SUB.</th> <th>POMS</th> <th>AMOUNT</th> </tr> </thead> <tbody> <tr> <td>X</td> <td>B</td> <td>VD</td> <td>80</td> <td>00</td> <td>00</td> <td></td> <td>151145</td> </tr> </tbody> </table>		FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT	X	B	VD	80	00	00		151145	21. VVDUGT1438		
FISCAL YEAR	FUND CODE	BUD. ACT.	DIV. OFC.	REG.	SUB.	POMS	AMOUNT													
X	B	VD	80	00	00		151145													

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

**FY 2020 Coronavirus Emergency Supplemental Funding
Program Solicitation FY 2020 Formula Grant Solicitation
2020-H4717-WI-VD**

BUDGET NARRATIVE

City of Green Bay-Green Bay Police Department

Through the 2020 Coronavirus Emergency Supplemental Funding Program Solicitation FY 2020 Formula Grant Solicitation the City of Green Bay-Green Bay Police Department will purchase the following Equipment and Supplies (Please see Budget Detail Worksheet for cost breakdown):

Equipment:

- Medical Personal Protective Equipment
- IT equipment such as computers/laptops/tablets with accessories, remote access hardware/software/Licenses, command center technological needs, etc.
- Sanitizing machines

Supplies:

- Gloves
- Masks
- Face Shields
- Thermometers
- Hand Soap
- Hand Sanitizer
- Disinfectant Cleaners for building and vehicle sanitizing
- Other Personal PPE including barriers and guards

\$151,145 in 2020 Coronavirus Emergency Supplemental Funding Program Solicitation FY 2020 Formula Grant Solicitation funding makes up the total project cost for the City of Green Bay-Green Bay Police Department portion of the funding.



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.9

To approve acceptance of the allocation from Wisconsin Department of Administration for \$391,107.98 for Local Law enforcement Agency Initiative grant – Safer communities funding.

BACKGROUND

- Grant runs through 6/30/2023
- Reimbursement grant
- Gov. Evers announced the allocation in Green Bay
- Focus on recruitment

RECOMMENDATION

Approve.

FISCAL IMPACT

ATTACHMENTS

- I. \$391,107 Grant backup



GRANT TRACKING FORM

PART #1: Notification of Grant Funds

(emailto:PamelaMa@greenbaywi.gov)

APPLICANT DEPARTMENT: Police

DATE: 6 / 8 / 2022

APPLICANT DEPARTMENT GRANT CONTACT NAME/TITLE: Rick Jurkanis, Business Manager

APPROPRIATE COMMITTEE: Finance

NAME OF GRANT/FUNDING SOURCE: Safer Community Funds-WI Department of Administration

AMOUNT OF GRANT REQUEST: \$391,000

LOCAL MATCH REQUIREMENT: \$0

SOURCE OF MATCH: ☐ General Fund ☐ Non-General Fund ☒ Not Applicable

TIMEFRAME OF GRANT: 3/15/2022 through 6/30/ 2023

TYPE OF GRANT REQUEST: ☒ Monetary ☐ Other (explain under 'purpose of grant')

PURPOSE OF GRANT (summary): Recruitment and Retention, Enhanced Public Safety, Training and Wellness

How does the grant meet City/Department needs? Additional Funding

What are the personnel requirements (include both existing and new staff) of the grant? Grant Administration and Support

DEPARTMENT HEAD SIGNATURE: 

PART #2: Request to Accept Grant Funds

(complete after notification of grant award; emailto:PamelaMa@greenbaywi.gov)

AMOUNT OF GRANT AWARD: \$391,000

CFDA/STATE ID #: _____

LOCAL MATCH REQUIREMENT: \$0

Please describe the source of match, if applicable: N/A

Please describe any major changes in proposed grant-funded activities: N/A

Please describe what the grant money will be spent on: Recruitment and Retention, Enhanced Public Safety, Training and Wellness

PART	TO:	DATE:	TO:	DATE:
#1: Request to Apply	Finance Dept		FC – Info/Action	
#2: Request to Accept	Finance Dept		FC – Action	

FC = Finance Committee

Law Enforcement Agency Grant

June 3, 2022

Program: Tribal and Local Law Enforcement Agency Initiative

Award Amount: Each tribal and local law enforcement agency in the State of Wisconsin (referred to herein as "LEAs" or "Grantees") has been allocated a certain sum (its "Allocation") based on the size of the population it serves, with an add-on for LEAs serving communities where violent crime exceeds the state average. The Allocation for each LEA is available [here](#) and incorporated by reference herein.

Program Duration: An LEA may use its Allocation to reimburse eligible expenditures incurred **between March 15, 2022 and June 30, 2023**. Expenditures incurred outside that time window are not eligible for reimbursement under this Program. For purposes of this Program, an expenditure is not "incurred" until the LEA or its affiliated Tribal or local government has paid it.

How it Works: During a quarterly Reporting Period, an LEA may draw down its Allocation and receive allocated funds by reporting eligible expenditures for reimbursement through the Program's online reporting system. DOA will process these submissions and reimburse each LEA's reported eligible expenditures from the remaining balance of its Allocation. The first Reporting Period is expected to occur during a two-week period in September 2022; they will occur on a quarterly basis thereafter until the completion of the Program.

Example: An LEA has a \$20,000 allocation. During the September 2022 Reporting Period, it uses the online reporting system to report \$8,000 in eligible expenditures incurred since March 15, 2022. DOA processes the reimbursement request and pays \$8,000 to the LEA, leaving \$12,000 in the LEA's Allocation. In the next quarterly Reporting Period, the LEA submits another \$7,000 in eligible expenditures. Those eligible expenditures are again processed and reimbursed, leaving the LEA with \$5,000 of its Allocation remaining to reimburse expenditures reported in subsequent Reporting Periods.

Permitted Uses of Funds: The Program is intended to provide LEAs with additional resources to help offset certain costs associated with hiring, training, testing, and equipping law-enforcement officers, as well as updating certain technology and policies and implementing new crime-reduction initiatives. The following expenditures are eligible for reimbursement under the Program, subject to the limitations set forth in the MOU, this Program Schedule, and applicable state and federal law:

1. **Recruitment incentives.** The Program will reimburse the costs of certain financial incentives to recruit new officers, jail personnel, and dispatchers (referred to collectively below as "new hires"), as follows:
 - a. The costs of a new hire's academy or other formal preparatory training, to the extent the new hire's training costs are reimbursed by the LEA following acceptance of employment.
 - b. A signing bonus of up to \$2,000 for each new hire.
 - c. For each new hire whose most recent employer was an out-of-state governmental agency, an additional bonus of up to \$500 for each year of relevant out-of-state experience as a law enforcement officer, jailer, or dispatcher, up to an additional \$2,000. Thus, for a new hire from an out-of-state law governmental agency with four or more years' relevant experience, this Program will reimburse the cost of providing a signing bonus of up to \$4,000.

Each new hire who receives recruitment incentives that are reimbursed through this Program must provide the LEA with a written statement affirming that the new hire intends to complete at least three years' continuous employment with the LEA. The LEA is responsible for collecting and maintaining those statements; it does not need to provide copies of those statements when making reimbursement requests unless specifically requested by DOA.

Each LEA is responsible for conducting appropriate background checks on employment candidates. New hires with a record of misconduct are not eligible to receive recruitment incentives that are reimbursed through this Program.

2. **Medical testing.** The Program will reimburse the costs of job-related medical testing of officers, including physical examinations, hearing tests, drug tests, pre-employment psychological examinations, and other medical testing.
3. **Training.** The Program will reimburse the costs of providing training to help reduce violence and improve community safety, including programs to train officers in any of the following subject areas:
 - a. Crisis intervention, including training for interactions with individuals suffering from mental illness and addiction.
 - b. Resiliency and suicide prevention.
 - c. Use-of-force options and de-escalation tactics, including scenario-based training aimed at stabilizing potentially dangerous situations to allow more time and options for safe resolution.
 - d. Implicit bias.
 - e. "Active bystander" training.
 - f. The emergency detention process.
 - g. Homicide investigation.
 - h. Any annual recertification training required by the Wisconsin Law Enforcement Standards Board.
4. **Wellness and counseling programs.** The Program will reimburse the costs of providing wellness, counseling, or behavioral health programs or services to officers.
5. **Officer equipment and technology, excluding weapons.** The Program will reimburse the costs of purchasing the following equipment or technology:
 - a. Uniforms, duty belts, holsters, handcuffs, boots, bulletproof vests and other protective gear, radios, flashlights, and other equipment of a similar nature.
 - b. License-plate readers, security cameras, and smart cameras.
 - c. Mobile data computers.
 - d. Body cameras and body camera-activating holsters.

Weapons (including non-lethal weapons) and ammunition are not eligible for reimbursement through this Program.

6. **Temporary contract personnel.** The Program will reimburse the costs of retaining temporary contract personnel to assist with processing evidence, reducing backlogs, or other tasks that help LEAs conduct criminal investigations. When reporting these expenditures in the online reporting system, the LEA must identify the contractor used and the nature of the services performed.
7. **Sworn law enforcement officers, jail personnel, and dispatchers.** The Program will reimburse certain costs associated with sworn law enforcement officers, as follows:
 - a. The additional payroll costs associated with increasing part-time officers, dispatchers, or jail personnel to full-time positions.
 - b. For LEAs that adopt or engage in initiatives to reduce violent crime (including offenses involving firearms), the payroll costs of officers for time worked on such initiatives.
 - c. The payroll costs of officers for time worked on Crisis Intervention Teams.
 - d. For LEAs serving communities where the violent crime rate exceeds the state average, as identified in Appendix 1, the full payroll costs for new hires (as defined in paragraph 1 above) made on or after March 15, 2022.
8. **K9 units.** The Program will reimburse the costs associated with purchasing canines to assist officers with law enforcement functions, including any related training costs.
9. **Community policing initiatives.** The Program will reimburse costs associated with designing and implementing community policing initiatives, including training, equipment and technology (excluding weapons), temporary contract personnel, or other expenses associated with such

initiatives. For purposes of this Program, “community policing initiatives” refer to place-based, community-oriented crime reduction strategies in targeted neighborhoods suffering from chronic crime issues.

10. Initiatives to address carjacking and vehicle theft. The Program will reimburse costs associated with designing and implementing initiatives to prevent and investigate incidents of carjacking and vehicle theft, including training, equipment and technology (excluding weapons), temporary contract personnel, or other expenses associated with such initiatives.

11. Updating use-of-force policies to comply with Act 75. The Program will reimburse costs associated with updating their use-of-force policies to comply with the standards set forth in 2021 Wisconsin Act 75, including any costs of training related to these standards.

Expenditures not included in the above categories are not eligible for reimbursement through this Program.

Procurement limitations: All expenditures submitted for reimbursement through this Program must comply with Grantee’s local procurement procedures and must avoid conflicts of interest, acquisition of unnecessary or duplicative items, excessive costs, or other waste.

March 15, 2022

In March, Governor Evers announced a new investment of more than \$50 million to help make Wisconsin communities safer, including nearly \$19 million to be allocated to every local and tribal LEA across the state. The allocation for each LEA is based on the size of the population served, with an add-on for communities where violent crime exceeds the state average. You can find the amount allocated to your LEA here.

Each LEA can use its allocated funds to reimburse eligible expenditures incurred between March 15, 2022 and June 30, 2023. The Department of Administration (DOA) currently anticipates that the first round of reimbursement payments will be made in September 2022. In the coming weeks, the DOA will provide details on the types of expenditures that are eligible for reimbursement through the program, how an LEA reports them to the DOA, and other terms and conditions. We will send an email notice to you once those details are finalized.

For questions please contact LEAGrant@wisconsin.gov.



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.10

To receive and place on file a motion by Ald. Galvin for a report with bullet points explaining what the City did with the monies as it relates to voter education, outreach, and registration.

BACKGROUND

RECOMMENDATION

Receive and place on file.

FISCAL IMPACT

ATTACHMENTS

- I. Report from Clerk on voter outreach

2020 Voter Outreach

Questions from alders:

- How did we do outreach and education?
- Did we work with NGOs (non-profits)? If we did, who were they and what did we do with them?
- If we worked alone, what did the outreach/education look like? Brochures, mailings, social media and the like?
- Did we focus on any specific groups, such as non English speaking, political affiliation, religious, income level or anything like that, or did we just do mass notifications to any and all?

How did we do outreach and education?

We engaged HVS/KW2 to create a media plan. Their final report is attached.

Total cost: \$100,000 or 8% of the **\$1,255,705.69** grant dollars spent

Did we work with NGOs (non-profits)? If we did, who were they and what did we do with them?

Yes, we worked with COVO, a local group who helps voters and COMSA, a local group who helps Somali residents and citizens. We granted funds for a tablet, a wifi hotspot and a tents. Each organization assisted voters. They used the wifi hotspot and tablet so that voters without internet access could make their own absentee ballot request through the state's website, www.myvote.wi.gov. Importantly, the voter created their own absentee ballot request.

We also worked with the agencies that help those who are homeless (Golden House and House of Hope submitted requests for reimbursements). We granted them funds to help citizens obtain documents so they could register to vote.

Total cost: \$2199 or 0.2% of grant dollars

If we worked alone, what did the outreach/education look like? Brochures, mailings, social media and the like?

We published a voter guide. Social media was completed in conjunction with HVS/KW2. We also used digital geofencing, which are ads that pop up on mobile phones located in a certain geographic area. These ads encouraged voters to visit myvote.wi.gov and the clerk's office. We created voter-related art from local artists including an "I voted" sticker, a voter mural and a selfie mural at City Hall. We designed and mailed an informational post card to all residents.

Total cost: \$24,452 or 1.9% of grant dollars

Did we focus on any specific groups, such as non English speaking, political affiliation, religious, income level or anything like that, or did we just do mass notifications to any and all?

We had advertisements, created by HVS/KW2, in Spanish. We also had, and continue to have, voter guides in English, Spanish, Hmong and Somali.

We did not focus on voters based on income, political affiliation or religion. This information is not available to the clerk's office through state databases.

We mailed a postcard to all residents providing essential information (the expenditure was included in the previous category).

Total cost: \$4717 or 0.4% of grant dollars



OTT & Earned Media Report

Date: 11/23/20
To: CGB
From: KW2/HVS
Subject: OTT & Earned Media Campaign Efforts

OTT Media

The Over-The-Top (OTT) digital ad campaign went live on October 22nd and ran through November 3rd. The objective of these ads was to encourage and promote voter education in the City of Green Bay by informing eligible voters of the process and options for registering and voting in the 2020 General Election. The campaign audience consisted of all eligible voters in the City of Green Bay (+18 years old).

Campaign Overview:

- Timing: October 22, 2020 – November 3, 2020
- Geography: City of Green Bay, WI
 - Zip Codes: 54155, 54229, 54301, 54302, 54303, 54304, 54311, 54313.
- Media Tactics: OTT, Pre-roll, YouTube & Address IQ via OTT.
- Campaign objective: Encourage and promote voter education and information to eligible voters in the City of Green Bay.

Highlights:

- A total of 942,182 impressions were delivered by the campaign.
 - 359,348 of these total impressions were Spanish ad impressions.
- The campaign focused on daily optimizations and delivery was opened from OTT to Pre-roll, YouTube and WeAreGreenBay.com mobile video delivery across the news website and all the apps (see appendix for platform and domain details).
- During the last two days of the campaign, OTT delivery was opened to Address IQ (the digital equivalent to direct mail) to further maximize the campaign's reach.

Tactic	Impressions	Spanish Impressions	100% Completions	Video Completion Rate (VCR) %
OTT	24,020	69,051	53,931	57.95%
AIQ OTT	51,592	6,785	35,026	59.99%
Pre-roll	418,538	271,918	397,320	57.54%
YouTube	7,969	11,594	11,126	56.87%
WeAreGreenBay.com Pre-roll & Apps	80,715		n/a	n/a
Total	942,182			



Top 10 OTT Platforms:

- Apple TV (45,394 impressions)
- Samsung (17,361 impressions)
- Roku (14,326 impressions)
- Amazon (7,030 impressions)
- Other Platform (3,570 impressions)
- Microsoft (2,258 impressions)
- Google (1,294 impressions)
- LG (1,148 impressions)
- Vizio (426 impressions)
- Sony (203 impressions)

Performance by Device:

- Mobile
 - 306,925 impressions
 - 1,512 clicks
 - 0.49% click rate
- Desktop
 - 298,702 impressions
 - 218 clicks
 - 0.07% click rate
- Tablet
 - 97,440 impressions
 - 1,162 clicks
 - 1.19% click rate
- Other
 - 6,960 impressions
 - 2 clicks
 - 0.21% click rate

Best Performing Ads (English & Spanish)

- Ready to Register – English version
 - 136,386 impressions
 - 665 clicks & 0.49% click rate
 - 79,593 completions & 58.36% video completion rate
- Ready for your Safety – Spanish version
 - 82,942 impressions
 - 279 clicks & 0.34% click rate
 - 50,653 completions & 61.07% video completion rate



Earned Media

The following earned media efforts were completed during the campaign:

Deliverable	Status	Notes
News Release #1: Kickoff Press Event Media Advisory	Complete	Sent via CGB NewsFlash 10/12/20
Kickoff Press Conference 10/13/2020 12:30 pm	Complete	Outlined news conference and drafted comments for Mayor Genrich and Celestine Jeffreys.
CGB Vote Countdown copy for SM and talking points	Complete	Countdown used for CGB Facebook posts.
News Release #2 for 10/19: Mail It Monday	Complete	Sent via CGB NewsFlash 10/19/20
Election Day Media Plan memo	Complete	Outline of comms responsibilities on Election Day.
Op-Ed Column for <i>Green Bay Press Gazette</i> and <i>Press Times</i>	Complete	Both publications printed Mayor Genrich's Op-Ed: Press-Times: 10/23; GBPG: 10/25
News Release #3 for 10/26	Complete	Sent via CGB NewsFlash 10/26/20
Media Advisory: Election Day Media Guidelines	Complete	Emailed this advisory directly to local Editors, News Directors and Assignment Managers on 10/27. Re-sent on 11/2 with contact info for Lt. Shauna Welsh, Election Day PIO.
News Release #4 for 11/2	Complete	Sent via CGB NewsFlash 11/2/20
"How Green Bay is Ready For Your Vote" Talking Points	Complete	Distributed to City Staff 10/27 for reference during radio interviews as well as social media posts.
Pitch and coordinate radio interviews: WTAQ AM-FM 10/26, 7:45am WNCY FM "Y-100" 10/29, 8:10 am WIXX FM 10/29, 8:45am	Complete	WTAQ – Mayor Genrich on <i>Morning News with Matt and Earl</i> ; approx. 7 mins. WNCY – Mayor on <i>Shotgun & Charli Show</i> approx. 3 mins. WIXX – Celestine Jeffreys on <i>Murphy In The Morning Show</i> approx. 3 mins.
Election Day Crisis Communication planning	Complete	Collaborated with election mentors, city staff and law enforcement to create a plan for communications on Election Day for routine and crisis communications.
Final week lead-up to Election Day Media Coordination	Complete	Fielded emails and calls from local media following the 10/27 Media Advisory. Media were directed to alert HVS to which polling place or central count they planned to attend on Election Day; HVS communicated this info to PIO.
News Conference: Monday, 11/2	Complete	Created an outline and draft talking points for news conference, which was coordinated internally by city staff.
Election Day Media Coordination	Complete	Worked with media all day 11/3 on where they could and could not be; rules of engagement by media members; helping to fulfill interview requests. Started at Johnsonville Tailgate Village at 6:30am; then to Sears building followed by Bay Beach, then Central Count. Remained at Central Count until 10:45pm.



OTT Appendix

PERFORMANCE BY PLATFORM

PLATFORM	IMPRESSIONS	25% COMPLETED	50% COMPLETED	75% COMPLETED	100% COMPLETED
 Apple	45,394	69.87%	54.04%	42.06%	32.68%
 Samsung	17,361	81.13%	75.57%	71.94%	70.24%
 Roku	14,326	98.79%	98.48%	98.17%	97.92%
 Amazon	7,030	95.79%	95.32%	94.98%	94.71%
 Other Platform	3,570	79.66%	73.56%	70.87%	68.63%
 Microsoft	2,258	91.23%	91.19%	91.05%	91.01%
 Google	1,294	54.33%	45.98%	41.58%	38.56%
 LG	1,148	65.68%	55.92%	50.35%	47.74%
 Vizio	426	96.24%	96.24%	96.24%	96.01%
 Sony	203	98.03%	97.54%	97.54%	96.55%

PERFORMANCE BY FEATURED NETWORK

 30.75%	 15.52%	 10.35%	 82.53%	 99.68%
 16.09%	 0.38%	 89.96%	 95.34%	 95.05%



Pre-Roll Top 10 Domains

PERFORMANCE BY PLACEMENT

DOMAIN	IMPRESSIONS	CLICKS	CLICK RATE
Words With Friends 2	38,943	1,079	2.77%
Spider Solitaire	2,410	579	24.02%
Words With Friends	21,693	525	2.42%
microsoftcasualgames.com	4,335	117	2.70%
WordScapes	3,119	109	3.49%
nypost.com	5,394	29	0.54%
fifty.com	744	23	3.09%
legacy.com	166,638	22	0.01%
Jigsaw Puzzle	468	21	4.49%
foxnews.com	19,418	20	0.10%

Performance by Device

DESKTOP MOBILE TABLET OTHER



DEVICES	IMPRESSIONS	CLICKS	CLICK RATE
Mobile	306,925	1,512	0.49%
Desktop	298,702	218	0.07%
Tablet	97,440	1162	1.19%
Other	6,960	2	0.21%
Total	710,027	2,894	0.41%

Best Performing Ads

HVS - READY TO REGISTER - ENGLISH VIDEO

IMPRESSIONS
136,386

CLICKS
665

CLICK RATE
0.49%

COMPLETIONS
79,593

COMPLETION RATE
58.36%



HVS - READY FOR YOUR SAFETY - SPANISH VIDEO

IMPRESSIONS
82,942

CLICKS
279

CLICK RATE
0.34%

COMPLETIONS
50,653

COMPLETION RATE
61.07%



25% COMPLETE
76.86%

50% COMPLETE
68.60%

75% COMPLETE
62.95%

100% COMPLETE
58.36%

25% COMPLETE
79.64%

50% COMPLETE
71.69%

75% COMPLETE
66.13%

100% COMPLETE
61.07%



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.I I

To approve the amended policy that was referred to staff, Law and Finance, to continue to “create a policy or amend an existing policy to prohibit or prevent city personnel from the offices of Clerk, Mayor, Law, Finance, and IT in soliciting, accepting, or using any donation in the form of money, grants, property, or personal service from an individual or a nongovernmental entity for the purpose of funding election -related expenses, voter education, voter outreach, or voter registration programs with the exceptions of compensation of poll workers, securing leases for polling locations, and PPE for voters and volunteers.” From the May 24th Finance Committee meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. DRAFT GRANT ADMINISTRATION POLICY (CLEAN VERSION)
2. DRAFT GRANT ADMINISTRATION POLICY-REDLINE



CITY OF GREEN BAY GRANT ADMINISTRATION POLICY

CITY OF GREEN BAY GRANT ADMINISTRATION POLICY	
Title: Grant Administration Policy	Policy Reference: Chapter 15
Policy Source: Finance Department	Legal Review Date:
Finance Committee Approval:	City Council Approval:

I. PURPOSE

To establish a common procedure for all City of Green Bay departments when both applying and accounting for any type of grant funding. Focus criteria includes: 1) solicitation of funds for programs that are consistent with the goals of the City; 2) administration of grant funds awarded in the most efficient manner (including annual audit, single audit, and grant specific compliance requirements); and 3) regular evaluation of the performance of the program(s) receiving funding.

This policy is necessary for the City of Green Bay to comply with the guidelines set out by the US Office Management and Budget “Super-circular.”

II. DEFINITIONS

Governmental grant refers to external funding from a State or Federal agency usually awarded through a competitive application process for use for a specific purpose within a specified period of time. Grants include written agreements enforceable by law pursuant to which the funds are revocable if certain conditions are not met. The funds are usually disclosed in the City of Green Bay’s annual audit.

Local match refers to a specific amount of funding or goods/services (“in kind”) equivalent required from a grantee in order to be awarded a grant. Generally, a local match is equal to or less than the awarded amount and is meant to show commitment from the grantee.

Subrecipients, as used in this policy, has the meaning ascribed in 2 CFR § 200.331. A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

1. Determines who is eligible to receive what Federal assistance;
2. Has its performance measured in relation to whether objectives of a Federal program were met;
3. Has responsibility for programmatic decision-making;
4. Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
5. In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

III. POLICY

This policy establishes procedures addressing the content, accounting, and compliance responsibilities associated with each grant, in addition to procedures for acceptance and ongoing administration of awarded funds until grant close-out. The policy pertains to all agencies, departments, and offices of the City, and those committees, boards, and commissions that manage or operate other City properties, installations, or activities, unless otherwise provided by statute.

IV. GOVERNMENTAL GRANTS

A. APPLICATION PROCEDURES

1. Grant Administration/Notification

Notification of grant applications must be sent to the Finance Department via electronic submission of *Part #1: Grant Tracking Form* (attached). This form addresses the following review criteria:

- a) Consistency with City/department needs;
- b) Local match requirements and/or other budget impacts;
- c) Personnel requirements to implement objectives of the grant;
- d) Identification of responsible staff for program compliance and fiscal monitoring;
- e) Applicant Department Director; and
- f) Finance Department notification.

2. Personnel Committee Notification/Approval and Common Council Approval

Personnel Committee and Common Council notification prior to grant application will be required only if personnel will need to be added to the table of organization.

3. Criteria for Applications Involving Outside Subrecipient Agencies

For grants where the City is a pass-through agency of funding being distributed to subrecipients, it is pertinent that the City examine the capability of the potential subrecipients. Thus, if an agency that has not previously received grant funds from the City of Green Bay expresses interest in participating in one of our grant funding sources, that agency will be subject to a screening conducted by a Finance Department representative and staff directly involved in implementation and spend down of associated grant funds. The screening will involve:

- a) Examination of Agency Documents. The agency seeking to become a subrecipient will be asked to submit the following items to the City for review and verification:
 - i. Federal Tax Identification Number.
 - ii. Articles of Incorporation/Bylaws and Mission Statement.
 - iii. Administrative Structure Chart.
 - iv. Board of Directors/Officers Roster.
 - v. Agency Budget/Financial Statements (from previous fiscal year).

- b) Interview of Potential Subrecipient. A panel consisting of a Finance Department representative and others directly associated with administration of the grant may conduct an interview with agency representative(s) to address both general agency capacity and appropriateness of activities planned to be accomplished with grant funds if they are awarded.

Upon completion of this screening, the interview panel will make a recommendation related to the capacity and appropriateness of the agency to carry out activities funded under the grant sought. This recommendation, along with the *Part #1: Grant Tracking Form*, will be submitted to the appropriate committee as an action item by the applying department.

B. GRANT ACCEPTANCE PROCEDURES

1. Grant Administration/Finance Department Notification

Upon notification that the applicant department was successful in obtaining grant funding, they shall electronically submit the following to the Finance Department:

- a) *Part #2: Grant Tracking Form* (attached).
- b) Award Notification Letter from the Grantor/Funder including grant agreement (to determine if single audit regulations will apply).
- c) Budget Amendment Form OR Budget Page Reference for the grant (to show that a budget amendment is not needed).

2. Committee Notification/Approval and Common Council Approval

All new grants awarded to the City must be presented to the department's appropriate committee along with its budget for approval before a grant agreement is executed. At the time of such presentation, the *Grant Tracking Form* shall be included as an attachment to the action item on the meeting agenda. Applicable budget adjustments will be placed on the Finance Committee Agenda at the same time.

Following initial approval, recurring annual grants do not need to be re-approved unless changes to the grant have increased the workload responsibility resulting in an addition of staff or funding exceeding \$100,000. However, the grant recipient must still provide notice to the Finance Department as required in this section, including a *Grant Tracking Form*.

C. GRANT TERM RESPONSIBILITIES

1. Grantee Department Financial and Reporting Responsibilities

The grantee department maintains full responsibility for fully reading and understanding the requirements of the grant contract, meeting deadlines, and complying with grant program requirements. The grantee department will likewise be responsible for maintaining the following documents in a single grant file:

- 1. Original Grant Application.
- 2. Copy of Executed Grant Contract/Agreement with Original filed in Clerk's Office.
- 3. Payment Requests/Activity Reports Provided to the Grantor/Funder.

4. Documentation of Grant Amendments.
5. Any other pertinent documentation relevant to the administration of the grant, including period extensions, amount changes, or any other amended terms or other performance standards required to meet the grants objective.

The grantee department must be prepared to share this file with the Finance Department as requested for internal monitoring as well as during external financial and single audits and any regulatory inquiries or investigations.

For reimbursement grants, the grantee department will be expected to submit payment requests to the granting agency with a copy provided to the Finance Department. Departments will be responsible for maintaining documentation supporting all reimbursement requests. The Finance Department can assist with reimbursement requests if needed. Reimbursement should be requested in a timely manner but no later than forty-five (45) days from the date the expense is incurred. The grantee department must also notify the Finance Department when a grant payment is to be received.

2. Financial and Program Reporting Reviews

a) Financial Review:

- i. On an on-going basis, the grantee department will monitor the accuracy of expenditures, and grant expenditure/financial reporting requirements.
- ii. The Finance Department may perform random audits throughout the grant term to ensure City compliance with grant and/or single audit requirements.

b) Program Review:

- i. On an on-going basis, the grantee department and a Finance Department designee will monitor activity related to meeting objectives/requirements of the grant.

Any financial, program, and/or performance issues identified will be brought to the attention of the grantee department head for discussion and deficiencies will be reported to the Mayor and Finance Director.

3. Procurement

Any procurement activities that will take place as part of a grant award shall follow all City purchasing policies and procedures. If the procurement requirements of a grant are stricter than those of the City of Green Bay, those requirements must be followed. Grantee departments are encouraged to consult with the Purchasing Manager in Administrative Services. If a grant funds the purchase of IS-related equipment or software, the IT Administrator shall be contacted immediately to ensure the items are compatible with the City's IT infrastructure.

4. Grant-Funded Staff

If grant funds will be used to hire personnel, the grantee department must contact the Human Resources Department to determine employee status and to start the selection process. Any person hired to fill a grant-funded position is subject to all applicable City policies.

D. SPECIAL SITUATIONS/CIRCUMSTANCES

1. Unsolicited Grant Funds

If a City department is offered unsolicited grant funding without having to participate in an application process, and said grant exceeds \$10,000, the recipient department must follow the instructions in Section IV.B., Grant Acceptance Procedures, and follow all City purchasing policies and procedures.

2. Items Received in Lieu of Grant Funds (Donations)

For donated items or in-kind services (i.e., materials/equipment) with a market value in excess of \$10,000, the Finance Department must assess whether there are any compliance items to monitor or any single audit implications. Accordingly, the recipient department shall informationally notify its appropriate committee of said donation(s) and provide written documentation of the monetary value of the donation(s), as well as a related budget adjustment, to the Finance Department within thirty (30) days of receipt.

3. Critical Timing Issue

If a situation arises where the Grant Administration Policy will not accommodate the timeframe in which to apply or accept a grant, the Finance Director, Mayor, and department director responsible for the grant can expedite the process and/or acquire the appropriate authorization in order to apply for or accept a grant, provided that the grant in question does not require a local match. Critical Timing Issue utilization will be monitored, however, and may not be used as a method to avoid compliance with the intent of the Grants Administration Policy. Any decisions made will be reported out to the Finance Committee at the next available meeting.

V. NON-GOVERNMENTAL GRANTS

A. APPLICATION PROCEDURES

1. Grant Administration/Notification

Notification of grant applications must be sent to the Finance Department via electronic submission of *Part #1: Grant Tracking Form* (attached). This form addresses the following review criteria:

- a) Consistency with City/department needs;
- b) Local match requirements and/or other budget impacts;
- c) Personnel requirements to implement objectives of the grant;
- d) Identification of responsible staff for program compliance and fiscal monitoring;
- e) Applicant Department Director; and
- f) Finance Department notification.

2. Personnel Committee Notification/Approval and Common Council Approval

Personnel Committee and Common Council notification prior to grant application will be required only if personnel will need to be added to the table of organization.

3. Criteria for Applications Involving Outside Subrecipient Agencies

For grants where the City is a pass-through agency of funding being distributed to subrecipients, it is pertinent that the City examine the capability of the potential subrecipients. Thus, if an agency that has not previously received grant funds from the

City of Green Bay expresses interest in participating in one of our grant funding sources, that agency will be subject to a screening conducted by a Finance Department representative and staff directly involved in implementation and spend down of associated grant funds. The screening will involve:

- c) Examination of Agency Documents. The agency seeking to become a subrecipient will be asked to submit the following items to the City for review and verification:
 - i. Federal Tax Identification Number.
 - ii. Articles of Incorporation/Bylaws and Mission Statement.
 - iii. Administrative Structure Chart.
 - iv. Board of Directors/Officers Roster.
 - v. Agency Budget/Financial Statements (from previous fiscal year).
- d) Interview of Potential Subrecipient. A panel consisting of a Finance Department representative and others directly associated with administration of the grant may conduct an interview with agency representative(s) to address both general agency capacity and appropriateness of activities planned to be accomplished with grant funds if they are awarded.

Upon completion of this screening, the interview panel will make a recommendation related to the capacity and appropriateness of the agency to carry out activities funded under the grant sought. This recommendation, along with the *Part #1: Grant Tracking Form*, will be submitted to the appropriate committee as an action item by the applying department.

B. GRANT ACCEPTANCE PROCEDURES

1. Grant Administration/Finance Department Notification

Upon notification that the applicant department was successful in obtaining grant funding, they shall electronically submit the following to the Finance Department:

- a) *Part #2: Grant Tracking Form* (attached).
- b) Award Notification Letter from the Grantor/Funder including grant agreement (to determine if single audit regulations will apply).
- c) Budget Amendment Form OR Budget Page Reference for the grant (to show that a budget amendment is not needed).

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All new grants awarded to the City must be presented to the department's appropriate committee along with its budget for approval before a grant agreement is executed. At the time of such presentation, the *Grant Tracking Form* shall be included as an attachment to the action item on the meeting agenda. Applicable budget adjustments will be placed on the Finance Committee Agenda at the same time.

Following initial approval, recurring annual grants do not need to be re-approved unless changes to the grant have increased the workload responsibility resulting in an addition of staff or funding exceeding \$100,000. However, the grant recipient must still provide

notice to the Finance Department as required in this section, including a Grant Tracking Form.

C. GRANT TERM RESPONSIBILITIES

1. Grantee Department Financial and Reporting Responsibilities

The grantee department maintains full responsibility for fully reading and understanding the requirements of the grant contract, meeting deadlines, and complying with grant program requirements. The grantee department will likewise be responsible for maintaining the following documents in a single grant file:

6. Original Grant Application.
7. Copy of Executed Grant Contract/Agreement with Original filed in Clerk's Office.
8. Payment Requests/Activity Reports Provided to the Grantor/Funder.
9. Documentation of Grant Amendments.
10. Any other pertinent documentation relevant to the administration of the grant, including period extensions, amount changes, or any other amended terms or other performance standards required to meet the grants objective.

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2. Financial and Program Reporting Reviews

c) Financial Review:

- i. On an on-going basis, the grantee department will monitor the accuracy of expenditures, and grant expenditure/financial reporting requirements.
- ii. The Finance Department may perform random audits throughout the grant term to ensure City compliance with grant and/or single audit requirements.

d) Program Review:

- i. On an on-going basis, the grantee department and a Finance Department designee will monitor activity related to meeting objectives/requirements of the grant.

Any financial, program, and/or performance issues identified will be brought to the attention of the grantee department head for discussion and deficiencies will be reported to the Mayor and Finance Director.

3. Procurement

Any procurement activities that will take place as part of a grant award shall follow all City purchasing policies and procedures. If the procurement requirements of a grant are stricter than those of the City of Green Bay, those requirements must be followed. Grantee departments are encouraged to consult with the Purchasing Manager in Administrative Services. If a grant funds the purchase of IS-related equipment or software, the IT Administrator shall be contacted immediately to ensure the items are compatible with the City's IT infrastructure.

D. SPECIAL SITUATIONS/CIRCUMSTANCES

1. Unsolicited Grant Funds

If a City department is offered unsolicited grant funding without having to participate in an application process, and said grant exceeds \$10,000, the recipient department must follow the instructions in Section IV.B., Grant Acceptance Procedures, and follow all City purchasing policies and procedures.

2. Items Received in Lieu of Grant Funds (Donations)

For donated items or in-kind services (i.e., materials/equipment) with a market value in excess of \$10,000, the Finance Department must assess whether there are any compliance items to monitor or any single audit implications. Accordingly, the recipient department shall informationally notify its appropriate committee of said donation(s) and provide written documentation of the monetary value of the donation(s), as well as a related budget adjustment, to the Finance Department within thirty (30) days of receipt.

3. Critical Timing Issue

If a situation arises where the Grant Administration Policy will not accommodate the timeframe in which to apply or accept a grant, the Finance Director, Mayor, and department director responsible for the grant can expedite the process and/or acquire the appropriate authorization in order to apply for or accept a grant, provided that the grant in question does not require a local match. Critical Timing Issue utilization will be monitored, however, and may not be used as a method to avoid compliance with the intent of the Grants Administration Policy. Any decisions made will be reported out to the Finance Committee at the next available meeting.

4. Limitation on Resources for Elections

No department may solicit any money, property, or services from an individual or nongovernmental entity for election-related expenses, including but not limited to voter education, voter outreach, or voter registration. This prohibition does not apply to soliciting such money, property, or services for purposes of compensating poll workers, purchasing equipment, or securing leases for polling locations.



CITY OF GREEN BAY GRANT ADMINISTRATION POLICY

CITY OF GREEN BAY GRANT ADMINISTRATION POLICY	
Title: Grant Administration Policy	Policy Reference: Chapter 15
Policy Source: Finance Department	Legal Review Date: 06/13/2016
Finance Committee Approval: 06/14/2016	City Council Approval: 06/21/2016

I. PURPOSE

To establish a common procedure for all City of Green Bay departments when both applying and accounting for any type of grant funding. Focus criteria includes: 1) solicitation of funds for programs that are consistent with the goals of the City; 2) administration of grant funds awarded in the most efficient manner (including annual audit, single audit, and grant specific compliance requirements); and 3) regular evaluation of the performance of the program(s) receiving funding.

This policy is necessary for the City of Green Bay to comply with the ~~new~~ guidelines set out by the US Office Management and Budget "Super-circular," ~~which became effective fiscal years beginning after December 26, 2014.~~

II. DEFINITIONS

Governmental grant ~~is-refers to~~ external funding from a State or Federal agency usually awarded through a competitive application process for ~~use for~~ a specific purpose ~~under a~~ ~~specifiewithin a specified~~ period of time. Grants include ~~a-written agreements~~ ~~which-is~~ enforceable by law, ~~and-pursuant to which~~ the funds are revocable if certain conditions are not met. The funds are usually disclosed in the City of Green Bay's annual audit.

Local match refers to a specific amount of funding or goods/services ~~("in kind")~~ equivalent ~~to that amount of funding ("in kind")~~ required from a grantee in order to be awarded a grant. Generally, a local match is equal to or less than the awarded amount and is meant to show commitment from the grantee.

Subrecipients- ~~as used in this policy, has the meaning ascribed in per-2 CFR §.200.3310.~~ A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

1. Determines who is eligible to receive what Federal assistance;
2. Has its performance measured in relation to whether objectives of a Federal program were met;
3. Has responsibility for programmatic decision-making;
4. Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and

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5. In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

III. POLICY

This policy establishes procedures addressing ~~both~~ the content, accounting, and compliance responsibilities associated with each ~~respective~~ grant, in addition to procedures for acceptance and ongoing administration of awarded funds until grant close-out. The policy pertains to all agencies, departments, ~~or~~ and offices of the City, and those committees, boards, ~~or~~ and commissions that manage or operate other City properties, installations, or activities, unless otherwise provided by statute.

IV. GOVERNMENTAL GRANTS

A. APPLICATION PROCEDURES

1. Grant Administration/Notification

Notification of grant applications must be sent to the Finance Department via electronic submission of PART-Part #1: Grant Tracking Form (attached). This form addresses the following review criteria:

- a) Consistency with City/department needs;
- b) Local match requirements and/or other budget impacts;
- c) Personnel requirements to implement objectives of the grant;
- d) Identification of responsible staff for program compliance and fiscal monitoring;
- e) Applicant Department Head/Director; and
- f) Finance Department notification.

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2. Personnel Committee Notification/Approval and Common Council Approval

Personnel Committee and Common Council notification prior to grant application will be required only if personnel will need to be added to the table of organization.

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3. Criteria for Applications Involving Outside Subrecipient Agencies

For grants where the City is a pass-through agency of funding being distributed to subrecipients, it is pertinent that the City examine the capability of the potential subrecipients ~~agencies be examined~~. Thus, if an agency that has not previously received grant funds from the City of Green Bay expresses interest in participating in one of our grant funding sources, that agency will be subject to a screening conducted by a Finance Department representative and staff directly involved in implementation and spend down of associated grant funds. The screening will involve:

- a) Examination of Agency Documents. The agency seeking to become a subrecipient will be asked to submit the following items to the City for review and verification:
 - i. Federal Tax Identification Number.
 - ii. Articles of Incorporation/Bylaws and Mission Statement.
 - iii. Administrative Structure Chart.

- iv. Board of Directors/Officers Roster.
- v. Agency Budget/Financial Statements (from previous fiscal year).
- b) Interview of Potential Subrecipient. A panel consisting of a Finance Department representative and others directly associated with administration of the grant may conduct an interview with agency representative(s) to address both general agency capacity and appropriateness of activities planned to be accomplished with grant funds if they are awarded.

Upon completion of this screening, the interview panel will make a recommendation related to the capacity and appropriateness of the agency to carry out activities funded under the grant sought. This recommendation, along with the PART-Part #1: Grant Tracking Form, will be submitted to the appropriate committee as an action item by the applying department.

B. GRANT ACCEPTANCE PROCEDURES

1. Grant Administration/Finance Department Notification

Upon notification that the applicant department was successful in obtaining grant funding, they shall electronically submit the following to the Finance Department:

- a) Part #2: Grant Tracking Form (attached).
- b) Award Notification Letter from the Grantor/Funder including grant agreement (to determine if single audit regulations will apply).
- c) Budget Amendment Form OR Budget Page Reference for the Ggrant (to show that a budget amendment is not needed).

2. Committee Notification/Approval and Common Council Approval

All new grants awarded to the City of Green Bay must be presented to the department's appropriate committee along with its budget for approval before a grant agreement is executed. In doing so, At the time of such presentation, the aforementioned Grant Tracking Form shall be included as an attachment to the action item on that committee the meeting agenda. Applicable budget adjustments will be placed on the Finance Committee Agenda at the same time.

Following initial approval, rRecurring annual grants do not need to be re-approved after initial approval unless changes to the grant have increased the workload responsibility resulting in an addition of staff or funding is more than exceeding \$100,000. hHowever, the grant recipient must still provide notice to the Finance Department as required in this section, including a Grant Tracking Form.

C. GRANT TERM RESPONSIBILITIES

1. Grantee Department Financial and Reporting Responsibilities

The grantee department maintains full responsibility for fully reading and understanding the requirements of the grant contract, meeting deadlines, and complying with grant program requirements. In doing so, tThe grantee department will likewise be responsible for maintaining the following documents in a single grant file:

1. Original Grant Application.
2. Copy of Executed Grant Contract/Agreement with Original filed in Clerk's Office.
3. Payment Requests/Activity Reports Provided to the Grantor/Funder.
4. Documentation of Grant Amendments.
5. ~~And~~ any other pertinent documentation relevant to the administration of the grant, including period extensions, amount changes, or any other amended terms or other performance standards required to meet the grants objective.

The grantee department must be prepared to share this file with the Finance Department ~~at the same time as~~ requested for internal monitoring ~~and specifically as well as~~ during the external financial and single audits ~~as well as~~ and any regulatory inquiries or investigations.

For reimbursement grants, the grantee department will be expected to submit payment requests to the granting agency with a copy provided to the Finance Department. Departments will be responsible for maintaining documentation supporting all reimbursement requests. The Finance Department can assist with reimbursement requests if needed. Reimbursement should be requested in a timely manner but no later than forty-five (45) days from the date the expense is incurred. The grantee department must also ~~Notify~~ the Finance Department when a grant payment is to be received.

2. Financial and Program Reporting Reviews

a) Financial Review:

- i. On an on-going basis, the grantee department will monitor the accuracy of expenditures, and grant expenditure/financial reporting requirements.
- ii. The Finance Department may perform random audits throughout the grant term to ensure City compliance with grant and/or single audit requirements.

b) Program Review:

- i. On an on-going basis, the grantee department and a Finance Department designee will monitor activity related to meeting objectives/requirements of the grant.

Any financial, program, and/or performance issues identified will be brought to the attention of the grantee department head for discussion and deficiencies will be reported to the Mayor and Finance Director.

3. Procurement

Any procurement activities that will take place as part of a grant award shall follow all City purchasing policies and procedures. If the procurement requirements of a grant are stricter than those of the City of Green Bay, ~~then~~ those requirements must be followed. Grantee departments are encouraged to consult with the Purchasing Manager in Administrative Services. If ~~the a~~ grant funds the purchase of IS-related equipment or software, the IT Administrator ~~must~~ shall be contacted immediately to ensure the items are compatible with the City's IT infrastructure.

4. Grant-Funded Staff

If grant funds will be used ~~to hire~~~~for the hiring of~~ personnel, the grantee department must contact the Human Resources Department to determine employee status and to start the selection process. Any person hired to fill a grant-funded position is subject to all applicable City policies.

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D. SPECIAL SITUATIONS/CIRCUMSTANCES

1. Unsolicited Grant Funds

~~For~~ ~~if a City department is offered unsolicited grant fundings, without having to participate in an application process, and said grant exceeds or those offered to a City department without an application process, in excess of \$10,000, the recipient department must follow the instructions in Section IV.B., Grant Acceptance Procedures, and follow all City purchasing policies and procedures.~~

2. Items Received in Lieu of Grant Funds (Donations)

For donated items or in-kind services (i.e., materials/equipment) with a market value in excess of \$10,000, ~~the Finance Department must assess whether there are any compliance items to monitor or any single audit implications. Accordingly,~~ the recipient department shall informationally notify ~~their~~ ~~its~~ appropriate committee of ~~the~~ said donation(s); ~~and provide in addition to providing~~ written documentation of the monetary value of the donation(s), ~~as well as and~~ a related budget adjustment, to the Finance Department within thirty (30) days of receipt ~~in order to assess whether there are any compliance items to monitor or single audit implications.~~

3. Critical Timing Issue

If a situation arises where the Grant Administration Policy will not accommodate the timeframe in which to apply or accept a grant, the Finance Director, Mayor, ~~and~~ ~~Department~~ ~~Director~~ responsible for the grant can expedite the process and/or acquire the appropriate authorization in order to apply for or accept a grant, ~~provided that the grant in question does not require a local match, with the exception that there is no match required of the City.~~ Critical Timing Issue utilization will be monitored, however, ~~so that it is and may not be~~ used as a method to avoid compliance with the intent of the Grants Administration Policy. Any decisions made will be reported out to the Finance Committee at the next available meeting.

V. NON-GOVERNMENTAL GRANTS

A. APPLICATION PROCEDURES

1. Grant Administration/Notification

Notification of grant applications ~~must be sent to the Finance Department via electronic submission of Part #1: Grant Tracking Form (attached). This form addresses the following review criteria:~~

- a) ~~Consistency with City/department needs;~~
- b) ~~Local match requirements and/or other budget impacts;~~
- c) ~~Personnel requirements to implement objectives of the grant;~~
- d) ~~Identification of responsible staff for program compliance and fiscal monitoring;~~
- e) ~~Applicant Department Director; and~~

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f) Finance Department notification.

2. Personnel Committee Notification/Approval and Common Council Approval

Personnel Committee and Common Council notification prior to grant application will be required only if personnel will need to be added to the table of organization.

3. Criteria for Applications Involving Outside Subrecipient Agencies

For grants where the City is a pass-through agency of funding being distributed to subrecipients, it is pertinent that the City examine the capability of the potential subrecipients. Thus, if an agency that has not previously received grant funds from the City of Green Bay expresses interest in participating in one of our grant funding sources, that agency will be subject to a screening conducted by a Finance Department representative and staff directly involved in implementation and spend down of associated grant funds. The screening will involve:

c) Examination of Agency Documents. The agency seeking to become a subrecipient will be asked to submit the following items to the City for review and verification:

- i. Federal Tax Identification Number.
- ii. Articles of Incorporation/Bylaws and Mission Statement.
- iii. Administrative Structure Chart.
- iv. Board of Directors/Officers Roster.
- v. Agency Budget/Financial Statements (from previous fiscal year).

d) Interview of Potential Subrecipient. A panel consisting of a Finance Department representative and others directly associated with administration of the grant may conduct an interview with agency representative(s) to address both general agency capacity and appropriateness of activities planned to be accomplished with grant funds if they are awarded.

Upon completion of this screening, the interview panel will make a recommendation related to the capacity and appropriateness of the agency to carry out activities funded under the grant sought. This recommendation, along with the Part #1: Grant Tracking Form, will be submitted to the appropriate committee as an action item by the applying department.

B. GRANT ACCEPTANCE PROCEDURES

1. Grant Administration/Finance Department Notification

Upon notification that the applicant department was successful in obtaining grant funding, they shall electronically submit the following to the Finance Department:

- a) Part #2: Grant Tracking Form (attached).
- b) Award Notification Letter from the Grantor/Funder including grant agreement (to determine if single audit regulations will apply).
- c) Budget Amendment Form OR Budget Page Reference for the grant (to show that a budget amendment is not needed).

2. Committee Notification/Approval and Common Council Approval

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All new grants awarded to the City must be presented to the department's appropriate committee along with its budget for approval before a grant agreement is executed. At the time of such presentation, the Grant Tracking Form shall be included as an attachment to the action item on the meeting agenda. Applicable budget adjustments will be placed on the Finance Committee Agenda at the same time.

Following initial approval, recurring annual grants do not need to be re-approved unless changes to the grant have increased the workload responsibility resulting in an addition of staff or funding exceeding \$100,000. However, the grant recipient must still provide notice to the Finance Department as required in this section, including a Grant Tracking Form.

C. GRANT TERM RESPONSIBILITIES

1. Grantee Department Financial and Reporting Responsibilities

The grantee department maintains full responsibility for fully reading and understanding the requirements of the grant contract, meeting deadlines, and complying with grant program requirements. The grantee department will likewise be responsible for maintaining the following documents in a single grant file:

6. Original Grant Application.
7. Copy of Executed Grant Contract/Agreement with Original filed in Clerk's Office.
8. Payment Requests/Activity Reports Provided to the Grantor/Funder.
9. Documentation of Grant Amendments.
10. Any other pertinent documentation relevant to the administration of the grant, including period extensions, amount changes, or any other amended terms or other performance standards required to meet the grants objective.

The grantee department must be prepared to share this file with the Finance Department as requested for internal monitoring as well as during external financial and single audits and any regulatory inquiries or investigations.

For reimbursement grants, the grantee department will be expected to submit payment requests to the granting agency with a copy provided to the Finance Department. Departments will be responsible for maintaining documentation supporting all reimbursement requests. The Finance Department can assist with reimbursement requests if needed. Reimbursement should be requested in a timely manner but no later than forty-five (45) days from the date the expense is incurred. The grantee department must also notify the Finance Department when a grant payment is to be received.

2. Financial and Program Reporting Reviews

c) Financial Review:

- i. On an on-going basis, the grantee department will monitor the accuracy of expenditures, and grant expenditure/financial reporting requirements.
- ii. The Finance Department may perform random audits throughout the grant term to ensure City compliance with grant and/or single audit requirements.

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d) Program Review:

- i. On an on-going basis, the grantee department and a Finance Department designee will monitor activity related to meeting objectives/requirements of the grant.

Any financial, program, and/or performance issues identified will be brought to the attention of the grantee department head for discussion and deficiencies will be reported to the Mayor and Finance Director.

3. Procurement

Any procurement activities that will take place as part of a grant award shall follow all City purchasing policies and procedures. If the procurement requirements of a grant are stricter than those of the City of Green Bay, those requirements must be followed. Grantee departments are encouraged to consult with the Purchasing Manager in Administrative Services. If a grant funds the purchase of IS-related equipment or software, the IT Administrator shall be contacted immediately to ensure the items are compatible with the City's IT infrastructure.

D. SPECIAL SITUATIONS/CIRCUMSTANCES

1. Unsolicited Grant Funds

If a City department is offered unsolicited grant funding without having to participate in an application process, and said grant exceeds \$10,000, the recipient department must follow the instructions in Section IV.B., Grant Acceptance Procedures, and follow all City purchasing policies and procedures.

2. Items Received in Lieu of Grant Funds (Donations)

For donated items or in-kind services (i.e., materials/equipment) with a market value in excess of \$10,000, the Finance Department must assess whether there are any compliance items to monitor or any single audit implications. Accordingly, the recipient department shall informationally notify its appropriate committee of said donation(s) and provide written documentation of the monetary value of the donation(s), as well as a related budget adjustment, to the Finance Department within thirty (30) days of receipt.

3. Critical Timing Issue

If a situation arises where the Grant Administration Policy will not accommodate the timeframe in which to apply or accept a grant, the Finance Director, Mayor, and department director responsible for the grant can expedite the process and/or acquire the appropriate authorization in order to apply for or accept a grant, provided that the grant in question does not require a local match. Critical Timing Issue utilization will be monitored, however, and may not be used as a method to avoid compliance with the intent of the Grants Administration Policy. Any decisions made will be reported out to the Finance Committee at the next available meeting.

4. Limitation on Resources for Elections

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No department may solicit any money, property, or services from an individual or nongovernmental entity for election-related expenses, including but not limited to voter education, voter outreach, or voter registration. This prohibition does not apply to soliciting such money, property, or services for purposes of compensating poll workers, purchasing equipment, or securing leases for polling locations.

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Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.12

To receive and place on file to work with Ald. Brunette to bring forward to the Common Council a request by Ald. Brunette which states: "For a status update and discussion regarding legal services received from Law Forward states United Democracy Center, and Stafford Rosenbaum LLP with possible action such as continuing or discontinuing legal service received." From the May 10th Finance Committee meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Timeline of Representation
2. Legal Representation Memo

Timeline Summary

- October 1, 2021
 - City receives legislative subpoenas related to investigations of the administration of the November 2020 elections.
- October 5, 2021
 - City of Green Bay retained Law Forward , States United Democracy Center, and Stafford Rosenbaum, LLP (collectively, Outside Counsel).
- October 2021
 - Outside counsel corresponds with Office of Special Counsel to effectuate response to the issued subpoenas.
 - An agreement is reached to produce documents in lieu of testimony by City officials and or employees.
- October 14, 2021
 - Outside counsel compiles and provides first set of documents in response to subpoenas.
- November 23, 2021
 - Outside Counsel provides supplemental production, bringing the total number of pages produced to approximately 21,000 pages.
- November 29, 2021
 - Mr. Gableman files two petitions for “Writs of Attachment of the Person.” One petition names City of Green Bay Mayor Eric Genrich as a respondent. The Court initially sets a hearing for December 22, 2021 and instructs Mr. Gableman to inform the respondents.
- December 1, 2021
 - Mr. Gableman reveals the existence of his petitions during a hearing of the Assembly Committee on Campaigns and Elections. He does not communicate directly with the respondents.
- December 2, 2021
 - In response to Mr. Gableman’s announcement and on behalf of Mayor Genrich, Attorney Mandell files a letter with the Court, making a number of objections to the petition.
 - The Court converts this matter to a civil case, permitting electronic filing and CCAP access.
 - The Court sets a scheduling conference for December 10, 2021.
- December 9, 2021
 - Mr. Gableman’s attorney responds to Mr. Mandell’s letter regarding the Writs of Attachment via a filing to the Court. The

Department of Justice files a letter with the Court, providing information regarding the ongoing proceeding in Dane County Circuit Court regarding subpoenas. The City of Madison City Attorney files a letter with the Court regarding the petition naming Mayor Satya Rhodes-Conway as a respondent.

- December 10, 2021
 - The Court holds a scheduling conference, at which attorneys for Mr. Gableman, Mayor Genrich, and Mayor Rhodes-Conway appear.
 - At the request of Mr. Gableman's counsel, the matter is adjourned for 30 days pending the outcome of a hearing in Dane County Circuit Court.
 - During the hearing, the Court instructs Mr. Gableman's counsel to provide information about the proper legal mechanism to enforce a legislative subpoena in Wisconsin.
- January 4, 2022
 - Mayor Genrich, through Outside Counsel, files a motion for sanctions, seeking largely non-monetary sanctions against Mr. Gableman for making misleading or untrue statements about the Mayor and the City, and for pursuing a legally baseless action.
- January 20, 2022
 - Mr. Gableman's attorney files a five-page letter brief, stating why they believe that Wis. Stat. § 885.12, which does not pertain to legislative subpoenas, is the proper mechanism for enforcement.
 - Mr. Gableman's attorney also files a motion from the Assembly Committee on Campaigns and Elections.
- January 21, 2022
 - The Court holds another hearing and receives an update on the matter.
 - Mr. Gableman's attorney requests that the Court enter the writs.
 - Outside Counsel requests that the matter be dismissed.
 - The Court orders a briefing schedule and requires that the parties brief the Court's authority to issue the writs, the correct procedure, and the factual basis of the writs.
 - The Court sets a hearing for April 22, 2022.
- February 18, 2022
 - The Friday before his brief is due, Mr. Gableman files an Amended Petition, naming six additional respondents: three from the State of Wisconsin, including the then-Chair of the Wisconsin Elections Commission and two state employees; two employees of the City of Milwaukee, including the chief information officer; and the Mayor of the City of Racine, Cory Mason.

- February 11, 2022
 - *Sipes* – WEC complaint filed alleging the City violated the law by using drop boxes in the November 2020 election.
- February 21, 2022
 - Mr. Gableman’s attorney files a “Brief of Petitioner Regarding the Court’s Order of January 21, 2022.”
- February 23, 2022
 - On behalf of the new respondents from the State of Wisconsin, attorneys from the Department of Justice appear in the case, make several objections to the Amended Petition, and indicate they intend to file a motion.
- March 1, 2022
 - An individual from Allouez files a letter with the Court, requesting that the Court refuse to jail the respondents.
- March 4, 2022
 - The City of Racine City Attorney files a letter on behalf of Mayor Mason and requests a separate briefing schedule to address the Amended Petition.
- March 7, 2022
 - The City of Milwaukee City Attorney, on behalf of the two Milwaukee employees, appears in the case and requests to participate.
 - The Court sets a response date of April 4 for the City of Milwaukee and indicates it will hold another scheduling conference.
- March 9, 2022
 - Outside counsel files 30 page response with exhibits in the *Sipes*-WEC complaint on behalf of the City of Green Bay, Mayor Genrich and Clerk Jeffreys to the WEC.
- March 14, 2022
 - The City of Racine City Attorney enters an appearance in Writ of Attachment action.
- March 15, 2022
 - The Waukesha Circuit Court presiding over the Writ of Attachment action schedules another scheduling conference for April 1, 2022.
 - In light of the new parties and scheduling conference, Mayors Genrich and Rhodes-Conway, by counsel, file an expedited motion to adjourn the briefing schedule.
 - Mayor Mason, by his attorney, files a separate expedited motion to

- adjourn the briefing schedule and the April 22 hearing.
 - The Court adjourns the briefing schedule, indicates it will take up scheduling at the April 1 hearing.
- April 1, 2022
 - At the scheduling conference, Mr. Gableman's attorneys state they would like another opportunity to file a brief and request 30 days to do so.
 - The Court enters a new briefing schedule for all parties and schedules a new hearing for July 11, 2022.
- April 28, 2022
 - WEC issues letter dismissing the *Sipes*-WEC complaint.
 - In further, WEC orders that all future Wis. Stats. §§ 5.05 and 5.06 complaints relating to the acceptance and use of 2020 CTCL election grant funds shall be considered untimely, barred by laches and issue preclusion, or otherwise nonjusticiable under those statutes.
- May 4, 2022
 - Mr. Gableman's attorneys file another brief, which is substantively identical to the brief they filed in February 2022.
 - In addition, Mr. Gableman files a motion to supplement the petition.
- May 12, 2022
 - The Court files the amended briefing schedule from the April 1 scheduling conference.
- June 1, 2022
 - Mr. Gableman's new attorney files a motion to adjourn the July 11, 2022 hearing.
 - The Court adjourns the hearing to August 30, 2022.
- June 6, 2022
 - Outside counsel prepares and collaborates with other respondents from the Cities of Green Bay, Madison, Milwaukee, and Kenosha to file a combined responsive brief in the Writ of Attachment Action. The brief is 83 pages long.
 - Each municipality also files a supporting affidavit, some including numerous exhibits.
 - The Department of Justice, on behalf of the State of Wisconsin respondents, files a separate brief.

- June 10, 2022
 - Outside Counsel received correspondence from Attorney Kardaal in the *Carlstedt* appeal seeking a stipulated voluntary dismissal of the case in Brown County Circuit Court.
- August 30, 2022
 - Oral Arguments scheduled for a half day hearing in the Writ of Attachment matter in Waukesha County Circuit Court. This was adjourned from July 11, 2022 at the request of the Office of Special Counsel.

Legal Representation Memo and Summary:

*Investigations and Litigation Relating to the
Administration of the November 2020 Election*

I. Nature of Representation and Engagement with the City of Green Bay

On October 5, 2021, the City of Green Bay Common Council voted to retain Law Forward, Inc. ("Law Forward"), Stafford Rosenbaum, LLP ("Stafford"), and States United Democracy Center ("SUDC") as Outside Counsel to the City regarding investigations into the 2020 General Election.

a. City's Engagement of Outside Counsel

The City's engagement of SUDC was memorialized in an engagement letter executed on October 5, 2021; a separate engagement letter between the City, Law Forward and Stafford was executed on October 6, 2021. Both letters provide that Outside Counsel will "provide legal advice and services in connection with investigations related to the City's election administration in 2020, including but not limited to the legislative subpoena received by a City employee on October 1, 2021." Outside Counsel and the City agreed that the firms would provide strictly legal services to the City. The engagement letters also specify that Outside Counsel will keep the City informed about the status of any matter and consult with the City before making any significant decisions regarding the matter. Outside Counsel also agreed to abide by the City's policies for outside counsel, including "Best Practices and General Requirements" and "Litigation and Case Management."

These practices, among many other provisions, include an explicit expectation that outside firms work closely with the City Law Department and that attorneys from the Law Department are to be fully involved. These policies also specify numerous decisions which cannot be made without the prior approval of the City Attorney, as well as a requirement that the City Attorney approve all legal pleadings.

Consistent with these requirements and the rules governing attorney conduct in the State of Wisconsin, but without disclosing the substance of any protected communication, Outside Counsel have met weekly with city staff, including the City Attorney, to keep the City up to

date on all legal developments and consult regarding any substantive decisions. Pursuant to their agreement with the City, each firm has one attorney at each firm acting as primary attorneys in the representation. As required by the demands of each matter, other attorneys are assigned and work on projects.

Outside Counsel agreed to represent the City on a pro bono basis and have not billed the City for any of the work described in this memorandum or any related expenses. Outside Counsel will continue to provide legal services without cost to the City.

II. Legal Services Provided to Date.

Since the City of Green Bay retained Outside Counsel, our firms represented the City and its employees in the following matters:

a. Response to Subpoenas

- i. Nature of the Matter: In October and December of 2021, the Legislature issued subpoenas for documents and testimony to the City of Green Bay and various officials within the City. Outside Counsel has worked with the City to respond to the subpoenas, including by providing over 21,000 pages of documents to the Legislature's Special Counsel.
- ii. Description of Legal Services Performed: Each of the subpoenas individually, and all of the subpoenas in combination, demanded a broad range of information, including any and all documents from the City regarding the 2020 General Election. In response, Outside Counsel contacted the Office of Special Counsel to reach an agreement by which the City would voluntarily produce to the Special Counsel all documents that had been produced in response to open records requests regarding the November 2020 General Election, as well as additional public documents regarding the City's administration of the 2020 election, including all City filings in litigation related to the election. Outside Counsel has, to date, produced over 21,000 pages of documents to Mr. Gableman and his staff, while simultaneously explaining and preserving certain legal objections in order to protect the City's rights and ability to function properly, as well as the right of privacy enjoyed by the citizens of Green Bay. The City of Green Bay, through Outside Counsel, has produced more documents to date than any other municipality which received similar subpoenas.

Effectively responding to these subpoenas required knowledge of various issues surrounding legislative subpoenas, which had not been used in Wisconsin for 50 years prior to 2021. These subpoenas, specifically, raised novel issues regarding the nature of the Legislature's and Special Counsel's authority. Numerous legal issues

related to these subpoenas are currently being litigated in Dane County Circuit Court. Although the City of Green Bay is not a party to the Dane County litigation, Outside Counsel has been actively monitoring it, along with related appeals.

The subpoenas also required Outside Counsel to be versed in various rules and statutes governing normal discovery and civil procedure in this state. Due to some of the requests contained the subpoena, Outside Counsel also had to research and address issues touching on state and federal law regarding security requirements for election equipment, statutory privacy rights, contract law, and privilege. Outside Counsel also had to be familiar with the documents and information being produced, what other information which the City makes available to the public (including financial information, information regarding election results, and information regarding election administration), certain structures of City government, and how the City conducted the 2020 General Election.

Outside Counsel wrote no fewer than six extensive letters to Mr. Gableman and his staff in late 2021 and early 2022, variously explaining the City's legal positions regarding his subpoenas and providing information and documents. Due to the nature of the investigation, Outside Counsel also has devoted considerable time to reviewing public appearances and reports issued by Mr. Gableman and his office.

- iii. Firm/Attorney Involvement: Law Forward, Stafford, and SUDC have all contributed significant attorney time to responding to the subpoenas. Over the course of approximately five months, at least eight attorneys worked on this matter.

b. Gableman v. Genrich et al. (Waukesha County Circuit Court Case No. 21CV1710)

- i. Nature of the Matter: Despite the steps described above, on November 29, 2021, Michael Gableman filed for a "Writ of Attachment of the Person" against Mayor Genrich. Mr. Gableman sought an *ex parte* order against the Mayor. Mr. Gableman did not serve the Mayor or any other City employee with his filings. The City and Outside Counsel learned of the filing on December 1, 2021, following Mr. Gableman's testimony before the Assembly Committee on Campaigns and Elections.
- ii. Description of Legal Services Performed: Given the nature of Mr. Gableman's request, Outside Counsel had to immediately write to the Waukesha County Circuit Court to avoid any prejudice to the City or its officers. Outside Counsel's initial correspondence raised issues including (1) the nature of a "writ of attachment," which is a specific

legal mechanism relevant to civil disputes involving money damages; the nature of the legislative subpoenas on which the “writ” was apparently based, including the relationship to ongoing litigation; (3) jurisdictional defects in the request, (3) whether Mr. Gableman had standing to pursue a remedy under Wis. Stat. § 885.12, which is a specific statute generally applicable to compelling testimony before executive bodies; and (4) factual issues regarding Outside Counsel’s negotiations and cooperation with the Office of Special Counsel.

Since then, Outside Counsel has drafted and filed a motion for sanctions with a supporting brief and affidavits, various procedural motions, correspondence to the Dane County Circuit Court judge hearing the related matter, attended three status hearings, and reviewed pleadings and filings in a case that now involves 11 parties.

Most recently, Outside Counsel assisted the City and other respondents in drafting and filing a joint response to Mr. Gableman’s petition. Again due to the unusual and historically uncommon nature of both the subpoena and the petition, as well as the complex factual background, Outside Counsel presented various specialized and technical arguments regarding statutory history, the canons of statutory construction, the appropriate remedies available under a specific and uncommonly-used statutory provisions, the appropriate standard and its application of the facts of the case, the nature and scope of legislative subpoenas under Wisconsin Law, and several procedural defects. Each of these legal issues is complex, and some of them are novel or issues of first impression. Work on this response involved not only discussion of Wisconsin caselaw and statutes, but historical documents, statutory history, and various constitutional provisions. The combined brief ended up being over 80 pages long .

Mr. Gableman’s petition and a related motion is scheduled for a half-day of oral argument August 30. Outside Counsel expects to participate along with attorneys for the other respondents. Given the nature of the litigation, an appeal of any decision is likely, including a subsequent appeal and oral argument before the Wisconsin Supreme Court.

- iii. Firm/Attorney Involvement: Law Forward, Stafford, and SUDC have all contributed significant attorney time to this litigation. Although the case only really began in December, 2021, at least nine attorneys have spent time researching and drafting pleadings, and/or appearing in court. Outside Counsel expects to spend approximately 200 hours of additional attorney time on any appeal.

c. *Carlstedt et al. v. Wisconsin Elections Commission (Brown County Circuit Court Case No. 22CV24)*

- i. Nature of the Matter: On April 13, 2021, several individuals filed a complaint with the Wisconsin Elections Commission, claiming that Mayor Genrich, former Clerk Kris Teske, and Clerk Jeffreys violated the law by accepting grant funds in 2020. WEC dismissed that complaint on December 8, 2021. The Complainants filed an action for judicial review in Brown County Circuit Court.
- ii. Description of Legal Services Performed: The Complaint in this matter is 40 pages long, consisting of 142 numbered paragraphs. The underlying complaint before WEC was 33 pages long, consisting of 108 numbered paragraphs, and was accompanied by approximately 400 pages of other materials.

Because this action for judicial review specifically addresses decisions made by the City of Green Bay Common Council and officials and staff within the City, Law Forward and Stafford, on behalf of the Mayor and Clerk Jeffreys, filed a Notice of Appearance, responding to each allegation in the Complaint. Judicial review of administrative decisions involve very specific substantive and procedural rules, including rules regarding the nature of the court's jurisdiction. These rules are further complicated in a review of a WEC decision, which has its own governing provisions.

Apart from the legal technicalities attendant to an action for judicial review of an administrative decision, the Complaint raises issues that touch on specialized questions of Wisconsin election law, issues under the U.S. Constitution, mootness, justiciability, laches, and issue preclusion.

- iii. Firm/Attorney Involvement: Law Forward and Stafford represent the City of Green Bay Respondents in this matter. On June 10, 2022, counsel for the Petitioners have indicated they wish to seek a voluntary dismissal of the case. If in the event a dismissal is not ultimately filed, we expect that the Court will issue a briefing schedule in the near future and that Outside Counsel will be required to spend 50 to 100 hours of attorney time reviewing and responding to the plaintiffs' arguments, plus any additional time required by an appeal.

d. *Sipes v. Genrich et al. (Brown County Circuit Court Case No. 2022CV612)*

- i. Nature of the Matter: On February 11, 2022, two individuals filed another WEC complaint regarding grant funding in 2020, and alleging

that the City violated the law by using absentee drop boxes in the 2020 General Election.

- ii. Description of Legal Services Performed: As both cases involve grant funding and are from the same attorney, the *Sipes* complaint, like *Carlstedt* raises Wisconsin election law, mootness, justiciability, laches, and issue preclusion, all of which Outside Counsel addressed in their brief to the WEC. The City's issue preclusion argument, for example, spanned approximately eight pages and required ten sub-sections to address the relevant factors. The Complaint was again quite long—60 pages, consisting of 198 numbered paragraphs, and was accompanied by 676 pages of exhibits.

The City's brief also included substantive discussion of Wisconsin election law, particularly the application of the election bribery statute. This included arguments regarding long-standing precedents, canons of construction, and the nature of the WEC's authority.

Due to certain actions by the Complainants, the City was forced to quickly file a motion to strike and additional brief. The City's motion included technical arguments about the proper procedure in complaints before WEC. The brief included additional specialized arguments regarding Wisconsin election law and WEC procedure, as well as further discussion regarding the doctrines of claim preclusion and timeliness.

This case was fully briefed in March and on April 28, 2022, the WEC issued its determination, finding that the matter was precluded from further review and that the WEC would consider no further 2020 CTCL grant related complaints. On May 25, the Complainants filed a new civil case – *Sipes v. City of Green Bay*, which named the City and Clerk Jeffreys as defendants. This new complaint, which is also about the 2020 General Election, and includes some new procedural defects and substantive election-law arguments requiring response.

- iii. Firm/Attorney Involvement: Law Forward and Stafford represented the City of Green Bay Respondents and the City in this matter. Five attorneys were involved in the various documents filed before the WEC.

III. Conclusion

Outside Counsel continues to appreciate the opportunity to be of service to the City of Green Bay and to work under the direction of the City's Law Department. To date, the legal positions we have presented, and which have been decided, have been accepted by WEC and the Courts. No court or administrative body has entered a substantive order or judgment adverse to the City in these matters.

In all of the work to date, and pursuant to the agreements with the City, Outside Counsel has worked at the direction of the City's Law Department. Outside Counsel meets regularly with representatives of the City to ensure it is apprised of ongoing developments in litigation. The Law Department reviews and approves legal filings drafted by Outside Counsel before they are submitted. Where appropriate, and also with the approval of the City, Outside Counsel has also provided counsel and advice to individual officials and employees.

Law Forward attorneys have performed over 227 hours of what would normally be billable legal services for the City of Green Bay. Attorneys at Stafford Rosenbaum provided over 175 hours. Attorneys at States United Democracy Center provided over 250 hours of legal services. This time does not include various internal meetings or discussions regarding our legal work on behalf of the City. Both Law Forward and States United have dedicated a full-time attorney to matters related to the City of Green Bay; each of these attorneys spends approximately half of their time on these matters. All three firms also provide administrative support.

While making predictions regarding the time and expense of future legal work is inherently uncertain, Outside Counsel conservatively estimates that the City would need to spend between \$75,000-\$125,000, if not more, in the second half of 2022 alone if it were paying for these types of legal services. The City may also have to pay additional start-up costs to bring on-board new counsel. The value of the legal services provided to date exceeds \$250,000.



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.13

To approve transfer ownership of K9 Bose from the Green Bay Police Department to Retired Officer Matt Lynch.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.14

To hold until the July 26th Finance meeting a request by Ald. Brunette to the Finance committee which states: "For staff to prepare a list of five to ten ideas for acceptable uses of remaining ARPA funds under each of the five already approved categories with the goal being a more holistic approach for allocation funds." To refer to staff until the June 21st Finance meeting for proposals that have been presented or held for possible consideration, and to place this item for discussion on the July 26th Finance agenda for consideration of additional ideas presented by staff and Council. From the May 24th Finance Committee Meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. ARPA Top 10 Request List
2. ARPA List for Finance Committee-updated 6-23

	<u>Total Approved</u>	<u>Total Proposed</u>	<u>Total Proposed & Approved</u>	<u>Total Budgeted</u>	<u>Total Remaining</u>
Capital Needs and Organizational Priorities	\$4,364,164.58	\$3,039,822.00	\$7,403,986.58	\$10,000,000	\$2,596,013.42
Affordable Housing Development and Small Business Support	\$1,470,000.00	\$2,980,000.00	\$4,450,000.00	\$6,000,000	\$1,550,000.00
Stormwater, Green Infrastructure, and Climate Resilience	\$1,060,000.00	\$0.00	\$1,060,000.00	\$3,000,000	\$1,940,000.00
Crime Prevention and Neighborhood Enhancement	\$600,100.00	\$367,000.00	\$967,100.00	\$2,000,000	\$1,032,900.00
Arts, Culture, and Tourism	\$325,000.00	\$270,000.00	\$595,000.00	\$1,500,000	\$905,000.00
	\$7,819,264.58	\$6,656,822.00	\$14,476,086.58	\$22,500,000	\$8,023,913.42

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
2-6-001	DPW	Capital Needs and Organizational Priorities	\$1,500,000	Roads	Approved
1-4-004	HR	Capital Needs and Organizational Priorities	\$84,407.50	The recommendation is to pay all hourly (non-exempt) employees a lump sum of \$500 for premium pay. The hourly employees are eligible as they are government employees, they provided essential work because they either interacted with the public or coworkers on a regular basis, and no written justification is needed because they are hourly employees and not exempt from FLSA overtime provisions. For all other employees, the recommendation is to use loss revenue funds to pay a \$500 stipend to them.	approved
2-7-008	Mike Hronek	Capital Needs and Organizational Priorities	\$29,440.83	Conference room upgrades and enhancements for zoom/ hybrid meetings.	Approved
5-3-209	Stephanie Hummel , Dave Hansen	Capital Needs and Organizational Priorities	\$1,600,000	3.9 Healthy Childhood Environments: Other Project 1 is the installation of 64 Rectangular Rapid Flashing Beacon (RRFB) systems throughout the City. Each RRFB location will be reviewed for ADA compliance, upgraded if non-compliant, and painted with high visibility continental-style crosswalk markings. A walk-behind line striper using Methyl-Methacrylate (MMA) Two-Component Traffic Marking Paint will be purchased for the high-viz crosswalks. MMA paint will also be purchased, as city staff will install the markings. Project 2 is the replacement of all SCHOOL SPEED LIMIT 15 WHEN CHILDREN ARE PRESENT signs on collector/arterial streets with BlinkerRadar Driver Feedback systems which includes blinker LEDs around the perimeter of the school signs plus driver feedback signs to each of those sign assemblies showing which display live motorist speeds when speeding occurs. A "BlinkLink" system which provides remote access to sign programming will be added to reduce maintenance costs. Total number of schools to receive these sign assemblies is 32, with a total of 66 sign assemblies being installed.	Approved
10-7-003	Finance	Capital Needs and Organizational Priorities	\$18,000	Single audits for FY22-25	Approved
3-7-001	Finance	Capital Needs and Organizational Priorities	\$170,000	Salary, indirect costs for Administrator of Grant	Approved
10-6-001	Mayor	Capital Needs and Organizational Priorities	\$655,000	one time purchases needed that are not able because of loss revenue.	Approved
2-3-002	Chief Chris Davis	Capital Needs and Organizational Priorities	\$307,316.25	Body Cameras- CIP list	Approved

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
9-2-015	Celestine	Capital Needs and Organizational Priorities	\$79,411	Spanish translator for 3 years to translate documents	Proposed
10-6-205	Mike Hronek	Capital Needs and Organizational Priorities	\$125,000	Upgrade microphones and enhance the capability of hybrid meetings.	Proposed
11-7-002	Joe Faulds	Capital Needs and Organizational Priorities	\$5,411	Tremetrics RA360 Audiometer Comprehensive Package with audiocups, installation and Shipping \$5,411.00	Proposed
10-6-006	Mike Hronek	Capital Needs and Organizational Priorities	\$500,000	Replace Datacenter at City Hall and Disaster Recovery Site	Proposed
6-6-201	Paul Van Calster	Capital Needs and Organizational Priorities	\$80,000	6.1 This project consists of scanning about 54 4-drawer file cabinet of old construction documents, permit data, variances, utility info , violations, orders, etc. for all the addresses in the City. This documentation is utilized often by City Staff from multiple Departments (to name a few: DCED, DPW and Law) and requested by constituents weekly. The scanning of these documents will also further enable remote work if COVID restrictions are enacted again being able to access those files from offsite and will offer more space for staff to spread out if Staff need to come in to the office to work.	Proposed
5-2-210	Dan Ditscheit	Capital Needs and Organizational Priorities	\$800,000	Bay Beach: Replacing two rides that have been removed at Bay Beach	Proposed
5-2-211	Dan Ditscheit	Capital Needs and Organizational Priorities	\$1,450,000	Bay Beach Pavilion: Roof Repair, Winterizing, Renovations, Energy Upgrades	Proposed

Total Approved \$4,364,164.58
 Total Proposed \$3,039,822.00
 Total \$7,403,986.58

Total Allocated \$10,000,000.00
 Remaining Amount \$2,596,013.42

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
9-2-214	Mayor	Affordable Housing Development and Small Business Support	\$180,000	1.10 Aid to Impacted Industries. This 3-year role would serve as central engagement for small business services in Green Bay, helping to create a 21-Century model that creates a robust successful ecosystem for our local businesses most impacted by COVID-19. The coordinator would utilize direct contact engagement that will build a public facing directory for community use, develop a report on the small business needs of the impacted population and play a match maker to City and Chamber services	approved
2-2-003	Neil Stechschulte	Affordable Housing Development and Small Business Support	\$1,000,000	The City of Green Bay currently facilitates a Commercial Façade Improvement Grant program. The program provides competitive funding to renovate or restore the exterior facade of commercial properties located in Facade Grant Eligible Areas	approved
2-2-004	Neil Stechschulte	Affordable Housing Development and Small Business Support	\$40,000	The Blueprint Green Bay is an accelerator program located in the Urban Hub and operated by the Green Bay Area Chamber of Commerce that provides entrepreneurs of color, female and veteran-owned businesses and startups in the Green Bay area with mentorship, technology training and the opportunity to secure seed funding via two focused cohorts (an idea session and a market validation session).	approved
2-2-006	Neil Stechschulte	Affordable Housing Development and Small Business Support	\$250,000	competitive grant program be established to provide direct operating and marketing assistance grants to organizations that host and operate existing or new tourism events	approved
	Neil Stechschulte	Affordable Housing Development and Small Business Support	\$1,500,000	Large-Scale Affordable Housing Development	proposed

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
5-2-201	Cheryl Renier-Wigg	Affordable Housing Development and Small Business Support	\$500,000	2.18 Housing Assistance: Other support The HILP Program offers property owners at or below 80% of median income, an interest free, pay it back when you move or sell loan to make home improvements to their properties. It is administered by NeighborWorks Green Bay and is primarily funded through the City's HOME allocation. This is a very popular program with a current a waiting list of over 100 people. The ARPA funding would be used to subsidize each loan. The owner would be eligible for a grant of up to \$10,000 to be used for energy efficiency improvements at the home such as furnaces, water heaters, windows, doors etc. This subsidy would help the owner pay for items that would have a cost savings to the household by decreasing energy costs. The City has been administering an owner rehab loan program for over 30 years. It has been a very successful program that has allowed working families and elderly residents the ability to stay in their homes, thus providing housing security and a safe living environment. The additional grant dollars will ensure all needed repairs can be completed with essential energy efficiency improvements included in the project. These grant dollars will assist over 50 low income home owners in Green Bay.	on hold
5-2-202	Cheryl Renier-Wigg	Affordable Housing Development and Small Business Support	\$300,000	2.18 Housing Assistance: Other support. The Curb Appeal Program is a program set up for property owners to complete exterior improvements to their properties, specifically items that aren't eligible under the City's HOME funded rehab programs. Staff discovered that there were a number of properties in our older neighborhoods that were in good shape, but had overgrown or missing landscaping, gravel driveways, dying trees and minor exterior repair issues that needed correction. Providing this grant allows the owners to have a funding resource to make these exterior improvements, thus improving the overall beautification of the neighborhood. This is a program that provides a grant of up to \$7,500 to cover the cost of exterior repairs. Historically, the average curb appeal grant has been \$4,000. Staff has packaged 29 of these grants in the past. Based on this average \$4,000 grant, 75 properties would be improved. This program would operate within the eligible Qualified Census Tracts only. It would be administered by Community and Economic Development Staff	on hold

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
5-2-203	Cheryl Renier-Wigg	Affordable Housing Development and Small Business Support	\$500,000	2.2Household Assistance: Mortgage Great Being Home is a homeownership program serving employees of participating Green Bay employers. Eligible buyers will receive a \$5,000 grant in addition to other assistance programs for which they may qualify (up to \$10,000) Staff worked with our outside partners, NeighborWorks Green Bay and the Greater Green Bay Chamber of Commerce (Housing Committee) to craft this program. Great Being Home will help employers attract and retain talent, increase awareness and resources for homeownership among local employees, increase homeownership rates within the City, and strengthen neighborhoods. The City of Green Bay is currently under contract with NeighborWorks Green Bay to provide down-payment assistance under the City's HOME Program. We would continue to use NWGB to administer this program along with the HOME funded program. We will also continue to work with the Chamber of Commerce in attracting larger employers to participate in this program by making a donation on behalf of their employees. If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.	on hold
5-1-204	Mayor	Affordable Housing Development and Small Business Support	\$180,000	1.8 Assistance to Small Business^ For a staff person that engages small and micro businesses of color over 3 years implemented by the Chamber of Commerce	on hold

Total Approved \$1,470,000
Total Proposed \$2,980,000
Total \$4,450,000

Total Allocated \$6,000,000
Remaining Amount \$1,550,000

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
5-5-001	Public Works/ Parks	Stormwater, Green Infrastructure, and Climate Resilience	\$1,000,000	Stormwater feature at Seymour Park East.	approved
7-5-001	Public Works	Stormwater, Green Infrastructure, and Climate Resilience	\$60,000	Project intended for residential properties and non-profits. Rebates and cost-share structures: •Rain barrels = Free if City of Green Bay provides; Rebate of up to \$70/rain barrel if purchased separately •Rain gardens = Reimbursement rebate of 75% or 90% of actual project cost (up to a pre-approved maximum) for design and construction. Reimbursement percentage depends on location in watershed. An additional incentive is paid with proof of rain garden maintenance within two years of installation. •Shade/Stormwater trees/bushes= \$50/tree (no limit) or City- provided seedlings at no cost. •Maximum of up to \$5,000 per property for all eligible GI projects.	approved
1-5-001	Roosevelt St. Green Infrastructure (GI)	Stormwater, Green Infrastructure, and Climate Resilience	\$360,000	Biofiltration systems installed in the street terrace of Roosevelt St. Stormwater runoff enters the system through a curb-inlet opening or pipe and flows through a specially designed filter media mixture contained in a landscaped concrete container. The filter media captures and immobilizes pollutants; those pollutants are then decomposed, volatilized and incorporated into the biomass of the system's micro/macro fauna and flora. Stormwater runoff flows through the media and into an underdrain system at the bottom of the container, where the treated water is discharged.	no vote
1-5-003	S. Van Buren St. #2	Stormwater, Green Infrastructure, and Climate Resilience	\$570,000	Installation of ~850 feet of permeable pavement and biofiltration systems on Van Buren St, from E. Mason St to Stuart St. The biofiltration systems will be located in the street terrace and planted with native vegetation. This type of GI filters pollutants from stormwater and reduces the quantity of stormwater entering the stormsewer system. Permeable pavement catches water where it falls and allows stormwater and snowmelt to infiltrate into a subsurface storage layer.	no vote
5-4-6	Public Works	Stormwater, Green Infrastructure, and Climate Resilience	TBD	Large scale stormwater project(s)	Proposed
	Public Works	Stormwater, Green Infrastructure, and Climate Resilience	TBD	Grant Program for Private, Large Scale stormwater needs to catalyze development	Proposed

Total Approved \$1,060,000
 Total Proposed \$0
 Total \$1,060,000

Total Allocated \$3,000,000
Remaining Amount \$1,940,000

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
9-1-008	Capt Allen	Crime Prevention and Neighborhood Enhancement	\$15,000	The Green Bay Police Department currently has 9 vacant sworn positions, with additional vacancies anticipated as more officers become eligible for retirement over the next few years. Our proposal is to set aside \$150,000 in American Rescue Plan Act (ARPA) funding for recruiting and retention efforts over the next three years. Up to \$100,000 of this funding could be used in 2022 and 2023 to pay up to \$10,000 in moving expenses for new-hires from outside the area. The remainder of the funds would be used for contract resources for wellness programming, including training and consultation for employees on nutrition, exercise, sleep deprivation, and mental health. Any funds earmarked for relocation or signing bonuses not used by January, 2024 would be re-programmed for additional wellness programming.	Approved
9-2-009	Capt Balza & Lt Jason Allen	Crime Prevention and Neighborhood Enhancement	\$35,000	Lot Cop/Law Enforcement Surveillance Trailer. The Lot Cop/Law Enforcement Surveillance Trailer is an enclosed hybrid powered trailer system that contains a large battery bank with solar charge assist for self sustaining use and deployment anywhere in the City. It contains a 25 foot telescoping mast with 1080P High Definition cameras with clarity in both dark and light areas that pan/tilt and 32x optical zoom with 24/7 video recording which provides valuable evidence to interdict criminal behavior and act as a visual deterrent.	Approved
11-3-001	Chief Chris Davis	Crime Prevention and Neighborhood Enhancement	\$88,000	Employee Recruitment and Retention. Creation of a branding strategy that evokes an emotional connection to potential candidates will allow for applicants to discover our organization and will become excited to join the Green Bay Police Department. Further development and training of the recruitment team staff to help identify strategies that will allow the recruitment team to identify and pursue qualified quality candidates.	Approved
5-1-205	Chief Chris Davis	Crime Prevention and Neighborhood Enhancement	\$148,100	1.11 Community Violence Intervention The Green Bay Police Department at 307 S. Adams has an unsecured parking lot for both department and employee vehicles. The department houses critical infrastructure, vehicles, and resources that are left unprotected every day. The proposed fence will secure the parking lot to protect its resources and give employees a secure area to store squads, investigative vehicles, and specialty unit vehicles/resources. In addition, the fence will provide a secure area for all employees. They will be able to work and park their personal vehicles in the fenced area. As result, this will provide them a safe environment to work and park their vehicle. Nationwide attacks on police officers are up and the department prioritizes employee safety and wellness. Installing a fence will aid in providing this safe environment as well as protecting employee and department vehicles.	Approved
9-2-006	Cmdr Ebel & Capt Richgels	Crime Prevention and Neighborhood Enhancement	\$314,000	NIBIN. The NIBIN database links crimes more quickly, generates investigative leads that would otherwise not been detected and also gives prosecutors admissible evidence to corroborate witness testimony	Approved
12-3-001	Chief Chris Davis	Crime Prevention and Neighborhood Enhancement	TBD	Shot Detection system \$655,000 requested	approved for RFP, no funding at this time

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
9-1-001	Chief Chris Davis & Cmdr Kevin Warych	Crime Prevention and Neighborhood Enhancement	TBD	Gun violence reduction strategy. NICJR will work with the Green Bay Police Department to create an Office of Violence Prevention (OVP) to develop effective Gun Violence Reduction Strategies	Proposed
H	Neil Stechschulte	Crime Prevention and Neighborhood Enhancement	\$150,000	Neighborhood support. A specific focus will be on leadership development and representation of disadvantaged populations in these neighborhoods. Strong neighborhoods are a key factor in the City's ability to attract and retain a vibrant workforce and to remain economically competitive. Revitalized neighborhood associations would have significant positive affect on the ability to communicate on City initiatives and the overall effectiveness of local government. A functioning neighborhood network would also make communicaiton and implementation of public health policies more efficient and effective.	On Hold
9-2-007	Steve Meadowcroft	Crime Prevention and Neighborhood Enhancement	\$217,000	FLOK Safety System-License plate recognition system. Implementation of a License Plate Recognition Camera system at eleven key enterances, exits, and throughways in the city using 28 cameras	Proposed

Total Approved \$600,100
Total Proposed \$367,000
Total \$967,100

Total Allocated \$2,000,000
Remaining Amount \$1,032,900

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
2-2-005	Neil Stechschulte	Arts, Culture, and Tourism	\$75,000	The three active farmers markets that operate in the City of Green Bay are a primary tourism attraction for visitors during the summer months. These outdoor events are critical to supporting small businesses within our Business Improvement Districts. Pandemic conditions have negatively impacted these events, and caused additional expenses and reduced revenues. Staff is recommending that grants up to \$25,000 be awarded to the hosting organizations to help with costs related to operating and marketing these events in 2022. Events are: Saturday Farmers Market, Farmers Market on Broadway and the Market on Military.	Approved
2-2-006	Neil Stechschulte	Arts, Culture, and Tourism	\$250,000	competitive grant program be established to provide direct operating and marketing assistance grants to organizations that host and operate existing or new tourism events	Approved
	Neil Stechschulte	Arts, Culture, and Tourism	\$150,000	Green Bay Arts Grant Program (previously Annual Grant Program) (\$50,000 per year for 3 years)	Proposed
	Neil Stechschulte	Arts, Culture, and Tourism	\$50,000	Rotating Art Program (\$50,000 for 3 years)	Proposed
	Neil Stechschulte	Arts, Culture, and Tourism	\$70,000	Implementation of Shared Corridor Vision Plan	proposed
		Arts, Culture, and Tourism	TBD	Proposals to be submitted by BIDs to spur economic activity and employment within the arts/culture sector	Proposed

Total Approved \$325,000
Total Proposed \$270,000
Total \$595,000

Total Allocated \$1,500,000
Remaining Amount \$905,000

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
6-1-204	Alder 1, Alder 11	3. Revenue Replacement	\$25,000	1.7 Capital Improvement We have 2 fire houses (station 1 & 3) that are structurally unsafe with a large financial impact to repair. We would like both a size and location analysis done to know future costs of combining the 2 stations to one, at a new location.	Pending Assessment
6-1-205	Alder 1, Alder 11	3. Revenue Replacement	\$9,000,000	1.7 Capital Improvement We have 2 fire houses (station 1 & 3) that are structurally unsafe with a large financial impact to repair. We would like to combine the 2 stations to one, at a new location.	Pending Assessment/ insufficient funds
6-2-206	Alder 7	1b. Negative Impacts (hospitality/ tourism/ Housing	\$55,000	2.35 Aid to tourism \$55 thousand for a bronze tree marker sculpture to be placed between the Hampton and Ray Nietzsche bridge. This is the end point of the old Military Road connecting Green Bay to Chicago that was constructed on an Indian trail. There is already a bronze statue at the Chicago end. The sculpture would be a recognition of Native American's impact in Green Bay and a way to honor the Ho Chunk, Menominee, and other local tribes.	Pending Assessment

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
6-2-207	Alder 6	3. Revenue Replacement	\$650,000	2.2 Strong Healthy Communities: Neighborhood Features that Promote Health and Safety replace and relocate the playground, splashpad and basketball court at Farlin Park. The existing playground was installed in 1994 and is in current need of replacement. The existing splash pad was installed in 2000. The existing basketball court was last resurfaced in 2004.	Pending Assessment
12-2-002	Alders Steur & VanderLeest	1b. Negative Impacts (hospitality/ tourism/ Housing	\$100,000	Assist Business districts in improvements that were not able to be completed because of covid-19 \$100,000	Partially approved and currently contemplated in other sections
1-2-005	Alder 8	1a. Public Health	\$100,000	LTE positions for attorneys and support staff in the Brown County DA office due to cases being at an overwhelming number with a majority coming from the city of Green Bay.	Pending Assessment/more information
5-1-208	Alder 12	1a. Public Health	\$22,000	1.11 Community Violence Intervention Speed Boards	Pending Assessment/more information

	<u>Total Approved</u>	<u>Total Proposed</u>	<u>Total Proposed & Approved</u>	<u>Total Budgeted</u>	<u>Total Remaining</u>
Capital Needs and Organizational Priorities	\$4,364,164.58	\$3,334,411.00	\$7,698,575.58	\$10,000,000	\$2,301,424.42
Affordable Housing Development and Small Business Support	\$1,400,000.00	\$2,800,000.00	\$4,200,000.00	\$6,000,000	\$1,800,000.00
Stormwater, Green Infrastructure, and Climate Resilience	\$1,060,000.00	\$0.00	\$1,060,000.00	\$3,000,000	\$1,940,000.00
Crime Prevention and Neighborhood Enhancement	\$600,100.00	\$367,000.00	\$967,100.00	\$2,000,000	\$1,032,900.00
Arts, Culture, and Tourism	\$325,000.00	\$270,000.00	\$595,000.00	\$1,500,000	\$905,000.00
	\$7,749,264.58	\$6,771,411.00	\$14,520,675.58	\$22,500,000	\$7,979,324.42

Updates from Report presentated to Finance Committee 6/21/22

1. Remove audiograms from lost revenue – paid for by other funding source
2. \$250,000 was duplicated on the Tourism and Affordable housing pages
3. Comprehensive Plan was added to Capital Improvement & Organizational Priorities
4. Updated GBACC staff Person under Affordable Housing and Small Business Development Category

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
2-6-001	DPW	Capital Needs and Organizational Priorities	\$1,500,000	Roads	Approved
1-4-004	HR	Capital Needs and Organizational Priorities	\$84,407.50	The recommendation is to pay all hourly (non-exempt) employees a lump sum of \$500 for premium pay. The hourly employees are eligible as they are government employees, they provided essential work because they either interacted with the public or coworkers on a regular basis, and no written justification is needed because they are hourly employees and not exempt from FLSA overtime provisions. For all other employees, the recommendation is to use loss revenue funds to pay a \$500 stipend to them.	approved
2-7-008	Mike Hronek	Capital Needs and Organizational Priorities	\$29,440.83	Conference room upgrades and enhancements for zoom/ hybrid meetings.	Approved
5-3-209	Stephanie Hummel , Dave Hansen	Capital Needs and Organizational Priorities	\$1,600,000	3.9 Healthy Childhood Environments: Other Project 1 is the installation of 64 Rectangular Rapid Flashing Beacon (RRFB) systems throughout the City. Each RRFB location will be reviewed for ADA compliance, upgraded if non-compliant, and painted with high visibility continental-style crosswalk markings. A walk-behind line striper using Methyl-Methacrylate (MMA) Two-Component Traffic Marking Paint will be purchased for the high-viz crosswalks. MMA paint will also be purchased, as city staff will install the markings. Project 2 is the replacement of all SCHOOL SPEED LIMIT 15 WHEN CHILDREN ARE PRESENT signs on collector/arterial streets with BlinkerRadar Driver Feedback systems which includes blinker LEDs around the perimeter of the school signs plus driver feedback signs to each of those sign assemblies showing which display live motorist speeds when speeding occurs. A "BlinkLink" system which provides remote access to sign programming will be added to reduce maintenance costs. Total number of schools to receive these sign assemblies is 32, with a total of 66 sign assemblies being installed.	Approved
10-7-003	Finance	Capital Needs and Organizational Priorities	\$18,000	Single audits for FY22-25	Approved
3-7-001	Finance	Capital Needs and Organizational Priorities	\$170,000	Salary, indirect costs for Administrator of Grant	Approved
10-6-001	Mayor	Capital Needs and Organizational Priorities	\$655,000	one time purchases needed that are not able because of loss revenue.	Approved
2-3-002	Chief Chris Davis	Capital Needs and Organizational Priorities	\$307,316.25	Body Cameras- CIP list	Approved

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
9-2-015	Celestine	Capital Needs and Organizational Priorities	\$79,411	Spanish translator for 3 years to translate documents	Proposed
10-6-205	Mike Hronek	Capital Needs and Organizational Priorities	\$125,000	Upgrade microphones and enhance the capability of hybrid meetings.	Proposed
10-6-006	Mike Hronek	Capital Needs and Organizational Priorities	\$500,000	Replace Datacenter at City Hall and Disaster Recovery Site	Proposed
6-6-201	Paul Van Calster	Capital Needs and Organizational Priorities	\$80,000	6.1 This project consists of scanning about 54 4-drawer file cabinet of old construction documents, permit data, variances, utility info , violations, orders, etc. for all the addresses in the City. This documentation is utilized often by City Staff from multiple Departments (to name a few: DCED, DPW and Law) and requested by constituents weekly. The scanning of these documents will also further enable remote work if COVID restrictions are enacted again being able to access those files from offsite and will offer more space for staff to spread out if Staff need to come in to the office to work.	Proposed
5-2-210	Dan Ditscheit	Capital Needs and Organizational Priorities	\$800,000	Bay Beach: Replacing two rides that have been removed at Bay Beach	Proposed
5-2-211	Dan Ditscheit	Capital Needs and Organizational Priorities	\$1,450,000	Bay Beach Pavilion: Roof Repair, Winterizing, Renovations, Energy Upgrades	Proposed
9-3-202	Neil Stechschulte	Capital Needs and Organizational Priorities	\$300,000	Green Bay Comprehensive Plan Update, hiring a consultant. The City's comprehensive plan is the adopted directive from the City Council related to land use and zoning policy and serves as the operating manual for staff's review of all land use and zoning projects. The current plan is 20 years old, and while it has been amended continuously over this time, a complete update is necessary to remain current with modern day market conditions, construction designs and development trends. Wisconsin State Statutes require that this plan document be updated every 20 years. Staff intends to contract out the technical work of reviewing and updating specific plan policies and data collection, while facilitating the outreach and engagement on a neighborhood level using in-house personnel. Staff anticipates that approximately \$200,000 would go towards the creation of the updated plan document, and that at least \$100,000 should also be included to help implement high priority recommendations as adopted by the City Council.	Proposed

Total Approved \$4,364,164.58
 Total Proposed \$3,334,411.00
 Total \$7,698,575.58

Total Allocated \$10,000,000.00
Remaining Amount \$2,301,424.42

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
9-2-013	Parks & Rec Director	Capital Needs and Organizational Priorities	\$123,423.00	Park miscellaneous improvements. • \$4,000 Metal Fencing for Kiddie Karnival • \$36,000 Joannes Pool Slide Repairs	
9-2-214	Mayor	Affordable Housing Development and Small Business Support	\$180,000	1.10 Aid to Impacted Industries. This 3-year role would serve as central engagement for small business services in Green Bay, helping to create a 21-Century model that creates a robust successful ecosystem for our local businesses most impacted by COVID-19. The coordinator would utilize direct contact engagement that will build a public facing directory for community use, develop a report on the small business needs of the impacted population and play a match maker to City and Chamber services	approved
2-2-003	Neil Stechschulte	Affordable Housing Development and Small Business Support	\$1,000,000	The City of Green Bay currently facilitates a Commercial Façade Improvement Grant program. The program provides competitive funding to renovate or restore the exterior facade of commercial properties located in Facade Grant Eligible Areas	approved
2-2-004	Neil Stechschulte	Affordable Housing Development and Small Business Support	\$40,000	The Blueprint Green Bay is an accelerator program located in the Urban Hub and operated by the Green Bay Area Chamber of Commerce that provides entrepreneurs of color, female and veteran-owned businesses and startups in the Green Bay area with mentorship, technology training and the opportunity to secure seed funding via two focused cohorts (an idea session and a market validation session).	approved
	Neil Stechschulte	Affordable Housing Development and Small Business Support	\$1,500,000	Large-Scale Affordable Housing Development	proposed
5-2-201	Cheryl Renier-Wigg	Affordable Housing Development and Small Business Support	\$500,000	2.18 Housing Assistance: Other support The HILP Program offers property owners at or below 80% of median income, an interest free, pay it back when you move or sell loan to make home improvements to their properties. It is administered by NeighborWorks Green Bay and is primarily funded through the City's HOME allocation. This is a very popular program with a current a waiting list of over 100 people. The ARPA funding would be used to subsidize each loan. The owner would be eligible for a grant of up to \$10,000 to be used for energy efficiency improvements at the home such as furnaces, water heaters, windows, doors etc. This subsidy would help the owner pay for items that would have a cost savings to the household by decreasing energy costs. The City has been administering an owner rehab loan program for over 30 years. It has been a very successful program that has allowed working families and elderly residents the ability to stay in their homes, thus providing housing security and a safe living environment. The additional grant dollars will ensure all needed repairs can be completed with essential energy efficiency improvements included in the project. These grant dollars will assist over 50 low income home owners in Green Bay.	on hold

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
5-2-202	Cheryl Renier-Wigg	Affordable Housing Development and Small Business Support	\$300,000	2.18 Housing Assistance: Other support. The Curb Appeal Program is a program set up for property owners to complete exterior improvements to their properties, specifically items that aren't eligible under the City's HOME funded rehab programs. Staff discovered that there were a number of properties in our older neighborhoods that were in good shape, but had overgrown or missing landscaping, gravel driveways, dying trees and minor exterior repair issues that needed correction. Providing this grant allows the owners to have a funding resource to make these exterior improvements, thus improving the overall beautification of the neighborhood. This is a program that provides a grant of up to \$7,500 to cover the cost of exterior repairs. Historically, the average curb appeal grant has been \$4,000. Staff has packaged 29 of these grants in the past. Based on this average \$4,000 grant, 75 properties would be improved. This program would operate within the eligible Qualified Census Tracts only. It would be administered by Community and Economic Development Staff	on hold
5-2-203	Cheryl Renier-Wigg	Affordable Housing Development and Small Business Support	\$500,000	2.2Household Assistance: Mortgage Great Being Home is a homeownership program serving employees of participating Green Bay employers. Eligible buyers will receive a \$5,000 grant in addition to other assistance programs for which they may qualify (up to \$10,000) Staff worked with our outside partners, NeighborWorks Green Bay and the Greater Green Bay Chamber of Commerce (Housing Committee) to craft this program. Great Being Home will help employers attract and retain talent, increase awareness and resources for homeownership among local employees, increase homeownership rates within the City, and strengthen neighborhoods. The City of Green Bay is currently under contract with NeighborWorks Green Bay to provide down-payment assistance under the City's HOME Program. We would continue to use NWGB to administer this program along with the HOME funded program. We will also continue to work with the Chamber of Commerce in attracting larger employers to participate in this program by making a donation on behalf of their employees. If fully funded, 100 buyers would be assisted in purchasing homes in Green Bay.	on hold
5-1-204	Mayor	Affordable Housing Development and Small Business Support	\$180,000	1.8 Assistance to Small Business^ For a staff person that engages small and micro businesses of color over 3 years implemented by the Chamber of Commerce	approved

Total Approved \$1,400,000
Total Proposed \$2,800,000
Total \$4,200,000

Total Allocated \$6,000,000
Remaining Amount \$1,800,000

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
5-5-001	Public Works/ Parks	Stormwater, Green Infrastructure, and Climate Resilience	\$1,000,000	Stormwater feature at Seymour Park East.	approved
7-5-001	Public Works	Stormwater, Green Infrastructure, and Climate Resilience	\$60,000	Project intended for residential properties and non-profits. Rebates and cost-share structures: •Rain barrels = Free if City of Green Bay provides; Rebate of up to \$70/rain barrel if purchased separately •Rain gardens = Reimbursement rebate of 75% or 90% of actual project cost (up to a pre-approved maximum) for design and construction. Reimbursement percentage depends on location in watershed. An additional incentive is paid with proof of rain garden maintenance within two years of installation. •Shade/Stormwater trees/bushes= \$50/tree (no limit) or City- provided seedlings at no cost. •Maximum of up to \$5,000 per property for all eligible GI projects.	approved
1-5-001	Roosevelt St. Green Infrastructure (GI)	Stormwater, Green Infrastructure, and Climate Resilience	\$360,000	Biofiltration systems installed in the street terrace of Roosevelt St. Stormwater runoff enters the system through a curb-inlet opening or pipe and flows through a specially designed filter media mixture contained in a landscaped concrete container. The filter media captures and immobilizes pollutants; those pollutants are then decomposed, volatilized and incorporated into the biomass of the system's micro/macro fauna and flora. Stormwater runoff flows through the media and into an underdrain system at the bottom of the container, where the treated water is discharged.	no vote
1-5-003	S. Van Buren St. #2	Stormwater, Green Infrastructure, and Climate Resilience	\$570,000	Installation of ~850 feet of permeable pavement and biofiltration systems on Van Buren St, from E. Mason St to Stuart St. The biofiltration systems will be located in the street terrace and planted with native vegetation. This type of GI filters pollutants from stormwater and reduces the quantity of stormwater entering the stormsewer system. Permeable pavement catches water where it falls and allows stormwater and snowmelt to infiltrate into a subsurface storage layer.	no vote
5-4-6	Public Works	Stormwater, Green Infrastructure, and Climate Resilience	TBD	Large scale stormwater project(s)	Proposed
	Public Works	Stormwater, Green Infrastructure, and Climate Resilience	TBD	Grant Program for Private, Large Scale stormwater needs to catalyze development	Proposed

Total Approved \$1,060,000
 Total Proposed \$0
 Total \$1,060,000

Total Allocated \$3,000,000
Remaining Amount \$1,940,000

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
9-1-008	Capt Allen	Crime Prevention and Neighborhood Enhancement	\$15,000	The Green Bay Police Department currently has 9 vacant sworn positions, with additional vacancies anticipated as more officers become eligible for retirement over the next few years. Our proposal is to set aside \$150,000 in American Rescue Plan Act (ARPA) funding for recruiting and retention efforts over the next three years. Up to \$100,000 of this funding could be used in 2022 and 2023 to pay up to \$10,000 in moving expenses for new-hires from outside the area. The remainder of the funds would be used for contract resources for wellness programming, including training and consultation for employees on nutrition, exercise, sleep deprivation, and mental health. Any funds earmarked for relocation or signing bonuses not used by January, 2024 would be re-programmed for additional wellness programming.	Approved
9-2-009	Capt Balza & Lt Jason Allen	Crime Prevention and Neighborhood Enhancement	\$35,000	Lot Cop/Law Enforcement Surveillance Trailer. The Lot Cop/Law Enforcement Surveillance Trailer is an enclosed hybrid powered trailer system that contains a large battery bank with solar charge assist for self sustaining use and deployment anywhere in the City. It contains a 25 foot telescoping mast with 1080P High Definition cameras with clarity in both dark and light areas that pan/tilt and 32x optical zoom with 24/7 video recording which provides valuable evidence to interdict criminal behavior and act as a visual deterrent.	Approved
11-3-001	Chief Chris Davis	Crime Prevention and Neighborhood Enhancement	\$88,000	Employee Recruitment and Retention. Creation of a branding strategy that evokes an emotional connection to potential candidates will allow for applicants to discover our organization and will become excited to join the Green Bay Police Department. Further development and training of the recruitment team staff to help identify strategies that will allow the recruitment team to identify and pursue qualified quality candidates.	Approved
5-1-205	Chief Chris Davis	Crime Prevention and Neighborhood Enhancement	\$148,100	1.11 Community Violence Intervention The Green Bay Police Department at 307 S. Adams has an unsecured parking lot for both department and employee vehicles. The department houses critical infrastructure, vehicles, and resources that are left unprotected every day. The proposed fence will secure the parking lot to protect its resources and give employees a secure area to store squads, investigative vehicles, and specialty unit vehicles/resources. In addition, the fence will provide a secure area for all employees. They will be able to work and park their personal vehicles in the fenced area. As result, this will provide them a safe environment to work and park their vehicle. Nationwide attacks on police officers are up and the department prioritizes employee safety and wellness. Installing a fence will aid in providing this safe environment as well as protecting employee and department vehicles.	Approved
9-2-006	Cmdr Ebel & Capt Richgels	Crime Prevention and Neighborhood Enhancement	\$314,000	NIBIN. The NIBIN database links crimes more quickly, generates investigative leads that would otherwise not been detected and also gives prosecutors admissible evidence to corroborate witness testimony	Approved

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
12-3-001	Chief Chris Davis	Crime Prevention and Neighborhood Enhancement	TBD	Shot Detection system \$655,000 requested	approved for RFP, no funding at this time
9-1-001	Chief Chris Davis & Cmdr Kevin Warych	Crime Prevention and Neighborhood Enhancement	TBD	Gun violence reduction strategy. NICJR will work with the Green Bay Police Department to create an Office of Violence Prevention (OVP) to develop effective Gun Violence Reduction Strategies	Proposed
H	Neil Stechschulte	Crime Prevention and Neighborhood Enhancement	\$150,000	Neighborhood support. A specific focus will be on leadership development and representation of disadvantaged populations in these neighborhoods. Strong neighborhoods are a key factor in the City's ability to attract and retain a vibrant workforce and to remain economically competitive. Revitalized neighborhood associations would have significant positive affect on the ability to communicate on City initiatives and the overall effectiveness of local government. A functioning neighborhood network would also make communicaiton and implementation of public health policies more efficient and effective.	On Hold
9-2-007	Steve Meadowcroft	Crime Prevention and Neighborhood Enhancement	\$217,000	FLOK Safety System-License plate recognition system. Implementation of a License Plate Recognition Camera system at eleven key enterances, exits, and throughways in the city using 28 cameras	Proposed

Total Approved \$600,100
Total Proposed \$367,000
Total \$967,100

Total Allocated \$2,000,000
Remaining Amount \$1,032,900

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
2-2-005	Neil Stechschulte	Arts, Culture, and Tourism	\$75,000	The three active farmers markets that operate in the City of Green Bay are a primary tourism attraction for visitors during the summer months. These outdoor events are critical to supporting small businesses within our Business Improvement Districts. Pandemic conditions have negatively impacted these events, and caused additional expenses and reduced revenues. Staff is recommending that grants up to \$25,000 be awarded to the hosting organizations to help with costs related to operating and marketing these events in 2022. Events are: Saturday Farmers Market, Farmers Market on Broadway and the Market on Military.	Approved
2-2-006	Neil Stechschulte	Arts, Culture, and Tourism	\$250,000	competitive grant program be established to provide direct operating and marketing assistance grants to organizations that host and operate existing or new tourism events	Approved
	Neil Stechschulte	Arts, Culture, and Tourism	\$150,000	Green Bay Arts Grant Program (previously Annual Grant Program) (\$50,000 per year for 3 years)	Proposed
	Neil Stechschulte	Arts, Culture, and Tourism	\$50,000	Rotating Art Program (\$50,000 for 3 years)	Proposed
	Neil Stechschulte	Arts, Culture, and Tourism	\$70,000	Implementation of Shared Corridor Vision Plan	proposed
		Arts, Culture, and Tourism	TBD	Proposals to be submitted by BIDs to spur economic activity and employment within the arts/culture sector	Proposed

Total Approved \$325,000
Total Proposed \$270,000
Total \$595,000

Total Allocated \$1,500,000
Remaining Amount \$905,000

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
6-1-204	Alder 1, Alder 11	3. Revenue Replacement	\$25,000	1.7 Capital Improvement We have 2 fire houses (station 1 & 3) that are structurally unsafe with a large financial impact to repair. We would like both a size and location analysis done to know future costs of combining the 2 stations to one, at a new location.	Pending Assessment
6-1-205	Alder 1, Alder 11	3. Revenue Replacement	\$9,000,000	1.7 Capital Improvement We have 2 fire houses (station 1 & 3) that are structurally unsafe with a large financial impact to repair. We would like to combine the 2 stations to one, at a new location.	Pending Assessment/ insufficient funds
6-2-206	Alder 7	1b. Negative Impacts (hospitality/ tourism/ Housing	\$55,000	2.35 Aid to tourism \$55 thousand for a bronze tree marker sculpture to be placed between the Hampton and Ray Nietzsche bridge. This is the end point of the old Military Road connecting Green Bay to Chicago that was constructed on an Indian trail. There is already a bronze statue at the Chicago end. The sculpture would be a recognition of Native American's impact in Green Bay and a way to honor the Ho Chunk, Menominee, and other local tribes.	Pending Assessment
6-2-207	Alder 6	3. Revenue Replacement	\$650,000	2.2 Strong Healthy Communities: Neighborhood Features that Promote Health and Safety replace and relocate the playground, splashpad and basketball court at Farlin Park. The existing playground was installed in 1994 and is in current need of replacement. The existing splash pad was installed in 2000. The existing basketball court was last resurfaced in 2004.	Pending Assessment

File Number	Requestor	Category	Request Amount	Project/ Activity	Status
12-2-002	Alders Steur & VanderLeest	1b. Negative Impacts (hospitality/ tourism/ Housing	\$100,000	Assist Business districts in improvements that were not able to be completed because of covid-19 \$100,000	Partially approved and currently contemplated in other sections
1-2-005	Alder 8	1a. Public Health	\$100,000	LTE positions for attorneys and support staff in the Brown County DA office due to cases being at an overwhelming number with a majority coming from the city of Green Bay.	Pending Assessment/more information
5-1-208	Alder 12	1a. Public Health	\$22,000	1.11 Community Violence Intervention Speed Boards	Pending Assessment/more information



Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # L.15

To hold on possible action to approve the American Rescue Plan Act (ARPA) allocation within the Capital Needs and Organizational Priorities category for \$25,000.00.

BACKGROUND

RECOMMENDATION

Approve.

FISCAL IMPACT

ATTACHMENTS

- I. June 21 Finance Memo PD updated request



Finance Department
100 North Jefferson Street - Room 105
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

Phone 920.448.3020
Fax 920.448.3050

Memo

To: Finance Committee
Diana Ellenbecker, Finance Director

From: Susan House, Grant Administrator

Date: June 9, 2022

Re: ARPA Requests- 2 Categories

The Finance Committee and Common Council have approved, on December 7, 2021, by resolution the following ARPA fund categories:

1. \$10,000,000 Capital Needs and Organizational Priorities
2. \$6,000,000 Affordable Housing Development and Small Business Support
3. \$3,000,000 Stormwater, Green Infrastructure, and Climate Resilience
4. \$2,000,000 Crime Prevention and Neighborhood Enhancement
5. \$1,500,000 Arts, Culture, and Tourism

The following request is eligible from the Capital Needs and Organizational Priorities category.

Capital Needs and Organizational Priorities

Control #5-1-206 Community Policing Roof Replacement \$25,000.00

Project Summary: The Green Bay Police Department is working on a comprehensive gun violence reduction strategy. The foundation of this strategy is implementing an Office of Violence Prevention (OVP). The OVP will be led by a program director that will analyze, strategize, and empower life coaches to intervene in people's lives who are at most risk of being victims or suspects of gun violence.

Based on research and the recommendation from the National Institute of Criminal Justice Reform, the OVP should not be within the police department. Our intention is to house the OVP within the community policing (CP) center at 807 N. Irwin Ave. The CP center is a commercial

property in the “Old North Neighborhood.” In preparation of the OVP, we are updating the CP Center so all officers and staff of the OVP can work there. The CP center is currently in need of a new roof. We anticipate that the roof will be less than \$25,000. We need to replace the roof to ensure it is a safe place to work and does not create larger problems in the future. Once the roof is installed, the OVP and the community policing officers will be fully operational for many years.

Project Outcomes: The roof will ensure a safe and clean work environment. The new roof will prevent larger problems such as mold and rotten wood. The OVP will be able to work and deploy gun violence reduction strategies out of the CP center. Without the roof, the building will eventually become inhabitable and unsafe.

Recurring Costs: None.

Recommendation: Motion to approve request 5-1-206, Community Policing Roof Replacement project, from the Crime Prevention and Neighborhood Enhancement category for \$25,000.

Total of Projects:

Capital Needs (Revenue Replacement) Remaining Balance		\$5,475,735.42
5-1-206 Community Policing Roof Replacement	\$25,000.00	
	<u>\$25,000.00</u>	
Remaining Balance		<u><u>\$5,450,735.42</u></u>

Approved Projects

Control ID	Item	Amount
3-2-001	Administrative Expenses	\$200,000.00
10-6-001	One Time Expenses FY22	\$655,000.00
9-2-007	NIBIN	\$188,358.00
9-1-008	Recruit/ Retain	\$88,000.00
9-2-009	Lot Cop	\$34,301.20
12-3-001	Shot Detection System	\$0.00
7-5-001	Rain Barrel/ Rain Garden	\$60,000.00
5-5-001	E. Seymour Park Stormwater	\$1,000,000.00
2-6-001	Roads	\$1,500,000.00
2-3-002	Body-worn Cameras	\$307,316.25
2-2-003	City Façade Project	\$1,000,000.00
2-2-004	Blueprint Business Accelerator	\$40,000.00
2-2-005	Farmers Markets	\$75,000.00
2-2-006	Tourism Grants	\$250,000.00
2-7-008	City Hall Audio Upgrades	\$29,440.83
1-4-004	Pandemic Stipend	\$38,811.00
9-3-004	Neighborhood Association projects	Hold
5-2-201	Home Improvement Loan Program	Hold
5-2-202	Curb Appeal Program	Hold
5-2-203	Great to be Home! Program	Hold
2-2-004	Homelessness Blueprint Staff	\$90,000.00
9-2-214	GBACC Microbusiness Staff	\$180,000.00
5-1-205	Police Fence	\$148,100.00
5-3-209	Safe Walk and Bike Plan	\$1,600,000.00

Total \$7,484,327.28

Award \$23,695,516.00

Obligated \$7,484,327.28

Remaining \$16,211,188.72

**RESOLUTION ADOPTING THE CITY'S PLAN FOR
EXPENDITURE OF FUNDS RECEIVED PURSUANT TO
THE AMERICAN RESCUE PLAN ACT OF 2021**

December 7, 2021

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, on March 11, 2021, President Biden signed into law the American Rescue Plan Act of 2021 (ARPA), under which the Coronavirus State and Local Fiscal Recovery Funds will deliver \$350 billion for state, local, territorial, and tribal governments to respond to the COVID-19 emergency; and

WHEREAS ARPA permits municipalities to use Fiscal Recovery Funds for four broad purposes: to respond to the public health emergency or its negative economic impacts; to respond to workers providing essential services during the public health emergency; to replace lost public sector revenue; and to invest in water, sewer, and broadband infrastructure; and

WHEREAS the City's Plan for expenditure of the Fiscal Recovery Funds received pursuant to ARPA (ARPA Plan) was created after receiving input from residents and consulting with staff as to the most appropriate and effective utilization of those funds to assist the citizens of the City of Green Bay in recovering from the COVID-19 emergency; and

WHEREAS the City of Green Bay received \$11,847,758 in Fiscal Recovery Funds in May 2021, and is projected to receive a second disbursement of \$11,847,758 in May 2022; and

WHEREAS the ARPA Plan described herein is intended to provide a general framework for the amount of Fiscal Recovery Funds to be spent in each of the listed categories, and contemplates expenditure of the combined disbursements; and

WHEREAS plans for specific projects and/or services funded by Fiscal Recovery Funds will be presented to the Common Council in more detail prior to the expenditure of such funds;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Green Bay hereby approves and adopts the following ARPA Plan for expenditure of Fiscal Recovery Funds in the following categories:

- \$10 million for City of Green Bay capital needs (roads, bridges, etc.) and organizational priorities;
- \$6 million for affordable housing development and small business support;
- \$3 million for stormwater, green infrastructure, and climate resilience;

ARPA Plan Resolution
Page 2

- \$2 million for crime prevention and neighborhood enhancement;
- \$1.5 million for arts, culture, and tourism.

BE IT FURTHER RESOLVED that the above-referenced amounts are intended to be approximate.

Adopted December 7, 2021

Approved December 8, 2021

C. Jeffery
Clerk

[Signature]
Mayor



Report to the
**Protection and Policy Committee
of the City of Green Bay**

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.I

To recommend the non-renewal of an application for a "Class B" Combination license for The Cannery Market LLC at 320 N. Broadway with a change of agent (Filed 5/16/2022 and referred from the 6/7/2022 Council Meeting).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Change of Agent Form
2. Wisconsin_Alcohol_Server_Seller_Certificate
3. 320 N BROADWAY LIQUOR LICENSE APPLICATION
4. Green Bay, WI Code of Ordinances

Sec. 4-7. - Inoperative or unissued licenses.

A license which has been granted but not issued or issued but not in continuous use in a manner indicating an ongoing business for a period in excess of 60 days is presumed invalid and shall be subject to revocation, unless otherwise authorized by the Common Council.

(Code 1984, § 33.06; Ord. No. 11-01)



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.2

Consideration with possible action on a request by Brewski's on Broadway at 1100 S. Broadway to extend their license premises to the parking lot for an event September 9-10, 2022 from 11 a.m. to 10 p.m., subject to complaint and the renewal of the 2022-2023 liquor license).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. SEPT. 9 & 10 BREWSKI'S EVENT



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.3

To approve a request by Cole Ductan (Bay Area Burger Co.) at 126 S. Broadway to extend the issuance of his available "Class B" License to early August due to unanticipated delays (License granted by Council on 5/3/2022).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Liquor license

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA

Green Bay, Wisconsin
September 16, 1997

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, the Common Council of the City of Green Bay is concerned with the redevelopment of the Broadway area and the present high concentration of licensed establishments in the Broadway area. The high concentration of these establishments in this area has impaired the public peace, safety, welfare, and order; and

WHEREAS, there are currently 34 establishments which hold a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License. The names and addresses of said establishments are:

Lenny's Tap	431 North Broadway
333 Bar	333 North Broadway
Blazing Saddles	331 North Broadway
The Cannery	319 North Broadway
King's X	313 North Broadway
Titletown Brewing	200 Dousman Street
Carol's Ritz Lounge	119 Dousman Street
Nom's Thai Orchid	240 North Broadway
Central Bar	231 North Broadway
Broadway Cafe	128 North Broadway
Rev's Brass Rail	109 North Broadway
West Pitcher Show	100 South Broadway
Maria's Mexican Family Restaurant	106 South Broadway
Ginny's Heart of Broadway	112 South Broadway
Connie's	128 South Broadway
Country Club Bar & Grill	201 South Broadway
Kar's Place	226 South Broadway
Alamo	301 South Broadway
Nepalese Lounge	515 South Broadway
Blue Side	709 South Broadway
Shnicker's	813 South Broadway
Bourbon Street	821 South Broadway
Sass	840 South Broadway
The Lion's Den	1100 South Broadway
Carol's 9 th Street Tap	316 Ninth Street
The Camelot	1301 South Broadway
Manci's Tuxedo Lounge	1313 South Broadway
Good Times	1332 South Broadway
The Packer Stadium Lounge	1342 South Broadway
Terminal Bar	1423 South Broadway

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA
Page 2

Hammer Inn
Thirsty's
Loch's Bar
Cropsey's Bar

1208 State Street
1234 State Street
1238 State Street
1336 State Street

WHEREAS, pursuant to the powers reserved under Ch. 125, Wis. Stats., the Common Council wishes to decrease the number of Class "B" Fermented Malt Beverage and Class "B" Combination Liquor Licenses issued to establishments in the Broadway area; and

WHEREAS, it is the intent of this resolution to allow the present Class "B" Fermented Malt Beverage and Class "B" Combination Liquor Licenses to maintain and renew their establishments in accordance with Ch. 125, Wis. Stats.; and

WHEREAS, it is the intent of this Resolution to effectuate a decrease in the number of Class "B" Fermented Malt Beverage and Class "B" Combination Liquor licensed establishments in the limitation area whenever an establishment goes out of business and does not renew its license;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Limitation Area. The area to which the terms and conditions of this section apply is that area on Broadway or business fronting either side of Broadway and those areas east of Broadway to the Fox River, within the city of Green Bay, Brown County, Wisconsin.
2. Prohibition. The Common Council shall not authorize the issuance of any new or transfer of any existing Class "B" Fermented Malt Beverage or Class "B" Combination Liquor Licenses within the limitation area, except restaurants as defined in paragraph 4 hereof.
3. Exceptions.
 - a. This subsection shall not prohibit the renewal of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License for an existing premises in the limitation area.

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA
Page 3

- b. This subsection shall not prohibit the issuance of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License for a previously licensed premises provided that such application is made within 60 days of any of the following:
 - i. Surrender by the prior licensee of the license issued for that premises; or
 - ii. Sale of the premises by the prior licensee; or
 - iii. Termination of the prior licensee's lease for the premises; or
 - iv. Revocation of the prior license, for cause.

If application under this subsection is sought after 60 days, the owner of the previously licensed premises may apply to the Protection and Welfare Committee for an extension of the application time on the basis that application of the moratorium would have a substantial adverse effect on the owner's ability to use or enjoy the property. The party requesting the extension must demonstrate this effect by clear, satisfactory and convincing evidence.

- c. All applications and renewals shall be subject to review as provided by Ch. 125, Wis. Stats.

4. Prohibition Not to Apply to Restaurants.

- a. This resolution shall not prohibit the issuance of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License to the operator of a restaurant, where the principal business conducted is that of a restaurant, as defined in Ch. 125, Wis. Stats. If the premises are operated under a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA
Page 4

- b. A restaurant licensee operating within the limitation area which fails to maintain a principal business of operating a restaurant at any time later than 60 days after the granting of a Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License shall be in violation of this subsection and its Class "B" Fermented Malt Beverage or Class "B" Combination Liquor License shall be subject to revocation.
- c. "Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity, and by analyzing the sources of net income and gross income. The name, appearance and advertisement of the entity may also be taken into consideration in determining "principal business."

Adopted 9/14/97

Approved 9/17/97

13/ David H. August
Mayor

13/ David H. August
Clerk

LMS:bc



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.5

To approve an original application for the 2022-2023 license year for a "Class B" Combination license by Taqueria Maldonado's Main Street LLC at 1706 Main St. with a license premises description as "DINING AREA, DRY BACK STORAGE," subject to the approval of the proper authorities (Currently licensed as OT's Bar & Grill-Ofelia Gruetzmacher).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. ORG CHECKLIST
2. MALDONADO-AGENT
3. 1706 MAIN ST. ORG APPLICATION
4. 1706 MAIN ST BUSINESS PLAN
5. SIGNED LICENSE STIPULATION PAPERWORK.AYRESS.503-1706 main



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

Jaime Fuge, Deputy Clerk

AGENDA ITEM # M.6

To approve a 2022-2023 license year original application for a "Class A" Liquor and Class "A" Beer license by Downtown BP, Inc. at 606 Dousman St. with a license description as "C-STORE, BACK ROOM, 2 BATHROOMS, WALKIN COOLER," with the approval of the proper authorities (Currently licensed with same license type as Dousman Fuel, Inc).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

Location is within 300' of Fort Howard Elementary School and requires a waiver by a majority vote of the governing body of the municipality in which the premises is located. (As pulled from Chapter 125.68(3) of State Statutes and 4.9 of Green Bay Municipal Code)

ATTACHMENTS

1. LIQUOR LICENSE CHECKLIST
2. LEASE-VALID UNTIL 6.14.2027
3. 606 DOUSMAN ST SECURITY PLAN
4. 606 DOUSMAN ST ORG APPLICAITON 5.20.2022
5. 125.68(3)
6. 4.9
7. 606 DOUSMAN ST WITHIN 300FEET
8. SIGNED LICENSE STIPULATIONS.KASTERNS.439-606 dousman

CHAPTER 125

ALCOHOL BEVERAGES

SUBCHAPTER I
GENERAL PROVISIONS

- 125.01 Legislative intent.
- 125.015 Severability.
- 125.02 Definitions.
- 125.03 Department rule making.
- 125.035 Civil liability exemption: furnishing alcohol beverages.
- 125.037 Civil liability exemption for municipalities.
- 125.039 Civil liability exemption for retaining proofs of age.
- 125.04 General licensing requirements.
- 125.045 Booklet for licensees and permittees.
- 125.06 License and permit exceptions.
- 125.07 Underage and intoxicated persons; presence on licensed premises; possession; penalties.
- 125.075 Injury or death by providing alcohol beverages to a minor.
- 125.085 Proof of age.
- 125.09 General restrictions.
- 125.10 Municipal regulation.
- 125.105 Impersonating an officer.
- 125.11 Penalties.
- 125.115 Responsibility for commission of a crime.
- 125.12 Revocations, suspensions, refusals to issue or renew.
- 125.13 Report of suspension, revocation or imposition of penalty.
- 125.14 Enforcement provisions.
- 125.145 Prosecutions by attorney general or department.
- 125.15 Actions against intoxicating liquor wholesalers.
- 125.16 Actions to recover price denied.
- 125.17 Issuance of operators' licenses.
- 125.18 Issuance of managers' licenses.
- 125.185 Provisional retail licenses.
- 125.19 Alcohol beverage warehouse permit.

SUBCHAPTER II
FERMENTED MALT BEVERAGES

- 125.25 Class "A" licenses.
- 125.26 Class "B" licenses.

- 125.27 Class "B" permits.
- 125.272 Face-to-face retail sales.
- 125.275 Industrial fermented malt beverages permit.
- 125.28 Wholesalers' permits.
- 125.29 Brewers.
- 125.295 Brewpub permits.
- 125.30 Out-of-state shippers' permits; delivery to wholesalers.
- 125.315 Evading provisions of law by giving away fermented malt beverages.
- 125.32 General restrictions and requirements.
- 125.33 Restrictions on dealings between brewers, brewpubs, wholesalers, and retailers.
- 125.34 Distribution restrictions on wholesalers, brewers, brewpubs, and out-of-state shippers.

SUBCHAPTER III
INTOXICATING LIQUOR

- 125.51 Retail licenses and permits.
- 125.52 Manufacturers' and rectifiers' permits.
- 125.53 Winery permit.
- 125.535 Direct wine shippers' permits.
- 125.54 Wholesalers' permits.
- 125.545 Small winery cooperative wholesalers.
- 125.55 Combination permits.
- 125.56 Sacramental wine.
- 125.58 Out-of-state shippers' permit; exception to requirement.
- 125.60 Wholesale alcohol permit.
- 125.61 Medicinal alcohol permit.
- 125.62 Industrial alcohol permit.
- 125.63 Industrial wine permit.
- 125.65 Permit to solicit for future sales.
- 125.66 Sale without license; failure to obtain permit; penalties.
- 125.67 Evading provisions of law by giving away intoxicating liquor; penalties.
- 125.68 General restrictions and requirements.
- 125.69 Restrictions on dealings between manufacturers, rectifiers, wholesalers and retailers.
- 125.70 Trade show samples.

NOTE: Chapter 79, laws of 1981, which created this chapter of the statutes, contains extensive notes explaining the revisions. See the 1981 Session Laws.

SUBCHAPTER I

GENERAL PROVISIONS

125.01 Legislative intent. This chapter shall be construed as an enactment of the legislature's support for the 3-tier system for alcohol beverages production, distribution, and sale that, through uniform statewide regulation, provides this state regulatory authority over the production, storage, distribution, transportation, sale, and consumption of alcohol beverages by and to its citizens, for the benefit of the public health and welfare and this state's economic stability. Without the 3-tier system, the effective statewide regulation and collection of state taxes on alcohol beverages sales would be seriously jeopardized. It is further the intent of the legislature that without a specific statutory exception, all sales of alcohol beverages shall occur through the 3-tier system, from manufacturers to wholesalers holding a permit to retailers to consumers. Face-to-face retail sales at licensed premises directly advance the state's interest in preventing alcohol sales to underage or intoxicated persons and the state's interest in efficient and effective collection of tax.

History: 1981 c. 79; 2005 a. 103; 2007 a. 85; 2011 a. 32.

State liquor laws, including licensing requirements, are applicable to liquor establishments owned or operated by either tribe members or non-Indians, and located on Indian reservations. Any license issued counts toward the local quota. 75 Atty. Gen. 123.

Indian tribes are within the coverage of this chapter; any license issued to a tribe counts toward the local quota. 76 Atty. Gen. 80.

125.015 Severability. If any provision or clause of this chapter or its application to any person or circumstance is held invalid,

the invalidity shall not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

History: 2007 a. 20.

Interpreting s. 990.001 (11), an unconstitutional clause was found severable. Wisconsin Wine & Spirit Institute v. Ley, 141 Wis. 2d 958, 416 N.W.2d 914 (Ct. App. 1987).

125.02 Definitions. Except as otherwise provided, in this chapter:

(1) "Alcohol beverages" means fermented malt beverages and intoxicating liquor.

(1m) "Barrel" means 31 U.S. gallons.

(2) "Brewer" means any person who manufactures fermented malt beverages for sale or transportation, except that "brewer" does not include a permittee under s. 125.295.

(2d) "Brewer group" means a brewer, including all premises for which the brewer holds a permit issued under s. 125.29, together with all of the following:

(a) All brewers that share membership with the brewer in a controlled group of brewers, as determined under 26 USC 5051 (a) (2) (B).

(b) All brewers considered with the brewer as one taxpayer under 27 CFR 25.111b (b).

(c) All franchisees, as defined in s. 553.03 (5), of the brewer.

(d) All franchisees, as defined in s. 553.03 (5), of the brewer's franchisor, as defined in s. 553.03 (6).

(e) The franchisor, as defined in s. 553.03 (6), of the brewer.

(2h) "Brewpub" means a permittee under s. 125.295.

(2p) “Brewpub group” means a brewpub, including all premises for which the brewpub holds a permit issued under s. 125.295, together with all of the following:

(a) All brewpubs that share membership with the brewpub in a controlled group of brewpubs, as determined under 26 USC 5051 (a) (2) (B).

(b) All brewpubs considered with the brewpub as one taxpayer under 27 CFR 25.111b (b).

(c) All franchisees, as defined in s. 553.03 (5), of the brewpub.

(d) All franchisees, as defined in s. 553.03 (5), of the brewpub’s franchisor, as defined in s. 553.03 (6).

(e) The franchisor, as defined in s. 553.03 (6), of the brewpub.

(2t) “Brewpub premises” means any premises covered by a permit issued under s. 125.295.

(3) “Brewery premises” means all land and buildings used in the manufacture or sale of fermented malt beverages at a brewer’s principal place of business.

(3m) “Campus” has the meaning given under s. 36.05 (3).

(3r) “Caterer” means any person holding a license under s. 97.30 for a restaurant who is in the business of preparing food and transporting it for consumption on premises where gatherings, meetings, or events are held, if the sale of food at each gathering, meeting, or event accounts for greater than 50 percent of the gross receipts of all of the food and beverages served at the gathering, meeting, or event.

(3u) “Chamber of commerce” means a local chamber of commerce organized under ch. 181 or a similar civic or trade organization organized under ch. 181 to promote economic growth and opportunity within a local geographical area.

(4) “Club” means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building or portion thereof used exclusively for club purposes, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain and which only sells alcohol beverages incidental to its operation.

(4m) “Commercial quadricycle” has the meaning given in s. 340.01 (8m).

(5) “Department” means the department of revenue.

(6) “Fermented malt beverages” means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5 percent or more of alcohol by volume.

(6m) “Homemade,” with respect to the making of wine and fermented malt beverages, means wine and fermented malt beverages made by a person’s own efforts and not for a commercial purpose, but does not require that the wine or fermented malt beverages be made in the person’s home.

(7) “Hotel” means a hotel, as defined in s. 97.01 (7), that is provided with a restaurant.

(8) “Intoxicating liquor” means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5 percent or more of alcohol by volume, which are beverages, but does not include “fermented malt beverages”.

(8m) “Legal drinking age” means 21 years of age.

(9) “License” means an authorization to sell alcohol beverages issued by a municipal governing body under this chapter.

(10) “Manufacturer” means a person, other than a rectifier, that ferments, manufactures or distills intoxicating liquor.

(11) “Municipality” means a city, village or town.

(11m) “Painting studio” means an establishment that is primarily engaged in the business of providing to customers instruction in the art of painting and that offers customers the opportunity to purchase food and beverages for consumption while they paint.

(12) “Peace officer” means a sheriff, undersheriff, deputy sheriff, police officer, constable, marshal, deputy marshal or any

employee of the department or of the department of justice authorized to act under this chapter.

(13) Except as provided in ss. 125.27 (6) and 125.51 (5) (g), “permit” means any permit issued by the department under this chapter.

(14) “Person” means a natural person, sole proprietorship, partnership, limited liability company, corporation or association or the owner of a single-owner entity that is disregarded as a separate entity under ch. 71.

(14m) “Premises” means the area described in a license or permit.

(15) “Primary source of supply” means any of the following:

(a) With respect to fermented malt beverages, the brewer or brewpub that manufactured the fermented malt beverages or the exclusive agent designated by this brewer or brewpub.

(b) With respect to intoxicating liquor, the manufacturer, the rectifier, or the exclusive agent designated by the manufacturer or rectifier.

(15m) “Principal business” means the primary activity as determined by analyzing the amount of capital, labor, time, attention and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance and advertising of the entity may also be taken into consideration if they are given less weight.

(16) “Rectifier” means any one of the following:

(a) A person that rectifies, purifies or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort or wash, through continuous closed vessels or pipes, until the manufacture thereof is complete.

(b) A person who possesses any still or leach tub or keeps any other apparatus for refining distilled spirits.

(c) A person who after rectifying and purifying distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale.

(d) A distiller or any person under substantially the same control as a distiller who, without rectifying, purifying or refining distilled spirits, by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name.

(e) A person who places intoxicating liquor in bottles or other containers.

(17) “Regulation” means any rule or ordinance adopted by a municipal governing body.

(18) “Restaurant” means any building, room, or place where meals are prepared or served or sold to transients or the general public, including all places used in connection with it and including any public or private school lunchroom for which food service is provided by contract. For purposes of this subsection, “meals” does not include soft drinks, ice cream, milk, milk drinks, ices, and confections. “Restaurant” does not include any of the following:

(a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter.

(b) Churches, religious, fraternal, youths’ or patriotic organizations, service clubs and civic organizations which occasionally prepare, serve, or sell meals to transients or the general public.

(c) Any public or private school lunchroom for which food service is directly provided by the school, or a private individual selling foods from a movable or temporary stand at public farm sales.

(d) Any bed and breakfast establishment, as defined in s. 97.01 (1g), that serves breakfasts only to its lodgers.

(e) The serving of food or beverage through a licensed vending machine, as defined in s. 97.01 (15p).

(f) Any college campus, as defined in s. 36.05 (6m), institution as defined in s. 36.51 (1) (b), or technical college that serves meals only to the students enrolled in the college campus, institution, or

3 Updated 19–20 Wis. Stats.

technical college or to authorized elderly persons under s. 36.51 or 38.36.

(g) A concession stand at a locally sponsored sporting event, such as a little league game.

(h) A potluck event, as defined in s. 97.01 (13g).

(19) “Retailer” means any person who sells, or offers for sale, any alcohol beverages to any person other than a person holding a permit or a license under this chapter.

(20) “Sell”, “sold”, “sale” or “selling” means any transfer of alcohol beverages with consideration or any transfer without consideration if knowingly made for purposes of evading the law relating to the sale of alcohol beverages or any shift, device, scheme or transaction for obtaining alcohol beverages, including the solicitation of orders for, or the sale for future delivery of, alcohol beverages.

(20d) “State fair park” means the property, buildings, and other improvements under the management of the state fair park board located in the city of West Allis and the city of Milwaukee bounded by I 94 to the north, S. 76th Street to Pierce Street to S. 77th Street to the east, W. Greenfield Avenue to the south, and S. 84th Street to the west.

(20g) “Tamper-evident seal” means a device or material that is used to securely and fully close off a container, with no perforations, in such a manner that access to the contents of the container cannot be gained without showing evidence of tampering.

(20m) “Underage person” means a person who has not attained the legal drinking age.

(21) “Wholesaler” means a person, other than a brewer, brewpub, manufacturer, or rectifier, who sells alcohol beverages to a licensed retailer or to another person who holds a permit to sell alcohol beverages at wholesale.

(22) “Wine” means products obtained from the normal alcohol fermentation of the juice or must of sound, ripe grapes, other fruits or other agricultural products, imitation wine, compounds sold as wine, vermouth, cider, perry, mead and sake, if such products contain not less than 0.5 percent nor more than 21 percent of alcohol by volume.

(23) “Wine collector” means an individual who meets the standards established by the department by rule and who is registered with the department as a collector of wine.

History: 1981 c. 79, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1985 a. 47, 302, 337; 1989 a. 253; 1991 a. 39; 1993 a. 27, 112; 1997 a. 27; 1999 a. 163; 2007 a. 20 ss. 2757ie to 2757we, 2759ci; 2007 a. 85; 2011 a. 32, 200; 2013 a. 106; 2015 a. 8, 55, 62; 2017 a. 17; 2021 a. 21, 43.

125.03 Department rule making. (1) RULES. (a) The department, in furtherance of effective control, may promulgate rules consistent with this chapter and ch. 139.

(b) The department shall promulgate rules providing for registration of wine collectors and establishing standards of eligibility for registration as a wine collector. The rules shall also specify the form and manner of notice required under s. 125.06 (11m).

(2) **CONTAINERS.** The department may by rule prescribe the standard size, form or character of any container in which intoxicating liquor may be sold in this state except that the department may not set the size of containers in which intoxicating liquor, except wine containing not more than 21 percent of alcohol by volume, may be sold at a capacity greater than 1.75 liters (59.1752 fluid ounces).

(3) **VIOLATIONS.** No person may violate a rule promulgated under sub. (1) (a) or (2).

History: 1981 c. 79, 1989 a. 253; 2007 a. 85.

Cross-reference: See also s. Tax 8.41, Wis. adm. code.

125.035 Civil liability exemption: furnishing alcohol beverages. (1) In this section, “person” has the meaning given in s. 990.01 (26).

ALCOHOL BEVERAGES 125.037

(2) A person is immune from civil liability arising out of the act of procuring alcohol beverages for or selling, dispensing or giving away alcohol beverages to another person.

(3) Subsection (2) does not apply if the person procuring, selling, dispensing or giving away alcohol beverages causes their consumption by force or by representing that the beverages contain no alcohol.

(4) (a) In this subsection, “provider” means a person, including a licensee or permittee, who procures alcohol beverages for or sells, dispenses or gives away alcohol beverages to an underage person in violation of s. 125.07 (1) (a).

(b) Subsection (2) does not apply if the provider knew or should have known that the underage person was under the legal drinking age and if the alcohol beverages provided to the underage person were a substantial factor in causing injury to a 3rd party. In determining whether a provider knew or should have known that the underage person was under the legal drinking age, all relevant circumstances surrounding the procuring, selling, dispensing or giving away of the alcohol beverages may be considered, including any circumstance under subds. 1. to 4. In addition, sub. (2) does apply if all of the following occur:

1. The underage person falsely represents that he or she has attained the legal drinking age.

2. The underage person supports the representation with documentation that he or she has attained the legal drinking age.

3. The alcohol beverages are provided in good faith reliance on the underage person’s representation that he or she has attained the legal drinking age.

4. The appearance of the underage person is such that an ordinary and prudent person would believe that he or she had attained the legal drinking age.

(5) Subsection (2) does not apply to civil forfeiture actions for violation of any provision of this chapter or any local ordinance in conformity with any provision of this chapter.

History: 1985 a. 47.

Whether an alleged activity arising out of the act of procuring alcohol is a tort itself, a conspiracy to commit a tort, or aiding and abetting a tort, this section provides immunity. *Greene v. Farnsworth*, 188 Wis. 2d 365, 525 N.W.2d 107 (Ct. App. 1994).

The distinction that this statute draws between providers of alcohol to underage and other drinkers does not violate the constitutional guarantees of equal protection. *Doering v. WEA Ins. Group*, 193 Wis. 2d 118, 532 N.W.2d 432 (1995).

A person who provides alcohol to an underage person, when the alcohol is a substantial factor in causing injury to a third party, is not immune from liability in a suit by that third party solely because that third party, also underage, illegally consumed alcohol. *Miller v. Thomack*, 204 Wis. 2d 242, 555 N.W.2d 130 (Ct. App. 1996), 95–1684.

An individual who provides alcohol to an underage person that is a substantial factor in causing an accident that ultimately injures the individual cannot be a third party under sub. (4) (b) and cannot take advantage of the exception to immunity for providers of alcohol in order to pursue an action against other providers. *Meier v. Champ’s Sport Bar & Grill, Inc.* 2001 WI 20, 241 Wis. 2d 605, 623 N.W.2d 94, 00–0589.

A person who agreed to be a designated driver, freeing a bartender to serve a possibly intoxicated person more alcohol, brought about the acquisition of the alcohol, “procuring” it for purposes of sub. (2), but was immune from liability when he later did not provide a ride and the intoxicated person drove and caused a fatal collision. *Stephenson v. Universal Metrics, Inc.* 2002 WI 30, 251 Wis. 2d 171, 641 N.W.2d 158, 00–1397.

If an injured claimant is a 3rd party to the transaction by which the defendant provided alcohol to an underage person, and the alcohol was a substantial factor in causing the 3rd-party claimant’s injury, the exception to immunity under sub. (4) (b) applies and the defendant may be liable. A 3rd person’s contributory liability for providing alcohol to himself or herself does not affect the immunity determination, although the injured person’s contributory fault may bear upon a defendant’s ultimate liability. *Anderson v. American Family Mutual Insurance Company*, 2003 WI 148, 267 Wis. 2d 121, 671 N.W.2d 651, 02–0980. See also *Mueller v. McMillian Warner Insurance Company*, 2005 WI App 210, 287 Wis. 2d 154, 704 N.W.2d 613, 05–0121. Affirmed on other grounds. 2006 WI 54, 290 Wis. 2d 571, 714 N.W.2d 183, 05–0121.

Liquor Vendors and Social Hosts: Are They Immune From Civil Liability? Chapin. Wis. Law. Dec. 1992.

Liquor Vendors and Social Hosts: Are They Still Immune from Serving Adults? Chapin. Wis. Law. Dec. 1995.

Another Look at Dram Shop Liability. *Emerson & Stroebel*. Wis. Law. Aug. 2000. Social Host Liability for Underage Drinking. *Hinkston*. Wis. Law. June 2008.

125.037 Civil liability exemption for municipalities. No municipality, as defined in s. 67.01 (5), or municipal governing body, committee, official or employee is civilly liable for damage

125.037 ALCOHOL BEVERAGES

Updated 19–20 Wis. Stats. 4

to any person or property caused by the consumption of alcohol beverages by that person or any other person, by reason of any of the following:

- (1) Issuing a license to sell alcohol beverages.
- (2) Allowing the holder of a license or permit to sell, dispense or give away alcohol beverages on property owned or leased by the municipality.
- (3) Failing to monitor or supervise the activities of the licensee or permittee.

History: 1985 a. 47; 1989 a. 253.

125.039 Civil liability exemption for retaining proofs of age. No person who holds a license or permit and no employee of such a person is civilly liable for retaining a document presented as proof of age for a reasonable length of time in a good faith effort to determine whether the person who presented the document is an underage person or to notify a law enforcement authority of a suspected violation of s. 125.085 (3) (a) or (b).

History: 1997 a. 27.

125.04 General licensing requirements. (1) LICENSE OR PERMIT; WHEN REQUIRED. No person may sell, manufacture, rectify, brew or engage in any other activity for which this chapter provides a license, permit, or other type of authorization without holding the appropriate license, permit or authorization issued under this chapter.

(2) **LICENSES OR PERMITS ISSUED IN VIOLATION OF CHAPTER.** No license or permit may be issued to any person except as provided in this chapter. Any license or permit issued in violation of this chapter is void.

(3) **APPLICATIONS FOR LICENSES AND PERMITS. (a) Contents.** The department shall prepare an application form for each kind of license, other than a manager's or operator's license, and for each kind of permit issued under this chapter. Each form shall require all of the following information:

1. A history of the applicant relevant to the applicant's fitness to hold a license or permit.
2. The kind of license or permit for which the applicant is applying.
3. The premises where alcohol beverages will be sold or stored or both.
4. If the applicant is a corporation, the identity of the corporate officers and agent.
- 4L. If the applicant is a limited liability company, the identity of the company members or managers and agent.
- 4m. If the applicant is a cooperative organized under ch. 185, the identity of the cooperative members, board of directors, and agent.
5. The applicant's trade name, if any.
6. Any other information required by this chapter.

(b) **Application for renewing.** The department may prepare a simplified application form for renewal of each kind of license or permit which requires only information pertinent to renewal.

(bm) **Signature on, and notarization of, forms.** The application forms prepared by the department for a license or permit under this chapter may not require any of the following:

1. The signature of more than one person signing on behalf of the applicant.
2. That an applicant's signature be notarized.

(c) **Distribution.** The department shall make one copy of each kind of license application that it prepares available to each municipality.

(d) **Application form use.** 1. An application form prepared by the department shall be used by each applicant for a permit.

2. A replica of an application form prepared by the department shall be used by each applicant for a license, other than a manager's or operator's license.

(e) **Place of filing applications.** 1. Each application for a license shall be signed by the applicant. The applicant shall file the application for a license with the municipal clerk of the intended place of sale.

2. The applicant shall file the application for a permit with the department.

(f) **Time of filing and issuance.** 1. Except as provided in subds. 2. and 3., all applications for licenses to sell alcohol beverages shall be filed with the clerk of the municipality in which the premises are located at least 15 days prior to the granting of the license.

2. In counties having a population of 750,000 or more, the governing body of the municipality shall establish the time, prior to the granting of a license, by which an application shall be filed with the clerk.

3. For licenses issued under s. 125.26 (6) for a picnic or other gathering lasting less than 4 days, the governing body of the municipality shall establish the time, prior to the granting of a license, by which an application shall be filed with the clerk.

(g) **Publication of application for license.** The municipal clerk shall publish each application for a Class "A", Class "B", "Class A", "Class B" or "Class C" license, except licenses under ss. 125.26 (6) and 125.51 (10), prior to its issuance in a newspaper according to the following conditions:

1. The publication shall include the name and address of the applicant, the kind of license applied for and the location of the premises to be licensed.

2. The newspaper utilized for publication shall have been regularly published, on a daily or weekly basis for a period of not less than 2 years before the date of publication in the municipality in which is located the premises to be licensed.

3. If the municipality in which the premises is located has no newspaper, the newspaper utilized for publication shall be one having circulation in the municipality and designated by the governing body. If no designation is made, publication shall be in the newspaper having the largest circulation in the municipality.

4. The newspaper utilized for publication shall be one that is published on a daily basis, except that a weekly newspaper may be utilized if a daily newspaper is not published in the municipality.

5. The publication shall be printed in a daily newspaper on 3 successive occasions, or if a weekly newspaper is utilized, it shall be printed at least once.

6. At the time the application is filed, the applicant shall pay to the clerk the cost of publication as determined under s. 985.08.

(h) **Subsequent changes.** Within 10 days of any change in any fact set out in an application for a license or permit to sell alcohol beverages, the licensee or permittee shall file with the issuing authority a written description of the changed fact.

(i) **Records.** 1. Any person may inspect applications for licenses to sell alcohol beverages.

2. The clerk of the municipality shall retain all applications made to it for licenses to sell alcohol beverages.

3. The clerk of the municipality may destroy all applications more than 4 years old which have been retained under subd. 2.

(j) **Penalty for materially false application information.** Any person who knowingly provides materially false information in an application for a license or permit under this chapter may be required to forfeit not more than \$1,000.

(4) **LIST OF LICENSEES.** By July 15 annually, the clerk of a municipality issuing licenses shall mail to the department a list containing the name, address and trade name of each person holding a license issued by that municipality, other than a manager's or operator's license or a license issued under s. 125.26 (6), the type of license held and, if the person holding the license is a corporation or limited liability company, the name of the agent appointed under sub. (6).

(5) **QUALIFICATIONS FOR LICENSES AND PERMITS.** (a) *Natural persons.* Licenses and permits related to alcohol beverages, issued to natural persons under this chapter, may be issued only to persons who fulfill all of the following requirements:

1. Do not have an arrest or conviction record, subject to ss. 111.321, 111.322, 111.335 and 125.12 (1) (b).
2. Have been residents of this state continuously for at least 90 days prior to the date of application.
3. Have attained the legal drinking age.
4. Have submitted proof under s. 77.61 (11).
5. Have successfully completed within the 2 years prior to the date of application a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course that is approved by the department or the department of safety and professional services. This subdivision does not apply to an applicant who held, or who was an agent appointed and approved under sub. (6) of a corporation or limited liability company that held, within the past 2 years, a Class “A”, “Class A” or “Class C” license or a Class “B” or “Class B” license or permit or a manager’s or operator’s license.

(b) *Criminal offenders.* No license or permit related to alcohol beverages may, subject to ss. 111.321, 111.322 and 111.335, be issued under this chapter to any person who has habitually been a law offender or has been convicted of a felony unless the person has been duly pardoned.

(c) *Corporations and limited liability companies.* No license or permit may be issued to any corporation or limited liability company unless that entity meets the qualifications under pars. (a) 1. and 4. and (b), unless the agent of the entity appointed under sub. (6) and the officers and directors, or members or managers, of the entity meet the qualifications of pars. (a) 1. and 3. and (b) and unless the agent of the entity appointed under sub. (6) meets the qualifications under par. (a) 2. and 5. The requirement that the entity meet the qualifications under pars. (a) 1. and (b) does not apply if the entity has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.

(d) *Operators’ and managers’ licenses.* 1. Paragraph (a) 2. does not apply to applicants for operators’ licenses issued under s. 125.17 or to applicants for managers’ licenses issued under s. 125.18. Managers’ licenses may be issued only to applicants who are residents of this state at the time of issuance.

2. Paragraph (a) 3. does not apply to applicants for operators’ licenses under s. 125.17. Operators’ licenses may be issued only to applicants who have attained the age of 18.

3. Paragraph (a) 4. and 5. does not apply to any of the following:

- a. Applicants for operators’ licenses under s. 125.17.
- b. Applicants for managers’ licenses under s. 125.18.
- c. Applicants for temporary Class “B” licenses under s. 125.26 (6) who are not required to hold a seller’s permit under subch. III of ch. 77.
- d. Applicants for temporary “Class B” licenses under s. 125.51 (10) who are not required to hold a seller’s permit under subch. III of ch. 77.

(6) **LICENSES TO CORPORATIONS AND LIMITED LIABILITY COMPANIES; APPOINTMENT OF AGENTS.** (a) *Agent.* No corporation or limited liability company organized under the laws of this state or of any other state or foreign country may be issued any alcohol beverage license or permit unless:

1. The entity first appoints an agent in the manner prescribed by the authority issuing the license or permit. In addition to the qualifications under sub. (5), the agent must, with respect to character, record and reputation, be satisfactory to the issuing authority.

2. The entity vests in the agent, by properly authorized and executed written delegation, full authority and control of the premises described in the license or permit of the entity, and of the conduct of all business on the premises relative to alcohol beverages, that the licensee or permittee could have and exercise if it were a natural person.

(b) *Successor agent.* A corporation or limited liability company may cancel the appointment of an agent and appoint a successor agent to act in the agent’s place, for the remainder of the license year or until another agent is appointed, as follows:

1. The successor agent shall meet the same qualifications required of the first appointed agent.
2. The entity shall immediately notify the issuing authority, in writing, of the appointment of the successor agent and the reason for the cancellation and new appointment.

(c) *Authority of successor.* A successor agent shall have all the authority, perform all the functions and be charged with all the duties of the previous agent of the corporation or limited liability company until the next regular or special meeting of the issuing authority if a license is held. However, the license of the corporation or limited liability company shall cease to be in force if, prior to the next regular or special meeting of the issuing authority, the clerk of the licensing authority receives notice of disapproval of the successor agent by a peace officer of the municipality issuing the license.

(d) *Approval of successor.* The license of the corporation or limited liability company shall not be in force after the next regular or special meeting of the licensing authority unless and until the successor agent or another qualified agent is appointed and approved by the licensing authority.

(e) *Fee.* The corporation or limited liability company shall, following the approval of each successor agent or another qualified agent by the licensing authority, pay to the licensing authority a fee of \$10.

(f) *Resignation.* If an agent appointed under this subsection resigns, he or she shall notify in writing the corporation or limited liability company and the authority issuing the license or permit within 48 hours of the resignation.

(g) *Forms.* If the department or any municipality prepares a form relating to the appointment of an agent under this subsection, including any cancellation of an appointment or appointment of a successor agent, the form may not require the signature of more than one person signing on behalf of the corporation or limited liability company submitting the form.

(8) **PAYMENT OF LICENSE FEE.** No license for the sale of alcohol beverages may be delivered to the applicant until the applicant files with the municipal clerk a receipt showing payment of the license fee to the appropriate treasurer. No city or village may require an applicant to pay the license fee more than 15 days prior to the date the license is to be issued. No town may require an applicant to pay the license fee more than 30 days prior to the date the license is to be issued.

(9) **SEPARATE LICENSE OR PERMIT REQUIRED.** Except as provided under ss. 125.27 (2) (a) and 125.51 (5) (c) 1., wholesalers, manufacturers, rectifiers, brewers, brewpubs, and retailers shall have a separate permit or license covering each location or premises, except a licensed public warehouse, from which deliveries and sales of alcohol beverages are made or at which alcohol beverages are stored.

(10) **LICENSE AND PERMIT FRAMED, POSTED.** (a) *Frame.* Permits for the retail sale of alcohol beverages, and licenses for the sale of alcohol beverages, shall be enclosed in a frame having a transparent front which allows the license or permit to be clearly read.

(b) *Display.* All permits and licenses under par. (a), other than those for the sale of fermented malt beverages for consumption on the premises issued to the state fair or to county or district fairs

125.04 ALCOHOL BEVERAGESUpdated 19–20 Wis. Stats. **6**

receiving state aid, shall be conspicuously displayed for public inspection at all times in the room or place where the activity subject to permit or licensure is carried on.

(11) EXPIRATION DATES. Except as otherwise provided in this chapter:

(a) *Permits.* All permits to sell alcohol beverages shall expire as specified in the valid certificate issued under s. 73.03 (50).

(b) *Licenses.* 1. The municipal governing body of a 1st class city may issue a retail license for the sale of alcohol beverages at any time during a year. Each license shall be valid for one year and shall specify its date of expiration.

2. All licenses other than those specified under subd. 1. shall expire on June 30 of each year.

(12) TRANSFER OF LICENSES AND PERMITS. (a) *From place to place.* Every alcohol beverage license or permit may be transferred to another place or premises within the same municipality. An alcohol beverage warehouse permit under s. 125.19, a winery permit under s. 125.53 or an intoxicating liquor wholesaler's permit under s. 125.54 may be transferred to another premises within this state. Transfers shall be made by the issuing authority upon payment of a fee of \$10 to the issuing authority. No retail licensee, retail permittee, intoxicating liquor wholesaler or holder of a warehouse or winery permit is entitled to more than one transfer during the license or permit year. This paragraph does not apply to a license issued under s. 125.51 (4) (v) or to a reserve "Class B" license, as defined in s. 125.51 (4) (a).

(b) *From person to person.* 1. Licenses to sell alcohol beverages may be transferred to persons other than the licensee if the licensee, or an applicant for a subsequently granted license, dies, becomes bankrupt or makes an assignment for the benefit of creditors during the license year or after filing the application. If a retail licensee becomes disabled, the municipality may, upon application, transfer the license to the licensee's spouse if that spouse may hold a license under sub. (5) and complies with all of the requirements under this chapter applicable to original applicants, except that the spouse is exempt from payment of the license fee for the year in which the transfer takes place.

2. Upon the happening of any of the events under subd. 1., the personal representative, the surviving spouse if a personal representative is not appointed, the trustee or the receiver may continue or sell or assign the business.

4. If the business is sold or assigned, the license may be transferred to the successor owner or assignee at no charge if:

a. He or she complies with the requirements applicable to original applicants; and

b. He or she is acceptable to the issuing authority and consent to the transfer is given by the issuing authority.

(13) PENALTIES. Any person who violates sub. (1) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

History: 1981 c. 79, 235, 391; 1983 a. 27, 72, 74, 493, 494, 516; 1985 a. 302; 1987 a. 35, 301, 399; 1989 a. 31, 253; 1991 a. 39; 1993 a. 112, 259, 491; 1995 a. 23; 1995 a. 27 ss. 4117b, 4117c, 9154 (1); 1995 a. 225; 1997 a. 27; 2003 a. 250; 2007 a. 20, 85; 2011 a. 32; 2017 a. 59; 2017 a. 207 s. 5; 2017 a. 289.

Sub. (3) (h) [formerly s. 176.14] requires a licensee to update an application during the license year to facilitate scrutiny of the ongoing operation. The licensing authority has discretion to approve or disapprove any reported expansion of a licensed premises. *Alberti v. City of Whitewater*, 109 Wis. 2d 592, 327 N.W.2d 150 (Ct. App. 1982).

Licenses who are natural persons are liable for criminal acts of employees. *State v. Beaudry*, 119 Wis. 2d 96, 349 N.W.2d 106 (Ct. App. 1984). But see s. 125.115.

The registered agent of a corporate alcohol beverage licensee is subject to vicarious criminal liability for an employee's violation of the closing hour law. *State v. Beaudry*, 123 Wis. 2d 40, 365 N.W.2d 593 (1985).

A person may be a "habitual law offender" under sub. (5) (b) without having been convicted of any crime. *Smith v. Oak Creek*, 139 Wis. 2d 788, 407 N.W.2d 901 (1987).

Sub. (1) requires that the actual owner of an establishment selling intoxicating liquor possess the license in his or her own name. *State v. Eastman*, 148 Wis. 2d 254, 435 N.W.2d 278 (Ct. App. 1988).

A license never should have been issued when a notice of application had not been published as required under s. 125.04 (3) (g), and a license issued without publication is void under s. 125.04 (2). Selling liquor under a void license constitutes a violation of s. 125.66 (1). Under s. 125.12, a renewal licensee, if refused, is guaranteed a right to be heard by the municipality, and the municipality must show cause for refusal, but a new licensee, if refused, has no such guarantee. When an original license is void, the applicant is a new licensee. *Williams v. City of Lake Geneva*, 2002 WI App 95, 253 Wis. 2d 618, 643 N.W.2d 864, 01-1733.

Proprietors of a bed and breakfast may solicit voluntary contributions from guests at a social event held on the premises to defray the cost of alcohol, but proprietors who do not hold a license may not serve alcohol at a social event only to those who pay an admission fee. 80 Atty. Gen. 218.

A village board's denial of an application for a liquor license did not deprive the applicant of either liberty or property. *Scott v. Village of Kewaskum*, 786 F.2d 338 (1986).

90 Proof: Liquor Licensing in Wisconsin. Murrell. Wis. Law. May 2009.

125.045 Booklet for licensees and permittees. (1) The department shall prepare a booklet explaining the state statutes and rules relating to the retail sale of alcohol beverages, written concisely in language which is clearly understood by those required to utilize it.

(2) The department shall provide a copy of the booklet under sub. (1) free of charge to each person issued a permit, including a renewal, under s. 125.27 or 125.51 (5). The department shall provide the booklet for a charge not to exceed cost, as provided under s. 20.908, to municipalities.

(3) A municipality shall provide a copy of the booklet under sub. (1) to each person issued a license, including a renewal, under s. 125.17, 125.18, 125.25, 125.26 or 125.51 (1) by the municipality unless the municipality requires the person to complete an instructional program which includes the subject matter of the booklet or unless the person completes the program under s. 125.04 (5) (a) 5. or 125.17 (6). This section does not preclude a municipality from charging a fee for such a program. A municipality may charge for the booklet in an amount not to exceed the amount charged by the department under sub. (2).

History: 1987 a. 300; 1989 a. 56 s. 259; 1989 a. 253; 1993 a. 259.

125.06 License and permit exceptions. No license or permit is required under this chapter for:

(1) **BREWERS' PREMISES.** The furnishing, by brewers, of fermented malt beverages free of charge to customers, visitors and employees on the brewery premises if the fermented malt beverages are consumed on the brewery premises and are not furnished or consumed in or near any room or place where intoxicating liquor is sold.

(2) **HOSPITALS; PRACTICE OF MEDICINE OR SURGERY.** (a) The use of alcohol beverages in institutions licensed under subchs. I and II of ch. 50 where the beverages are used solely for medicinal, mechanical or scientific purposes.

(b) The use or prescription of alcohol beverages by a person licensed to practice medicine or surgery in the treatment of the sick.

(c) Notwithstanding pars. (a) and (b), a permit to receive shipments of alcohol under s. 125.61 must be obtained before alcohol beverages may be used or prescribed under pars. (a) and (b).

(3) **THE MAKING OF HOMEMADE WINE OR FERMENTED MALT BEVERAGES.** (a) The making of homemade wine or fermented malt beverages, and the possession, transportation, or storage of homemade wine or fermented malt beverages, by any person if all of the following apply:

1. The person who makes the wine or fermented malt beverages receives no compensation.

2. The wine or fermented malt beverages are not sold or offered for sale.

3. The total quantity of wine or fermented malt beverages made, in a calendar year, by the person and any other person living in the same household does not exceed 100 gallons if the house-

hold has only one person of legal drinking age or 200 gallons if the household has 2 or more persons of legal drinking age.

(b) A person who makes, possesses, transports, or stores homemade wine or fermented malt beverages in compliance with the limitations specified in par. (a) is not a brewer or a manufacturer of wine for purposes of this chapter.

(c) Homemade wine or fermented malt beverages made in compliance with the limitations specified in par. (a) may be consumed by the person who made it and his or her family, neighbors, and friends at any private residence or other private location where the possession and consumption of alcohol is permissible under this chapter, local ordinances, and other applicable law. This paragraph does not apply to licensed premises.

(3g) WINE OR FERMENTED MALT BEVERAGES MADE AT SUPPLY STORES. The manufacture of wine or fermented malt beverages by any person at a business primarily engaged in selling supplies and equipment for use by homebrewers or home winemakers, and, notwithstanding s. 125.09 (1), the tasting at the business of wine or fermented malt beverages so manufactured, if the wine or fermented malt beverages are not sold or offered for sale. Wine or fermented malt beverages provided at a business for tasting under this subsection may only be provided by a person who holds an operator's license issued under s. 125.17.

(3m) THE USE OF HOMEMADE WINE OR FERMENTED MALT BEVERAGES FOR COMPETITIONS OR EXHIBITIONS OR SIMILAR PURPOSES. (a) The use of homemade wine or fermented malt beverages made in compliance with the limitations specified in sub. (3) (a) for purposes of exhibition, demonstration, judging, tasting, or sampling or as part of a contest or competition, if the exhibition, demonstration, judging, tasting, sampling, contest, or competition is held at a private residence or on a licensed premises. Homemade wine or fermented malt beverages used for purposes described in this paragraph, including the submission or consumption of such wine or fermented malt beverages, are not considered sold or offered for sale under sub. (3) (a) 2. and any prize awarded at a contest or competition or as a result of an exhibition, demonstration, judging, tasting, or sampling is not considered compensation under sub. (3) (a) 1., but no fee may be charged for consumption of the homemade wine or fermented malt beverages at the exhibition, demonstration, judging, tasting, sampling, contest, or competition.

(b) Notwithstanding ss. 125.14 (5), 125.315, 125.32 (6) (a), 125.34 (2) and (5), and 125.67, a person who is not a licensee under this chapter may at a private residence, and a person who is a licensee under this chapter may on the licensed premises, conduct, sponsor, or host a contest, competition, or other event for the exhibition, demonstration, judging, tasting, or sampling of homemade wine or fermented malt beverages made in compliance with the limitations specified in sub. (3) (a) if the person does not sell the wine or fermented malt beverages and, unless the person is the maker of the wine or fermented malt beverages, does not acquire any ownership interest in the wine or fermented malt beverages. No fee may be charged for consumption of homemade wine or fermented malt beverages at the contest, competition, or other event. If the contest, competition, or other event is held on licensed premises, the licensee may allow the homemade wine or fermented malt beverages to be stored on the premises if the homemade wine or fermented malt beverages are clearly identified and kept separate from any alcohol beverages owned by the licensee. If the contest, competition, or other event is held on licensed premises, the provisions of ss. 125.32 (7) and 125.68 (9) (e) do not apply with respect to the homemade wine or fermented malt beverages. If the contest, competition, or other event is held on licensed premises, the licensee shall comply with all provisions of this chapter and local ordinances that would apply if the fermented malt beverages or wine were not homemade, except those provisions made specifically inapplicable under this paragraph.

(3r) WINE OR FERMENTED MALT BEVERAGES MADE FOR EDUCATIONAL PURPOSES. The manufacture of wine or fermented malt

beverages for educational purposes, and, notwithstanding s. 125.09 (1), the tasting of the wine or fermented malt beverages at the place of manufacture, if the wine or fermented malt beverages are not sold or offered for sale.

(4) UNADULTERATED CIDER. The manufacture or sale of unadulterated apple cider.

(5) RAILROADS, AIRCRAFT. The sale of alcohol beverages on any railroad dining, buffet or cafe car or aircraft, while in transit. Except as authorized under s. 125.26 (3m) or 125.51 (3) (dm), alcohol beverages may be consumed in a railroad dining, buffet or cafe car or aircraft only while it is in transit.

(6) PUBLIC PARKS. The sale of fermented malt beverages in any public park operated by a county or municipality. Fermented malt beverages shall be sold by officers or employees of the county or municipality under an ordinance, resolution, rule or regulation enacted by the governing body.

(7) JUDICIAL, PERSONAL REPRESENTATIVE'S, GUARDIAN'S, RECEIVER'S OR TRUSTEE'S SALE. The sale of alcohol beverages at any judicial, personal representative's or guardian's sale or any sale by a receiver or trustee in insolvency or bankruptcy, where the estate being administered possesses a license or permit in effect on the date of such sale.

(8) SALE BY SECURED PARTY. The sale of alcohol beverages by a secured party in good faith under the terms of a security agreement, if the sale is not for the purpose of avoiding this chapter or ch. 139. The sale must be in the ordinary course of the business of lending money secured by a security interest in alcohol beverages or warehouse receipts or other evidence of ownership. A sale of fermented malt beverages must be made within 15 days after the secured party takes possession of the fermented malt beverages unless the secured party demonstrates good cause why a sale in compliance with s. 409.610 (2) or the security agreement cannot be made within this time period.

(9) CERAMIC BOTTLE COLLECTORS. The sale of ceramic commemorative bottles or other uniquely designed decanters which contain intoxicating liquor, by collectors of such containers to other collectors of such containers.

(10) RAFFLES. The awarding of alcohol beverages in original, unopened packages, containers or bottles as a prize, in a raffle conducted by an organization licensed to conduct the raffle under ch. 563, to any person who has attained the legal drinking age.

(11) AUCTION SALES. The sale by an auction house at public auction of a collection of sealed bottles of intoxicating liquor or unopened beer cans for the purpose of settling an estate or disposing of the collection or the auction sale of sealed bottles or containers of wine or of unopened bottles of intoxicating liquor or fermented malt beverages by a charitable organization, as defined in s. 202.11 (1), at an auction held to raise money for the charitable organization.

(11m) WINE COLLECTORS. The sale by a wine collector to any other wine collector of manufacturer-sealed bottles or containers of wine that the selling wine collector has held for at least 8 years if the selling wine collector has provided prior notice of the sale to the department. No more than one sale in any 12-month period may be conducted by a wine collector under this paragraph.

Cross-reference: See also s. Tax 8.03, Wis. adm. code.

(12) BED AND BREAKFAST ESTABLISHMENTS. The provision by a bed and breakfast establishment, as defined under s. 97.01 (1g), of not more than 2 complimentary 4-fluid-ounce glasses of wine per day to a person renting a room at the bed and breakfast establishment for consumption on the premises of the bed and breakfast establishment.

(13) WINE SAMPLING ON "CLASS A" PREMISES. (a) The provision of wine taste samples of not more than 3 fluid ounces each, free of charge, by a "Class A" licensee to customers and visitors for consumption on the premises. No "Class A" licensee may provide more than 2 taste samples per day to any one person. This subsection applies only between the hours of 11 a.m. and 7 p.m.

Notwithstanding s. 125.07 (1) (a) 1., no “Class A” licensee may provide taste samples under this subsection to any underage person. No “Class A” licensee may provide as taste samples under this subsection wine that the “Class A” licensee did not purchase from a wholesaler.

(b) Notwithstanding par. (a) and s. 125.10 (1), a municipality may prohibit the provision of wine under this subsection.

History: 1981 c. 79, 202; 1983 a. 222, 360, 538; 1985 a. 337; 1987 a. 399; 1989 a. 253; 1991 a. 269; 1993 a. 226; 1995 a. 225; 2001 a. 16; 2007 a. 9, 85, 216; 2011 a. 179, 200; 2013 a. 20; 2015 a. 55.

125.07 Underage and intoxicated persons; presence on licensed premises; possession; penalties. (1) ALCOHOL BEVERAGES; RESTRICTIONS RELATING TO UNDERAGE PERSONS.

(a) *Restrictions.* 1. No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on property, including any premises, owned and occupied by the adult or occupied by the adult and under the adult’s control. This subdivision applies at a lodging establishment, as defined in s. 106.52 (1) (d), only if the adult has furnished payment or security for lodging. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.

4. No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).

(b) *Penalties.* 1. In this paragraph, “violation” means a violation of this subsection or of a local ordinance that strictly conforms to par. (a) if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations under subd. 2., the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.

2. A person who commits a violation may be:

a. Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.

b. Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.

c. Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.

d. Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.

3. A court shall suspend any license or permit issued under this chapter to a person for:

a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;

b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.

4. The court shall promptly mail notice of a suspension under this paragraph to the department and to the clerk of each municipality which has issued a license or permit to the person.

5. A person who holds a Class “A” license, a Class “B” license or permit, a “Class A” license or a “Class B” license or permit who commits a violation is subject to subd. 3. but is not subject to subd. 2. or s. 125.11.

6. a. Notwithstanding subd. 1., in this subdivision, “violation” means a violation of par. (a) or of a local ordinance that strictly conforms to par. (a).

b. Subject to subd. 6. c., only one penalty may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.

c. If a violation occurs on licensed premises and the violation is detected by means of an undercover underage person employed by or assisting a law enforcement agency, only the individual responsible for providing the alcohol beverages to the underage person may be issued a citation for, or charged with, the violation.

(2) SALES OF ALCOHOL BEVERAGES TO INTOXICATED PERSONS.

(a) *Restrictions.* 1. No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.

2. No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.

(b) *Penalties.* Any person who violates par. (a) shall be fined not less than \$100 nor more than \$500 or imprisoned for not more than 60 days or both.

(3) PRESENCE IN PLACES OF SALE; PENALTY. (a) Restrictions.

An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter, knowingly attempt to enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued, for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:

1. An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.

2. An underage person who enters or is on a Class “A” or “Class A” premises for the purpose of purchasing items other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.

3. Hotels, drug stores, grocery stores, bowling centers, movie theaters, painting studios, billiards centers having on the premises 12 or more billiards tables that are not designed for coin operation and that are 8 feet or longer in length, indoor golf simulator facilities, indoor golf and baseball facilities on premises for which the only alcohol beverage license issued is a Class “B” license, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums, music festival venues during an event with a projected attendance of at least 2,500 persons, public facilities as defined in s. 125.51 (5) (b) 1. d. which are owned by a county or municipality or centers for the visual or performing arts.

3m. Premises having an indoor volleyball court that measures at least 9 meters by 18 meters in area. The exception under this subdivision does not authorize an underage person to loiter in any room that is primarily used for the sale or consumption of alcohol beverages.

3r. Any privately owned business that exists to provide recreational fishing opportunities to the public for a fee and that is registered under s. 95.60 (3m) if the sale of alcohol beverages accounts for less than 30 percent of the business’s gross receipts.

4. Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in chs. 27 and 28, and parks owned or operated by agricultural societies.

5. Ski chalets, golf courses and golf clubhouses, racetracks licensed under ch. 562, curling clubs, private soccer clubs and private tennis clubs.

6. Premises operated under both a Class “B” or “Class B” license or permit and a license under s. 97.30 for a restaurant where the principal business conducted is that of a restaurant. If the premises are operated under both a Class “B” or “Class B” license or permit and a license under s. 97.30 for a restaurant, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.

6m. Premises operating under both a “Class C” license and a license under s. 97.30 for a restaurant.

7. An underage person who enters or remains on a Class “B” or “Class B” premises for the purpose of transacting business at an auction or market, if the person does not enter or remain in a room where alcohol beverages are sold, furnished or possessed.

8. An underage person who enters or remains in a room on Class “B” or “Class B” licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this subdivision. An underage person may enter and remain on Class “B” or “Class B” premises under this subdivision only if the municipality which issued the Class “B” or “Class B” license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this subdivision and the law enforcement agency responsible for enforcing the ordinance issues to the Class “B” or “Class B” licensee a written authorization permitting underage persons to be present under this subdivision on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

9. A person who is at least 18 years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.

10. An underage person who enters or remains on Class “B” or “Class B” licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator’s license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises. The licensee shall notify the local law enforcement agency, in advance, of the times underage persons will be allowed on the premises under this subdivision.

11. An underage person who enters or remains in a dance hall or banquet or hospitality room attached to Class “B” or “Class B” licensed premises for the purpose of attending a banquet, reception, dance, or other similar event.

12. An underage person who enters and remains on premises for which a temporary Class “B” license is issued under s. 125.26 (6) if the licensee is authorized by the official or body of the municipality that issued the license to permit underage persons to be on the premises under s. 125.26 (6) and if the licensee permits underage persons to be on the premises.

12m. An underage person who enters and remains on premises covered by a temporary “Class B” license issued as provided in s. 125.51 (10) (b) if all of the following apply:

a. The municipal governing body issuing the license, or an official or body authorized by the municipal governing body, authorizes the licensee to permit underage persons to be on the licensed premises for the purpose of acting as designated drivers.

b. The licensee permits, on the licensed premises, unaccompanied underage persons to be present only for the purpose of act-

ing as designated drivers and the licensee provides a means of identification, such as a wrist band, to identify these underage persons as designated drivers.

c. The underage person is present on the licensed premises to act as a designated driver and displays the means of identification specified in subd. 12m. b.

13. An underage person who enters or remains in a banquet or hospitality room on brewery premises for the purpose of attending a brewery tour.

14. An underage person who enters or remains on licensed premises at the Eagle Ridge Festival Grounds in the city of Chippewa Falls.

15. An underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.

16. An underage person who enters or remains in a banquet or hospitality room on winery premises operated under a “Class A” or “Class B” license for the purpose of attending a winery tour.

17. Premises for which a Class “B” permit is issued under s. 125.27 (5) or a “Class B” permit is issued under s. 125.51 (5) (f).

(b) *Penalties.* A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of par. (a) is subject to a forfeiture of not more than \$500.

(4) UNDERAGE PERSONS; PROHIBITIONS; PENALTIES. (a) Any underage person who does any of the following is guilty of a violation:

1. Procures or attempts to procure alcohol beverages from a licensee or permittee.

2. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.

3. Enters, knowingly attempts to enter or is on licensed premises in violation of sub. (3) (a).

4. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.

(b) Except as provided in par. (bm), any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation.

(bg) Paragraphs (a) and (b) do not apply to an underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.

(bm) An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:

1. A brewer or brewpub.

2. A fermented malt beverages wholesaler.

3. A permittee other than a Class “B” or “Class B” permittee.

4. A facility for the production of alcohol fuel.

5. A retail licensee or permittee under the conditions specified in s. 125.32 (2) or 125.68 (2) or for delivery of unopened containers to the home or vehicle of a customer.

6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age.

(bs) Subject to sub. (5), any person violating par. (a) is subject to the following penalties:

1. For a first violation, a forfeiture of not less than \$250 nor more than \$500, suspension of the person’s operating privilege as provided under s. 343.30 (6) (b) 1., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.

2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$300 nor more

than \$500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.

3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$500 nor more than \$750, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$750 nor more than \$1,000, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (a) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

(c) Subject to sub. (5), any person violating par. (b) is subject to the following penalties:

1. For a first violation, a forfeiture of not less than \$100 nor more than \$200, suspension of the person's operating privilege as provided under s. 343.30 (6) (b) 1., participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties.

2. For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$200 nor more than \$300, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 2., except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 2.

3. For a violation committed within 12 months of 2 previous violations, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

4. For a violation committed within 12 months of 3 or more previous violations, either a forfeiture of not less than \$500 nor more than \$1,000, participation in a supervised work program or other community service work under par. (cg) or any combination of these penalties. In addition, the person's operating privilege may be suspended as provided under s. 343.30 (6) (b) 3., except that if the violation of par. (b) involved a motor vehicle the person's operating privilege shall be suspended as provided under s. 343.30 (6) (b) 3.

(cd) For purposes of par. (bs) or (c), all violations arising out of the same incident or occurrence shall be counted as a single violation.

(cg) 1. A supervised work program ordered under par. (bs) or (c) shall be administered by the county department under s. 46.215 or 46.22 or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work

performed or it may consist of uncompensated community service work. Community service work ordered under par. (bs) or (c), other than community service work performed under a supervised work program, shall be administered by a public agency or non-profit charitable organization approved by the court. The court may use any available resources, including any community service work program, in ordering the person to perform community service work under par. (bs) or (c).

2. The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

(cm) When a court revokes or suspends a person's operating privilege under par. (bs) or (c), the department of transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, driver licensing agency of another jurisdiction, or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

(d) A person who is under 17 years of age on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344 (3).

(e) 1. In this paragraph, "defendant" means a person found guilty of violating par. (a) or (b) who is 17, 18, 19 or 20 years of age.

2. After ordering a penalty under par. (bs) or (c), the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed, except that the court may not stay, suspend or modify the suspension of a person's operating privilege required under par. (bs) or (c). The order under this subdivision shall require the defendant to do any of the following:

a. Submit to an alcohol abuse assessment that conforms to the criteria specified under s. 938.547 (4) and that is conducted by an approved treatment facility. The order shall designate an approved treatment facility to conduct the alcohol abuse assessment and shall specify the date by which the assessment must be completed.

b. Participate in an outpatient alcohol abuse treatment program at an approved treatment facility, if an alcohol abuse assessment conducted under subd. 2. a. recommends treatment.

c. Participate in a court-approved alcohol abuse education program.

3. If the approved treatment facility, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant has submitted to an assessment under subd. 2. a. and that the defendant does not need treatment or education, the court shall notify the defendant of whether or not the penalty will be reinstated.

4. If the defendant completes the alcohol abuse treatment program or court-approved alcohol abuse education program, the approved treatment facility or court-approved alcohol abuse education program shall, with the written informed consent of the defendant, notify the agency primarily responsible for providing services to the defendant that the defendant has complied with the order and the court shall notify the defendant of whether or not the penalty will be reinstated. If the court had ordered the suspension of the defendant's operating privilege under par. (bs) or (c), the court may order the secretary of transportation to reinstate the

operating privilege of the defendant if he or she completes the alcohol abuse treatment program or court-approved alcohol abuse education program.

5. If an approved treatment facility or court-approved alcohol abuse education program, with the written informed consent of the defendant, notifies the agency primarily responsible for providing services to the defendant that the defendant is not participating in the program or that the defendant has not satisfactorily completed a recommended alcohol abuse treatment program or an education program, the court shall hold a hearing to determine whether the penalties under par. (bs) or (c) should be imposed.

(f) 1. Except as provided in subd. 2., and subject to subds. 3. to 5., if an underage person engages in conduct that violates par. (a) on the premises of a licensee, the licensee may bring a civil action against the underage person. If judgment is entered in favor of the licensee, the court shall award to the licensee damages in the amount of \$1,000 and, notwithstanding s. 814.04 (1), the costs of the action. A licensee may bring an action under this paragraph regardless of whether the underage person has been convicted of, or received a citation for, the violation of par. (a), but the licensee has the burden of proving, by a preponderance of the evidence, that the underage person's conduct was in violation of par. (a).

2. If the underage person who engages in conduct that violates par. (a) on the licensee's premises is less than 18 years of age and is not an emancipated minor, the licensee may bring the civil action against the underage person's parent, as defined in s. 46.56 (1) (j).

3. A licensee may not bring a civil action under this paragraph unless the licensee has first provided notice to the underage person or the underage person's parent, as applicable, of the licensee's intent to bring the action. The notice shall be mailed to the last-known address of the underage person or underage person's parent, as applicable, at least 15 days prior to filing the action and shall include a demand for the relief described in subd. 1. The department may, by rule, prescribe a form for this notice.

4. A licensee may not bring a civil action under this paragraph if the licensee has been convicted of, or received a citation for or been charged with, a violation of sub. (1) or (3) related to the same incident, occurrence, or conduct giving rise to the underage person's violation of par. (a), unless the licensee is entitled to a defense under sub. (6). A licensee that asserts a defense under sub. (6) has the burden of proving the defense by a preponderance of the evidence.

5. A licensee may not bring a civil action under this paragraph unless the licensee or the licensee's employee reports to law enforcement the conduct suspected to be in violation of par. (a) at or near the time that the conduct occurs or is first discovered.

(5) REQUESTS FOR EMERGENCY ASSISTANCE. (a) In this subsection:

1. "Bystander" means a person who is present with a crime victim at the time of or immediately following the alleged crime.

2. "Crime victim" means a person who claims to have been the victim of a crime constituting a violation under s. 940.22 (2), 940.225, 940.302, 948.02 (1) or (2), 948.025, or 948.05 to 948.095.

(b) Subject to par. (c), an underage person may not be issued a citation for, or convicted of, a violation of sub. (4) (a) or (b) if all of the following apply:

1. The underage person is a crime victim or bystander and either the crime victim or the bystander requested emergency assistance, by dialing the telephone number "911" or by other means, in connection with the alleged crime or the underage person encountered a law enforcement officer at a medical facility at which the crime victim received treatment in connection with the alleged crime.

2. The underage person remains at the scene until emergency assistance arrives and thereafter cooperates with providers of emergency assistance, including furnishing any requested infor-

mation, unless the underage person lacks capacity to cooperate when emergency medical assistance arrives. If the underage person encounters a law enforcement officer at a medical facility, the underage person cooperates with the officer and furnishes any requested information, unless the underage person lacks capacity to cooperate with the officer.

(c) Paragraph (b) does not apply to an underage person who requests emergency assistance, by dialing the telephone number "911" or by other means, with an intention to claim the protections under par. (b) and knowing that the fact situation that he or she reports does not exist.

(6) DEFENSES. In determining whether or not a licensee or permittee has violated subs. (1) (a) and (3) (a), all relevant circumstances surrounding the presence of the underage person or the procuring, selling, dispensing or giving away of alcohol beverages may be considered, including any circumstance under pars. (a) to (d). In addition, proof of all of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this section:

(a) That the purchaser falsely represented that he or she had attained the legal drinking age.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.

(c) That the sale was made in good faith and in reliance on the representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

(d) That the underage person supported the representation under par. (a) with documentation that he or she had attained the legal drinking age.

(7) BOOK KEPT BY LICENSEES AND PERMITTEES. (a) Every retail alcohol beverage licensee or permittee may keep a book for the purposes of sub. (6). The licensee or permittee or his or her employee may require any of the following persons to sign the book:

1. A person who has shown documentary proof that he or she has attained the legal drinking age, if the person's age is in question.

2. A person who alleges that he or she is the underage person's parent, guardian or spouse and that he or she has attained the legal drinking age, if the licensee or permittee or his or her employee suspects that he or she is not the underage person's parent, guardian or spouse or that he or she has not attained the legal drinking age.

(b) The book may show the date of the purchase of the alcohol beverages, the identification used in making the purchase or the identification used to establish that a person is an underage person's parent, guardian or spouse and has attained the legal drinking age, the address of the purchaser and the purchaser's signature.

History: 1981 c. 79, 202, 391; 1983 a. 74, 472, 538; 1985 a. 28, 29, 47, 120, 176, 221, 317, 337; 1987 a. 51, 354; 1989 a. 31, 121, 135, 253, 336, 359; 1991 a. 28, 39, 171, 269; 1993 a. 112, 472; 1995 a. 77, 334; 1997 a. 35, 84, 98, 100, 205, 337; 1999 a. 109; 2003 a. 246; 2005 a. 50; 2007 a. 8, 20; 2011 a. 32; 2013 a. 65, 249; 2015 a. 8, 55, 62, 88, 221, 279, 339; 2017 a. 7, 126; 2021 a. 39.

A vendor who negligently sells to an underage person may be liable for acts of the intoxicated underage person. *Sorensen v. Jarvis*, 119 Wis. 2d 627, 350 N.W.2d 108 (1984).

A host who negligently furnished alcohol to an underage guest was negligent per se and liable for injuries to a 3rd party arising out of the guest's intoxication. *Koback v. Crook*, 123 Wis. 2d 259, 366 N.W.2d 857 (1985).

Sub. (1) (a) prohibits underage persons, as well as adults, from providing alcoholic beverages to underage persons. *Smith v. Kappel*, 147 Wis. 2d 380, 433 N.W.2d 588 (Ct. App. 1988).

The purpose of sub. (3) is not to avoid the likelihood that a minor who enters a licensed premises will subsequently commit an off-premises assault; a licensee who violates sub. (3) is not negligent per se if such an assault occurs. *Symes v. Milwaukee Mut. Ins. Co.*, 178 Wis. 2d 564, 505 N.W.2d 143 (Ct. App. 1993).

Sub. (6) provides two lines of defense: the defendant can produce any factors believed relevant including those listed in pars. (a) to (d) or can produce evidence meeting all four elements of pars. (a) to (d), which if proven constitutes an absolute defense. *City of Oshkosh v. Abitz*, 187 Wis. 2d 202, 522 N.W.2d 258 (Ct. App. 1994).

In order to "knowingly permit" consumption by an underage person under sub. (1) (a) 3., there must be evidence, or a reasonable inference from evidence, that the per-

son knew or should have known that drinking would occur. *Miller v. Thomack*, 204 Wis. 2d 242, 555 N.W.2d 130 (Ct. App. 1996), 95–1684.

An individual who contributes money for the intent of purchasing alcohol knowing that it will be consumed by an underage person “procures” alcohol for the underage person. *Miller v. Thomack*, 210 Wis. 2d 650, 563 N.W.2d 891 (1997), 95–1684.

Underage drinkers are not accompanied by a parent for the purposes of sub. (1) (a) merely because the parent and child are on the same premises. Parents who held a party and told their son not to drink where he could be observed by the other guests and who did not know how much their son drank were neither supervising nor otherwise controlling their son when he was drinking and were thus not accompanying him. *Mueller v. McMillian Warner Insurance Company*, 2005 WI App 210, 287 Wis. 2d 154, 704 N.W.2d 613, 05–0121.

Affirmed on other grounds. 2006 WI 54, 290 Wis. 2d 571, 714 N.W.2d 183, 05–0121.

A county’s social host ordinance did not strictly comply with this section because it applied to the host’s residence. Under sub. (1) (a) 3., “No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult’s control.” “Premises” is defined under s. 125.02 (14m) as “the area described in a license or permit.” The definition limits sub. (1) (a) 3. to areas described in a license or permit — not a private residence. There is no textual basis to depart from basic statutory construction: the defined term must be given effect. *County of Fond du Lac v. Muche*, 2016 WI App 84, 372 Wis. 2d 403, 888 N.W.2d 12, 15–2223.

Liquor liability and blame-shifting defenses: Do they mix? *Kelly*. 69 MLR 217 (1986).

Imposition of liability on social hosts in drunk driving cases: A judicial response mandated by principles of common law and common sense. *Goldberg*. 69 MLR 251 (1986).

Social Host Liability for Underage Drinking. *Hinkston*. Wis. Law. June 2008.

125.075 Injury or death by providing alcohol beverages to a minor. (1) Any person who procures alcohol beverages for or sells, dispenses or gives away alcohol beverages to a person under 18 years of age in violation of s. 125.07 (1) (a) 1. or 2. may be penalized as provided in sub. (2) if:

(a) The person knew or should have known that the underage person was under the legal drinking age; and

(b) The underage person dies or suffers great bodily harm, as defined in s. 939.22 (14), as a result of consuming the alcohol beverages provided in violation of s. 125.07 (1) (a) 1. or 2.

(1m) In determining under sub. (1) (a) whether a person knew or should have known that the underage person was under the legal drinking age, all relevant circumstances surrounding the procuring, selling, dispensing or giving away of the alcohol beverages may be considered, including any circumstance under pars. (a) to (d). In addition, a person has a defense to criminal liability under sub. (1) if all of the following occur:

(a) The underage person falsely represents that he or she has attained the legal drinking age.

(b) The underage person supports the representation under par. (a) with documentation that he or she has attained the legal drinking age.

(c) The alcohol beverages are provided in good faith reliance on the underage person’s representation that he or she has attained the legal drinking age.

(d) The appearance of the underage person is such that an ordinary and prudent person would believe that he or she had attained the legal drinking age.

(2) (a) Whoever violates sub. (1) is guilty of a Class H felony if the underage person suffers great bodily harm, as defined in s. 939.22 (14).

(b) Whoever violates sub. (1) is guilty of a Class G felony if the underage person dies.

History: 1987 a. 335; 1989 a. 253; 1997 a. 283; 2001 a. 109.

The reference in sub. (1) to a single minor or underage person does not preclude its application to a defendant who procures alcohol beverages for a group of persons that the defendant knew or should have known were underage persons. It would be unreasonable to interpret sub. (1) as requiring a personal interaction between the defendant and the victim, or as requiring that the defendant have knowledge that a particular underage person would consume the alcohol procured by the defendant. *State v. Wille*, 2007 WI App 27, 299 Wis. 2d 531, 728 N.W.2d 343, 05–2839.

125.085 Proof of age. (1) **DEFINITION.** In this section, “official identification card” means any of the following:

(a) A valid operator’s license issued under ch. 343 that contains the photograph of the holder.

(b) An identification card issued under s. 343.50.

(c) An identification card issued under s. 125.08, 1987 stats.

(d) A valid military identification card issued to a member of the U.S. armed forces, or forces incorporated as part of the U.S. armed forces, that contains the person’s photograph and date of birth.

(e) A valid U.S. passport.

(f) A valid identification card issued by a federally recognized American Indian tribe or band in this state that contains the card holder’s photograph, full name, address, and date of birth.

(2) USE. No card other than the identification card authorized under this section may be recognized as an official identification card in this state. Any licensee or permittee under this chapter may require a person to present an official identification card, documentary proof of age, an operator’s license issued by another jurisdiction, or any other form of identification or proof of age acceptable to the licensee or permittee before providing alcohol beverages to the person or allowing the person to enter the premises for which the license or permit has been issued. Nothing in this subsection requires a licensee or permittee to accept any form of identification that does not appear to be valid or authentic or appears altered.

(3) PENALTIES FOR FALSIFICATION OF PROOF OF AGE. (a) 1. No person may make, alter or duplicate an official identification card, provide an official identification card to an underage person or knowingly provide other documentation to an underage person purporting to show that the underage person has attained the legal drinking age. No person may possess an official identification card or other documentation used for proof of age with the intent of providing it to an underage person. Except as provided in subds. 2. and 3., any person who violates this subdivision may be fined not less than \$300 nor more than \$1,250 or imprisoned for not less than 10 days nor more than 30 days or both.

2. Any person who violates subd. 1. for money or other consideration is guilty of a Class I felony.

3. Subdivisions 1. and 2. do not apply to a person who is authorized to make an official identification card under ch. 343 or under authority of a tribal government.

(b) Any underage person who does any of the following is guilty of a violation:

1. Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.

2. Makes, alters or duplicates an official identification card purporting to show that he or she has attained the legal drinking age.

3. Presents false information to an issuing officer in applying for an official identification card.

4. Intentionally carries an official identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the official identification card or documentation is false.

(bd) Any underage person who violates par. (b) is subject to a forfeiture of not less than \$300 nor more than \$1,250, suspension of the person’s operating privilege under s. 343.30 (6) (bm), participation in a supervised work program or other community service work under par. (bh) or any combination of these penalties.

(bh) 1. A supervised work program ordered under par. (bd) shall be administered by the county department under s. 46.215 or 46.22 or by a community agency approved by the court. The court shall set standards for the supervised work program within the budgetary limits established by the county board of supervisors. The supervised work program may provide the person with reasonable compensation reflecting the market value of the work performed or it may consist of uncompensated community service work. Community service work ordered under par. (bd), other than community service work performed under a supervised work program, shall be administered by a public agency or nonprofit charitable organization approved by the court. The court may use

13 Updated 19–20 Wis. Stats.

any available resources, including any community service work program, in ordering the person to perform community service work under par. (bd).

2. The supervised work program or other community service work shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be combined with counseling from a member of the staff of the county department, community agency, public agency or nonprofit charitable organization or other qualified person. The supervised work program or other community service work may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.

(bp) When a court suspends a person's operating privilege under par. (bd), the department of transportation may not disclose information concerning or relating to the suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency, driver licensing agency of another jurisdiction, or the person whose operating privilege is suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.

(bt) A person who is under 17 years of age on the date of disposition is subject to s. 938.344 unless proceedings have been instituted against the person in a court of civil or criminal jurisdiction after dismissal of the citation under s. 938.344 (3).

(c) A law enforcement officer investigating an alleged violation of par. (b) shall confiscate any official identification card or other documentation that constitutes evidence of the violation.

History: 1989 a. 31, 253, 336; 1991 a. 39; 1995 a. 77; 1997 a. 27, 35, 205, 283; 2001 a. 109; 2007 a. 20, 164; 2017 a. 226.

125.09 General restrictions. (1) PUBLIC PLACE. No owner, lessee, or person in charge of a public place may permit the consumption of alcohol beverages on the premises of the public place, unless the person has an appropriate retail license or permit. This subsection does not apply to municipalities, buildings and parks owned by counties, regularly established athletic fields and stadiums, school buildings, campuses of private colleges, as defined in s. 16.99 (3g), at the place and time an event sponsored by the private college is being held, churches, premises in a state fair park or clubs. This subsection also does not apply to the consumption of fermented malt beverages on commercial quadricycles except in municipalities that have adopted ordinances under s. 125.10 (5) (a).

(2) POSSESSION OF ALCOHOL BEVERAGES ON SCHOOL GROUNDS PROHIBITED. (a) In this subsection:

1. "Motor vehicle" means a motor vehicle owned, rented or consigned to a school.

2. "School" means a public school, a parochial or private school, or a tribal school, as defined in s. 115.001 (15m), which provides an educational program for one or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school, or high school.

3. "School administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.

4. "School premises" means premises owned, rented or under the control of a school.

(b) Except as provided by par. (c) no person may possess or consume alcohol beverages:

1. On school premises;

2. In a motor vehicle, if a pupil attending the school is in the motor vehicle; or

3. While participating in a school-sponsored activity.

(c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the

ALCOHOL BEVERAGES 125.10

school administrator consistent with applicable laws, ordinances and school board policies.

(d) A person who violates this subsection is subject to a forfeiture of not more than \$200, except that ss. 125.07 (4) (c) and (d) and 938.344 provide the penalties applicable to underage persons.

(3) PLACE-TO-PLACE DELIVERIES. No person may peddle any alcohol beverage from house to house where the sale and delivery are made concurrently.

(6) MUNICIPAL STORES. No municipality may engage in the sale of alcohol beverages, except as authorized under s. 125.26 (6). This subsection does not apply to municipal stores in operation on November 6, 1969.

(7) MUNICIPALITY PROVIDING IDENTIFICATION SCANNERS. No municipality may provide, to any retail licensee under this chapter, any device capable of scanning an official identification card, as defined in s. 125.085 (1) (a) and (b).

History: 1981 c. 79, 158; 1983 a. 74; 1985 a. 218; 1995 a. 77; 2009 a. 302, 395; 2013 a. 106, 215.

This section does not prohibit the consumption of alcohol beverages by bed and breakfast proprietors, their friends, or their personal guests in areas that are off-limits to the public or to renters. 80 Atty. Gen. 218.

125.10 Municipal regulation. (1) AUTHORIZATION. Any municipality may enact regulations incorporating any part of this chapter and may prescribe additional regulations for the sale of alcohol beverages, not in conflict with this chapter. The municipality may prescribe forfeitures or license suspension or revocation for violations of any such regulations. Regulations providing forfeitures or license suspension or revocation must be adopted by ordinance. Any municipality may, by ordinance, regulate contests, competitions, or other events for the exhibition, demonstration, judging, tasting, or sampling of homemade wine or fermented malt beverages.

(2) REGULATION OF UNDERAGE PERSONS. A municipality or a county may enact an ordinance regulating conduct regulated by s. 125.07 (1) or (4) (a), (b) or (bm), 125.085 (3) (b) or 125.09 (2) only if it strictly conforms to the statutory subsection. A county ordinance enacted under this subsection does not apply within any municipality that has enacted or enacts an ordinance under this subsection.

(3) ZONING. Except as provided in s. 125.68, this chapter does not affect the power of municipalities to enact or enforce zoning regulations.

(4) REGULATION OF CLOSED RETAIL PREMISES. A municipality may not prohibit the permittee, licensee, employees, salespersons, employees of wholesalers issued a permit under s. 125.28 (1) or 125.54 (1); employees of permittees under s. 125.295 with respect to the permittee's own retail premises; or service personnel from being present on premises operated under a Class "A", "Class A" or "Class C" license or under a Class "B" or "Class B" license or permit during hours when the premises are not open for business if those persons are performing job-related activities.

(5) FERMENTED MALT BEVERAGES ON COMMERCIAL QUADRICYCLES. (a) A municipality may, by ordinance, prohibit the consumption of fermented malt beverages by passengers on a commercial quadricycle within the municipality.

(b) Notwithstanding sub. (1), an ordinance enacted before January 1, 2014, regulating the possession or consumption of open containers of alcohol beverages in public places may not prohibit the possession or consumption of alcohol beverages by passengers on a commercial quadricycle. An ordinance that is inconsistent with this paragraph may not be enforced.

History: 1981 c. 79, 202; 1983 a. 74 ss. 19, 32; 1985 a. 28 ss. 5, 9; 1987 a. 168; 1989 a. 31, 253; 1991 a. 39; 1993 a. 208; 2007 a. 20; 2011 a. 32, 200; 2013 a. 106; 2015 a. 372.

Chapter 125 contemplates and expressly directs that regulation is to supersede competition in the retail sale of alcohol beverages. The regulatory scheme indicates a legislative intent to make state antitrust law not applicable by authorizing contrary or inconsistent conduct by granting municipalities broad statutory authority to prescribe or orchestrate anticompetitive regulation in the sale and consumption of alcohol if that regulation serves an important public interest. Private parties are eligible for antitrust immunity when they act in concert, in an anticompetitive manner, in direct response to pressure bordering on compulsion from a municipality. Eichenseer

v. Madison–Dane County Tavern League, Inc. 2008 WI 38, 308 Wis. 2d 684, 748 N.W.2d 154, 05–1063.

A town must renew a license, if the proper application is made and the fees are paid, unless it revokes, suspends, or non-renews the license, following the procedures outlined in s. 125.12. This section does not give towns the authority to unilaterally modify the described premises in an individual license upon renewal of that license. A town must either pass a regulation or an ordinance under this section or it must find grounds for revocation or nonrenewal under s. 125.12. Wisconsin Dolls, LLC v. Town of Dell Prairie, 2012 WI 76, 342 Wis. 2d 350, 815 N.W.2d 690, 10–2900.

125.105 Impersonating an officer. (1) No person may impersonate an inspector, agent or other employee of the department or of the department of justice.

(2) (a) Whoever violates sub. (1) with the intent to mislead another may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(b) Whoever violates sub. (1) to commit, or abet the commission of, a crime is guilty of a Class H felony.

History: 1989 a. 253; 1997 a. 283; 2001 a. 109.

125.11 Penalties. (1) GENERAL PENALTY. Any person who violates any provision of this chapter for which a specific penalty is not provided, shall be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Any license or permit issued to the person under this chapter may be revoked by the court.

(2) FELONY. If a person is convicted of a felony under this chapter, in addition to the penalties provided for the felony, the court shall revoke any license or permit issued to the person under this chapter.

History: 1981 c. 79; 1985 a. 120, 302; 1989 a. 253.

125.115 Responsibility for commission of a crime.

(1) A person may be convicted of the commission of a crime under this chapter only if the criteria specified in s. 939.05 exist.

(2) This section does not apply to civil forfeiture actions for violation of any provision of this chapter or any local ordinance in conformity with any provision of this chapter.

History: 1985 a. 47.

125.12 Revocations, suspensions, refusals to issue or renew. (1) REVOCATION, SUSPENSION, NONISSUANCE OR NONRENEWAL OF LICENSE.

(a) Except as provided in this subsection, any municipality or the department may revoke, suspend or refuse to renew any license or permit under this chapter, as provided in this section.

(b) 1. In this paragraph, “violation” means a violation of s. 125.07 (1) (a), or a local ordinance that strictly conforms to s. 125.07 (1) (a).

2. No violation may be considered under this section or s. 125.04 (5) (a) 1. unless the licensee or permittee has committed another violation within one year preceding the violation. If a licensee or permittee has committed 2 or more violations within one year, all violations committed within one year of a previous violation may be considered under this section or s. 125.04 (5) (a) 1.

(c) Neither a municipality nor the department may consider an arrest or conviction for a violation punishable under s. 101.123 (8) (d), 945.03 (2m), 945.04 (2m), or 945.05 (1m) in any action to revoke, suspend, or refuse to renew a Class “B” or “Class B” license or permit.

(2) REVOCATION OR SUSPENSION OF LICENSES BY LOCAL AUTHORITIES. (ag) *Complaint.* Any resident of a municipality issuing licenses under this chapter may file a sworn written complaint with the clerk of the municipality alleging one or more of the following about a person holding a license issued under this chapter by the municipality:

1. The person has violated this chapter or municipal regulations adopted under s. 125.10.

2. The person keeps or maintains a disorderly or riotous, indecent or improper house.

3. The person has sold or given away alcohol beverages to known habitual drunkards.

4. The person does not possess the qualifications required under this chapter to hold the license.

5. The person has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.

5m. The person has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that subsection or under a federal law or a law of another state that is substantially similar to s. 961.65.

6. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

6m. The person knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

7. The person received the benefit from an act prohibited under s. 125.33 (11).

(ar) *Summons.* Upon the filing of the complaint, the municipal governing body or a duly authorized committee of a city council shall issue a summons, signed by the clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the municipal governing body or the committee on a day and place named in the summons, not less than 3 days and not more than 10 days from the date of issuance, and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least 3 days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under ch. 801 for service in civil actions in circuit court.

(b) *Procedure on hearing.* 1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the municipal governing body or the committee finds the allegations sufficient, the license shall be revoked. The clerk shall give notice of the revocation to the person whose license is revoked.

2. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. If the hearing is held before the municipal governing body and the complaint is found to be true, the license shall either be suspended for not less than 10 days nor more than 90 days or revoked, except that, if a complaint under par. (ag) 4. is found to be true with respect to a license issued under s. 125.51 (4) (v), the license shall be revoked.

3. If the hearing is held before a committee of a city council, the committee shall submit a report to the city council, including findings of fact, conclusions of law and a recommendation as to what action, if any, the city council should take with respect to the license. The committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the city council. The city council shall determine whether the arguments shall be presented orally or in writing or both. If the city council, after considering the committee’s report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommend-

ing suspension or revocation, the license shall be suspended or revoked as provided under subd. 2.

4. The municipal clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.

5. If the municipal governing body finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the municipal governing body finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The municipal governing body or the committee may require the complainant to provide security for such costs before issuing the summons under par. (ar).

(c) *Effect of revocation.* When a license is revoked under this subsection, the revocation shall be recorded by the clerk and no other license issued under this chapter may be granted within 12 months of the date of revocation to the person whose license was revoked. No part of the fee paid for any license so revoked may be refunded.

(d) *Judicial review.* The action of any municipal governing body in granting or failing to grant, suspending or revoking any license, or the failure of any municipal governing body to revoke or suspend any license for good cause, may be reviewed by the circuit court for the county in which the application for the license was issued, upon application by any applicant, licensee or resident of the municipality. The procedure on review shall be the same as in civil actions instituted in the circuit court. The person desiring review shall file pleadings, which shall be served on the municipal governing body in the manner provided in ch. 801 for service in civil actions and a copy of the pleadings shall be served on the applicant or licensee. The municipal governing body, applicant or licensee shall have 20 days to file an answer to the complaint. Following filing of the answer, the matter shall be deemed at issue and hearing may be had within 5 days, upon due notice served upon the opposing party. The hearing shall be before the court without a jury. Subpoenas for witnesses may be issued and their attendance compelled. The decision of the court shall be filed within 10 days after the hearing and a copy of the decision shall be transmitted to each of the parties. The decision shall be binding unless it is appealed to the court of appeals.

(3) **REFUSALS BY LOCAL AUTHORITIES TO RENEW LICENSES.** A municipality issuing licenses under this chapter may refuse to renew a license for the causes provided in sub. (2) (ag). Prior to the time for the renewal of the license, the municipal governing body or a duly authorized committee of a city council shall notify the licensee in writing of the municipality's intention not to renew the license and provide the licensee with an opportunity for a hearing. The notice shall state the reasons for the intended action. The hearing shall be conducted as provided in sub. (2) (b) and judicial review shall be as provided in sub. (2) (d). If the hearing is held before a committee of a city council, the committee shall make a report and recommendation as provided under sub. (2) (b) 3. and the city council shall follow the procedure specified under that subdivision in making its determination.

(3m) **REFUSALS BY LOCAL AUTHORITIES TO ISSUE LICENSES.** If a municipal governing body or duly authorized committee of a city council decides not to issue a new license under this chapter, it shall notify the applicant for the new license of the decision not to issue the license. The notice shall be in writing and state the reasons for the decision.

(4) **SUSPENSION OR REVOCATION OF LICENSES ON COMPLAINT OF THE DEPARTMENT.** (ag) *Complaint.* A duly authorized employee of the department may file a complaint with the clerk of circuit court for the jurisdiction in which the premises of a person holding a license issued under this chapter is situated, alleging one or more of the following about a licensee:

1. That the licensee has violated this chapter.
2. That the licensee keeps or maintains a disorderly or riotous, indecent or improper house.
3. That the licensee has sold alcohol beverages to known habitual drunkards.

4. That the licensee has failed to maintain the premises in accordance with the standards of sanitation prescribed by the department of health services.

5. That the licensee has permitted known criminals or prostitutes to loiter on the licensed premises.

6. That the licensee does not possess the qualifications required under this chapter to hold the license.

7. That the licensee has been convicted of manufacturing, distributing or delivering a controlled substance or controlled substance analog under s. 961.41 (1); of possessing, with intent to manufacture, distribute or deliver, a controlled substance or controlled substance analog under s. 961.41 (1m); or of possessing, with intent to manufacture, distribute or deliver, or of manufacturing, distributing or delivering a controlled substance or controlled substance analog under a substantially similar federal law or a substantially similar law of another state.

7m. That the licensee has been convicted of possessing any of the materials listed in s. 961.65 with intent to manufacture methamphetamine under that section or under a federal law or a law of another state that is substantially similar to s. 961.65.

8. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess, with the intent to manufacture, distribute or deliver, or to manufacture, distribute or deliver a controlled substance or controlled substance analog.

8m. That the licensee knowingly allows another person, who is on the premises for which the license under this chapter is issued, to possess any of the materials listed in s. 961.65 with the intent to manufacture methamphetamine.

(ar) *Summons.* Upon the filing of the complaint, the clerk of the court shall issue a summons commanding the licensee to appear before the court not less than 20 days from its date of issuance and show cause why his or her license should not be revoked or suspended. The summons and a copy of the complaint shall be served at least 20 days before the date on which the person is commanded to appear. Service shall be in the manner provided in ch. 801 for civil actions in circuit courts.

(b) *Procedure on hearing.* If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the court finds the allegations sufficient, it shall order the license either suspended for not more than 90 days or revoked, except that, for allegations under par. (ag) 6. with respect to a license issued under s. 125.51 (4) (v), it shall order the license revoked. The clerk of the court shall give notice of the suspension or revocation to the person whose license is suspended or revoked. If the licensee appears and answers the complaint, the court shall fix a date for the hearing not more than 30 days after the return date of the summons. The hearing shall be had before the court without a jury. If upon the hearing the court finds the allegations of the complaint to be true, it shall order the license either suspended for not more than 90 days or revoked, except that, if upon the hearing the court finds allegations under par. (ag) 6. to be true with respect to a license issued under s. 125.51 (4) (v), the court shall order that license revoked. If the court finds the allegations of the complaint to be untrue, the complaint shall be dismissed.

(c) *Effect of revocation or suspension.* When a license is revoked or suspended under this subsection, the clerk of court shall notify the authority which issued the license. If the license is revoked, no other license may be issued under this chapter to the person whose license was revoked or to any person related to him or her as owner, lessor, bailor or lender, within the 12 months after the date of revocation and no other license may be granted for the premises covered by the revoked license within 60 days of the date of revocation. The findings and order of the court shall be filed within 10 days after the hearing and the order shall be final unless appeal is taken to the court of appeals. If an appeal is taken from a revocation, any period during which the order is stayed shall be added to the 12 months and 60 days, respectively. No part of the fee paid for any license which is revoked may be refunded. When-

125.12 ALCOHOL BEVERAGES

Updated 19–20 Wis. Stats. 16

ever any court has revoked or suspended any license under this subsection, no further proceedings shall be commenced under this subsection except upon grounds arising after the original revocation or suspension.

(5) **REVOCATIONS OR SUSPENSIONS OF, OR REFUSALS TO RENEW, PERMITS BY THE DEPARTMENT.** (a) The department may, after notice and an opportunity for hearing, revoke, suspend, or refuse to renew any retail permit issued by it for the causes provided in sub. (4) and any other permit issued by it under this chapter for any violation of this chapter or ch. 139, except that, for a violation of s. 125.535 or 139.035, the department shall revoke the permit.

(b) The department may, after notice and an opportunity for hearing, revoke any permit issued under s. 125.27 (5) or 125.51 (5) (f) to a person designated by the owner or operator of racetrack grounds as provided in s. 125.27 (5) (b) or 125.51 (5) (f) 2. if the person's designation has terminated or the owner or operator of the racetrack grounds has otherwise rescinded the person's designation.

(c) A revocation, suspension, or refusal to renew a permit under par. (a) or (b) is a contested case under ch. 227.

(6) **REVOCATION OR SUSPENSION OF INTOXICATING LIQUOR WHOLESALERS' PERMITS FOR CERTAIN VIOLATIONS.** (a) Any person may file a sworn written complaint with the department alleging that an intoxicating liquor wholesaler has violated s. 125.54 (7) (a). The complaint shall identify the specific legal basis for the complaint and sufficient facts for the department to determine whether there is cause to find that a violation has occurred. The department shall provide a copy of the complaint to any wholesaler against whom allegations are made, along with notice of the time period under par. (b) to show cause why the wholesaler's permit should not be revoked or suspended or to request a hearing.

(b) Within 30 days of receiving a copy of the complaint under par. (a), any wholesaler against whom allegations are made may file a sworn written response or a written request for an evidentiary hearing before the department under s. 227.44.

(c) Subject to pars. (d) 1. and (dm), if no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the department shall make a written decision as to whether a violation has occurred and either dismiss the complaint or take action under par. (e). Any decision under this paragraph shall include findings of fact and conclusions of law and shall state all reasons for the decision. The department shall provide a copy of the decision to the complainant and to any wholesaler against whom allegations are made.

(cm) Subject to pars. (d) 2. and (dm), if a request for an evidentiary hearing is made under par. (b), the hearing shall be conducted in the manner specified for a contested case under ss. 227.44 to 227.50, except that the hearing shall be conducted within 45 days of receiving the request for hearing under par. (b) and the department shall make its written decision, including whether a violation has occurred and whether the complaint is dismissed or action is taken under par. (e), within 15 days after the hearing. In addition to service of the decision as provided under s. 227.48, the department shall provide a copy of the decision to the complainant.

(d) 1. If no request for an evidentiary hearing is made under par. (b), within 60 days of receiving any response under par. (b) or, if no response is made, within 60 days of the date on which a response or request for hearing is due under par. (b), the department may extend the time period for making a decision under par. (c) by an additional 60 days if the department provides notice within the time period specified in par. (c) that an additional 60 days is necessary for investigation.

2. If a request for an evidentiary hearing is made under par. (b), within 45 days of receiving the request for hearing under par. (b), the department may extend the time period for conducting the hearing by an additional 45 days if the department provides notice

within 45 days of receiving the request for hearing under par. (b) that an additional 45 days is necessary for investigation.

(dm) Within 45 days of receiving any response or request for hearing under par. (b) or, if no response or request for hearing is made, within 45 days of the date on which a response or request for hearing is due under par. (b), the department may elect to file a complaint in circuit court under sub. (4) that includes all allegations of the complaint under par. (a) for which the department determines there is cause to find that a violation of s. 125.54 (7) (a) has occurred. If the department files a complaint in circuit court as provided under this paragraph, the department shall not conduct a hearing under par. (cm) or make a written decision under par. (c), but shall proceed with the matter as provided under sub. (4).

(e) If the department finds the allegations under par. (a) true and sufficient, the department shall either suspend for not less than 10 days nor more than 90 days or revoke the wholesaler's permit, and give notice of the suspension or revocation to the wholesaler.

(f) A revocation or suspension proceeding under this subsection is a contested case under ch. 227, except that ss. 227.44 to 227.50 apply to a proceeding under this subsection only if a request for an evidentiary hearing is made under par. (b).

History: 1981 c. 79; 1983 a. 516; 1987 a. 93; 1993 a. 98; 1995 a. 27 s. 9126 (19); 1995 a. 417, 448; 1997 a. 27, 35, 166, 187; 1999 a. 9; 2005 a. 14, 25, 442; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 12; 2021 a. 39.

Due process and equal protection rights of licensees are discussed. *Tavern League of Wisconsin v. City of Madison*, 131 Wis. 2d 477, 389 N.W.2d 54 (Ct. App. 1986).

A license never should have been issued when a notice of application had not been published as required under s. 125.04 (3) (g), and a license issued without publication is void under s. 125.04 (2). Selling liquor under a void license constitutes a violation of s. 125.66 (1). Under s. 125.12, a renewal licensee, if refused, is guaranteed a right to be heard by the municipality, and the municipality must show cause for refusal, but a new licensee, if refused, has no such guarantee. When an original license is void, the applicant is a new licensee. *Williams v. City of Lake Geneva*, 2002 WI App 95, 253 Wis. 2d 618, 643 N.W.2d 864, 01-1733.

Notices sent by the city did not violate the requirement in sub. (3) that the "council shall notify the licensee in writing of the municipality's intention not to renew the license" because they stated that "there is a possibility that your application may be denied." As the matter cannot be affirmatively decided before the hearing, it is of course only a possibility that the applicant's license will not be renewed at the time the notice is sent. *Questions, Inc. v. City of Milwaukee*, 2011 WI App 126, 336 Wis. 2d 654, 807 N.W.2d 131, 10-0707.

A town must renew a license, if the proper application is made and the fees are paid, unless it revokes, suspends, or non-renews the license, following the procedures outlined in this section. Section 125.10 (1) does not give towns the authority to unilaterally modify the described premises in an individual license upon renewal of that license. A town must either pass a regulation or an ordinance under s. 125.10 or it must find grounds for revocation or nonrenewal under this section. *Wisconsin Dolls, LLC v. Town of Dell Prairie*, 2012 WI 76, 342 Wis. 2d 350, 815 N.W.2d 690, 10-2900.

Acting upon a citizen complaint to revoke a liquor license that was not sworn, as required under sub. (2) (ag), constituted a fundamental error that deprived the licensing committee of jurisdiction over the matter. *Park 6 LLC v. City of Racine*, 2012 WI App 123, 344 Wis. 2d 661, 824 N.W.2d 903, 11-2282.

Certiorari is the correct standard of review for a court to apply when, pursuant to sub. (2) (d), it reviews a municipal decision not to renew an alcohol license. *Nowell v. City of Wausau*, 2013 WI 88, 351 Wis. 2d 1, 838 N.W.2d 852, 11-1045.

Sub. (2) (a) 2.'s prohibition of operating a disorderly house was not unconstitutionally vague as applied in this case. The statute's legislative purpose concerns the health and safety of the public and its enforcement is aimed at public health. There was no doubt that the conduct cited in this case was disorderly, riotous, indecent, or improper. Such behavior falls squarely within the ambit of the statute, particularly given the public health and safety concerns involved. *Scott Hegwood v. City of Eau Claire*, 679 F.3d 600 (2012).

125.13 Report of suspension, revocation or imposition of penalty. Whenever a municipal governing body or court revokes or suspends a license or permit or imposes a penalty on a licensee or permittee for the violation of this chapter, the clerk of the municipality or court revoking or suspending the license or imposing the penalty shall, within 10 days after the revocation, suspension or imposition of penalty, mail a report to the department at Madison, Wisconsin, giving the name of the licensee, the address of the licensed premises and a full description of the penalty imposed.

History: 1981 c. 79.

125.14 Enforcement provisions. (1) ARREST. Subject to s. 175.38, any peace officer may arrest without warrant any person committing in his or her presence a violation of this chapter or ch.

139 and may, without a search warrant, seize any personal property used in connection with the violation.

(2) **CONFISCATION; DISPOSAL.** (a) *Contraband.* All alcohol beverages owned, possessed, kept, stored, manufactured, sold, distributed or transported in violation of this chapter or ch. 139 and all personal property used in connection therewith is unlawful property and may be seized by any peace officer. Any peace officer confiscating personal property under this section may proceed under this section.

(c) *Identification.* Any person seizing alcohol beverages or personal property and electing to dispose of it under this subsection shall exercise reasonable diligence to ascertain the name and address of the owner of the alcohol beverages or property and of all persons holding a security interest in the property seized. The person shall report his or her findings in writing to the department.

(d) *Order.* Upon conviction of any person for owning, possessing, keeping, storing, manufacturing, selling, distributing or transporting alcohol beverages in violation of this chapter or ch. 139, the court shall order part or all of the alcohol beverages or personal property seized to be destroyed if it is unfit for sale. Alcohol beverages and other personal property fit for sale shall be turned over to the department for disposition. Upon receipt of the confiscated property, the department shall exercise reasonable diligence to ascertain the names and addresses of all owners of the property and of all persons holding a security interest in the property. If a motor vehicle is confiscated, the department shall obtain the written advice of the department of transportation as to the ownership of the motor vehicle and shall make a reasonable search for perfected security interests in the vehicle.

(e) *Disposal.* The department shall dispose of the alcohol beverages turned over to it by the court by either giving it to law enforcement agencies free of charge for use in criminal investigations, selling it to the highest bidder if the bidder is a person holding a license or permit issued under this chapter, or destroying it, at the discretion of the department. If the department elects to sell the alcohol beverages, it shall publish a class 2 notice under ch. 985 asking for sealed bids from qualified bidders. Any items or groups of items in the inventory subject to a security interest, the existence of which was established in the proceedings for conviction as being bona fide and as having been created without the secured party having notice that the items were being used or were to be used in connection with the violation, shall be sold separately. The net proceeds from the sale, less all costs of seizure, storage, and sale, shall be turned over to the secretary of administration and credited to the common school fund.

(f) *Sale.* Any personal property, other than alcohol beverages, seized under par. (a) and fit for sale, shall be turned over by the department to the department of administration for disposal at public auction to the highest bidder, at a time and place stated in a notice of sale which describes the property to be sold. The sale shall be held in a conveniently accessible place in the county where the property was confiscated. A copy of the notice shall be published as a class 2 notice under ch. 985. The last insertion shall be at least 10 days before the sale. The department of revenue shall serve a copy of the notice of sale at least 2 weeks before the date thereof on all persons who are or may be owners or holders of security interests in the property. Any confiscated property worth more than \$100 shall be sold separately, and the balance of the confiscated property shall be sold in bulk or separately at the discretion of the department of administration. The net proceeds from the sale, less all costs of seizure, storage, and sale, shall be turned over to the secretary of administration. No motor vehicle or motorboat confiscated under this section may be sold within 30 days after the date of seizure.

(3) **RECOVERY OF CONFISCATED PROPERTY.** (a) *Application.* Prior to sale under sub. (2) (f), the owner of confiscated property may apply to a court of record in the county where the property was seized for an order restoring the property to the owner. After the sale, the owner may apply to the court for a refund of the amount realized on the sale. After the sale, any holder of a security

interest in the property may apply to the court for a refund of the sum realized on the sale of property subject to the security interest, but not more than the amount due under the security agreement.

(b) *Deadline.* The application shall be made within one year after the sale of the property. A copy of the application and the order setting a hearing on it shall be served on the department at least 20 days before the date set for hearing.

(c) *Grounds.* Relief shall be granted only after a showing by the applicant that he or she is the true owner or holder of a bona fide security interest in the property seized; that the violation which led to the confiscation was not with his or her knowledge, consent or connivance; and, that he or she had no reasonable grounds to believe or suspect that the property would be used in a violation.

(d) *Costs.* The court may determine whether the applicant shall pay the costs of seizure and sale as a condition of obtaining relief. Allowance of costs and disbursements shall be within the discretion of the court.

(5) **NUISANCES.** Any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured or rectified without a valid permit or license issued under this chapter or ch. 139, or where persons are permitted to drink alcohol beverages in violation of this chapter is a public nuisance and may be closed until the activity in violation of this chapter is abated. When the activity is abated, the building or place may be used for any lawful purpose.

(6) **PROCEDURE.** (a) *Form of complaint.* In a prosecution for a violation of a statute relating to the sale of alcohol beverages it is not necessary to allege in the complaint, information or indictment the kind or quantity of alcohol beverages sold or the person to whom it was sold. It is sufficient to allege generally that the defendant sold alcohol beverages at a time and place mentioned, together with a brief statement of the facts showing that the sale was a violation of this chapter.

(b) *Discovery.* In a prosecution for a violation of this chapter that may result in the imposition of a forfeiture, neither party is entitled to pretrial discovery, except that, if the defendant moves within 30 days after the initial appearance in person or by an attorney and shows cause therefor, the court may order that the defendant be allowed to inspect documents, including lists of names and addresses of witnesses, if available, and to test under s. 804.09, under such conditions as the court prescribes, any devices used by the plaintiff to determine whether a violation has been committed.

History: 1981 c. 79; 1989 a. 253; 1997 a. 291; 2003 a. 33; 2005 a. 22, 332.

125.145 Prosecutions by attorney general or department. Upon request by the secretary of revenue, the attorney general may represent this state or assist a district attorney in prosecuting any case arising under this chapter. The department may represent this state in prosecuting any violation of s. 125.54 (7) (a) or (b) and shall bring any such action in the circuit court for Dane County.

History: 1985 a. 302; 2005 a. 25.

125.15 Actions against intoxicating liquor wholesalers. (1) An intoxicating liquor wholesaler, intoxicating liquor retail licensee or permittee, or intoxicating liquor trade association that makes a written complaint to the department under s. 125.12 (6) of a violation of s. 125.54 (7) (a) may bring an action to enforce the provisions of s. 125.54 (7) if any of the following apply:

(a) The department has not rendered a decision within the time periods specified in s. 125.12 (6) (c) to (d).

(b) The department has rendered a decision under s. 125.12 (6) in which the department has determined that a violation has occurred but no action has been brought in circuit court by the department, attorney general, or a district attorney to prosecute the violation.

(2) An intoxicating liquor wholesaler, intoxicating liquor retail licensee or permittee, or intoxicating liquor trade associa-

125.15 ALCOHOL BEVERAGES

Updated 19–20 Wis. Stats. 18

tion that brings an action under sub. (1) shall be entitled to recover reasonable attorney fees if found to be the prevailing party.

History: 2005 a. 25.

125.16 Actions to recover price denied. No action may be brought to recover the price of any alcohol beverages sold in violation of this chapter or ch. 139.

History: 1981 c. 79.

125.17 Issuance of operators' licenses. (1) **AUTHORIZATION.** Every municipal governing body shall issue an operator's license to any applicant who is qualified under s. 125.04 (5), except that the municipal governing body may by ordinance authorize a designated municipal official to issue operator's licenses. Operators' licenses may not be required other than for the purpose of complying with ss. 125.32 (2) and 125.68 (2) or s. 125.06 (3g). Operators' licenses may be issued only upon written application.

(2) **VALIDITY.** Operators' licenses are valid only within the issuing municipality.

(3) **FEE.** The municipal governing body shall establish by ordinance a fee for the operator's license. Except as provided under sub. (4), a license shall be valid for one or 2 years, as determined by the municipal governing body, and shall expire on June 30, except in 1st class cities the license shall expire on December 31.

(4) **TEMPORARY LICENSE.** Any municipal governing body or designated municipal official may issue a temporary operator's license under the terms of subs. (1) to (3), except that:

(a) This license may be issued only to operators employed by, or donating their services to, nonprofit corporations.

(b) No person may hold more than 2 licenses of this kind per year.

(c) The license is valid for any period from one day to 14 days, and the period for which it is valid shall be stated on the license.

(5) **PROVISIONAL LICENSE.** (a) 1. A municipal governing body that issues operators' licenses shall issue provisional operators' licenses. Subject to subd. 2., the municipal governing body may by ordinance establish standards under which provisional licenses shall be issued and shall by ordinance designate the municipal official having authority to issue them.

2. Subject to pars. (b) to (e), a municipal governing body that issues operators' licenses shall issue a provisional operator's license to a person who, at the time of application for an operator's license under sub. (1) and payment of the fee under sub. (3), files a certified copy of a valid operator's license issued by another municipality.

(b) A provisional license may be issued only to a person who has applied for an operator's license under sub. (1). A provisional license may not be issued to any person who has been denied a license under sub. (1) by the municipal governing body or designated municipal official.

(c) The municipal governing body shall establish the fee for a provisional license. The fee may not exceed \$15.

(d) 1. Except as provided in subd. 2., a provisional license expires 60 days after its issuance or when a license under sub. (1) is issued to the holder, whichever is sooner.

2. A provisional license issued under par. (a) 2. expires as provided under subd. 1. or upon expiration of the operator's license issued by another municipality and filed under par. (a) 2., whichever is sooner.

(e) The official who issued the provisional license may revoke the license if he or she discovers that the holder of the license made a false statement on the application or, if the provisional license is issued under par. (a) 2., if the official determines that the operator's license issued by another municipality and filed under par. (a) 2. is not valid or upon denial of the person's application for an operator's license under sub. (1).

(6) **TRAINING COURSE.** (a) Except as provided in par. (b), no municipal governing body or designated municipal official may issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the technical college system board or a comparable training course, which may include computer-based training and testing, that is approved by the department or the department of safety and professional services, or unless the applicant fulfills one of the following requirements:

1. The person is renewing an operator's license.

2. Within the past 2 years, the person held a Class "A", "Class A" or "Class C" license or a Class "B" or "Class B" license or permit or a manager's or operator's license.

3. Within the past 2 years, the person has completed such a training course.

(b) A municipal governing body or designated municipal official shall issue a provisional operator's license to a person who is enrolled in a training course under par. (a) and who meets the standards established by the municipality by ordinance, if any. The municipal governing body shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.

(c) No municipal governing body may require that applicants for operators' licenses undergo training in addition to that under par. (a) but may require applicants to purchase at cost materials that deal with relevant local subjects not covered in the course under par. (a).

History: 1981 c. 79, 170; 1983 a. 263; 1989 a. 253; 1991 a. 39, 269; 1993 a. 259, 399, 491; 1995 a. 27 s. 9154 (1); 1997 a. 27; 2001 a. 16; 2003 a. 245; 2011 a. 179; 2015 a. 62; 2017 a. 59; 2019 a. 166.

125.18 Issuance of managers' licenses. (1) **AUTHORIZATION.** A municipal governing body may provide by ordinance for the issuance of managers' licenses. Managers' licenses may not be required other than for the purpose of complying with ss. 125.32 (1) and 125.68 (1). Managers' licenses may be issued only upon written application.

(2) **VALIDITY.** Managers' licenses are valid only within the issuing municipality.

(3) **FEE.** The municipal governing body may establish by ordinance a fee for the manager's license, but the fee may not exceed \$25 per year. The license shall be valid for no more than one year and shall expire on June 30.

History: 1981 c. 79, 391.

125.185 Provisional retail licenses. (1) A municipal governing body that issues licenses authorizing the retail sale of fermented malt beverages, intoxicating liquor or wine shall issue provisional retail licenses. The municipal governing body may by ordinance establish standards under which provisional retail licenses shall be issued and shall by ordinance designate the municipal official having authority to issue provisional retail licenses.

(2) A provisional retail license may be issued only to a person who has applied for a Class "A", Class "B", "Class A", "Class B" or "Class C" license and authorizes only the activities that the type of retail license applied for authorizes.

(3) The municipal governing body shall by ordinance establish the fee for a provisional retail license. The fee may not exceed \$15.

(4) A provisional retail license expires 60 days after its issuance or when the Class "A", Class "B", "Class A", "Class B" or "Class C" license is issued to the holder, whichever is sooner. The official who issued the provisional retail license may revoke the license if he or she discovers that the holder of the license made a false statement on the application.

(5) Notwithstanding sub. (1), a municipal official may not issue a provisional "Class B" license if the municipality's quota

under s. 125.51 (4) prohibits the municipality from issuing a “Class B” license.

(6) No person may hold more than one provisional retail license for each type of license applied for by the holder per year.

History: 1995 a. 23.

125.19 Alcohol beverage warehouse permit.

(1) **ISSUANCE.** The department shall issue an alcohol beverage warehouse permit which authorizes the permittee to store and warehouse alcohol beverages in warehouse premises covered by the permit, subject to rules adopted by the department. The permit does not authorize the sale of any alcohol beverages.

(2) **ELIGIBILITY.** Alcohol beverage warehouse permits may be issued only to a person who holds a valid certificate issued under s. 73.03 (50) and is qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

History: 1981 c. 79; 1993 a. 259; 1995 a. 27.

SUBCHAPTER II

FERMENTED MALT BEVERAGES

125.25 Class “A” licenses. (1) Every municipal governing body may issue Class “A” licenses for the sale of fermented malt beverages from premises within the municipality. A Class “A” license authorizes retail sales of fermented malt beverages for consumption off the premises where sold and in original packages, containers, and bottles. A Class “A” license also authorizes the licensee to provide, free of charge, to customers and visitors who have attained the legal drinking age fermented malt beverages taste samples that are not in original packages, containers, or bottles and that do not exceed 3 fluid ounces each, for consumption on the Class “A” premises. No Class “A” licensee may provide more than 2 taste samples per day to any one person. Taste samples may be provided under this subsection only between the hours of 11 a.m. and 7 p.m. Any other provision of this chapter applicable to retail sales of fermented malt beverages by a Class “A” licensee also applies to the provision of taste samples, free of charge, of fermented malt beverages by a Class “A” licensee. A license may be issued after July 1. That license shall expire on the following June 30.

(2) (a) Class “A” licenses may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another.

(b) 1. A Class “A” license may not be issued to a person holding a wholesaler’s permit issued under s. 125.28 or to a person who has a direct or indirect ownership interest in a premises operating under a wholesaler’s permit issued under s. 125.28.

5. A Class “A” license may not be issued to a person holding a brewpub permit issued under s. 125.295 or to a person who has a direct or indirect ownership interest in a premises operating under a brewpub permit issued under s. 125.295.

(3) Class “A” licenses shall particularly describe the premises for which issued and are not transferable, except under s. 125.04 (12). A Class “A” license is subject to revocation for violation of any of the terms or provisions thereof.

(4) The fee for a Class “A” license shall be determined by the municipal governing body issuing the license. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

History: 1981 c. 79; 1989 a. 253; 1993 a. 378; 2003 a. 250; 2005 a. 103; 2007 a. 9, 20; 2011 a. 32.

125.26 Class “B” licenses. (1) Every municipal governing body may issue Class “B” licenses for the sale of fermented malt beverages from premises within the municipality and may autho-

rize an official or body of the municipality to issue temporary Class “B” licenses under sub. (6). A Class “B” license authorizes retail sales of fermented malt beverages to be consumed either on the premises where sold or off the premises. A license may be issued after July 1. That license shall expire on the following June 30. Persons holding a Class “B” license may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(2) (a) Class “B” licenses may be issued to any person qualified under s. 125.04 (5). Such licenses may not be issued to any person acting as agent for or in the employ of another except that this restriction does not apply to a hotel or restaurant which is not a part of or located on the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for at least 6 months before the date of application. A Class “B” license for a hotel, restaurant, club, society or lodge may be issued in the name of an officer who shall be personally responsible for compliance with this chapter.

(b) 1. Except as provided in s. 125.295, Class “B” licenses may not be issued to brewers or brewpubs.

2. A Class “B” license may not be issued to a person holding a wholesaler’s permit issued under s. 125.28 or to a person who has a direct or indirect ownership interest in a premises operating under a wholesaler’s permit issued under s. 125.28.

(2m) Notwithstanding s. 125.04 (3) (a) 3. and (9), a Class “B” license authorizes a person operating a hotel to furnish a registered guest who has attained the legal drinking age with a selection of fermented malt beverages in the guest’s room which is not part of the Class “B” premises. Fermented malt beverages furnished under this subsection shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place must be capable of being locked. The cabinet, refrigerator or other secure storage place shall be locked, or the fermented malt beverages shall be removed from the room, when the room is not occupied and when fermented malt beverages are not being furnished under this subsection. A key for the lock shall be supplied to a guest who has attained the legal drinking age upon request at registration. The hotel shall prominently display a price list of the fermented malt beverages in the hotel room. Fermented malt beverages may be furnished at the time the guest occupies the room, but for purposes of this chapter, the sale of fermented malt beverages furnished under this subsection is considered to occur at the time and place that the guest pays for the fermented malt beverages. Notwithstanding s. 125.32 (3), the guest may pay for the fermented malt beverages at any time if he or she pays in conjunction with checking out of the hotel. An individual who stocks or accepts payment for alcohol beverages under this subsection shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company or the holder of a manager’s or operator’s license or be supervised by one of those individuals.

(2s) (a) In this subsection:

1. “Coliseum” means a multipurpose facility designed principally for sports events, with a capacity of 18,000 or more persons.

2. “Concessionaire” means a person designated by the owner or operator of a coliseum to operate premises in the coliseum and to provide fermented malt beverages to holders of coliseum suites.

(b) Notwithstanding s. 125.04 (3) (a) 3. and (9), a Class “B” license authorizes a person operating a coliseum or a concessionaire to furnish the holder of a coliseum suite who has attained the legal drinking age with a selection of fermented malt beverages in the coliseum suite that is not part of the Class “B” premises. Fermented malt beverages furnished under this paragraph shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place or the coliseum suite must be capable of being locked. The cabinet, refrigerator or other secure storage place or the coliseum suite shall be locked, or the fer-

mented malt beverages shall be removed from the coliseum suite, when the coliseum suite is not occupied and when fermented malt beverages are not being furnished under this paragraph. Fermented malt beverages may be furnished at the time the holder occupies the coliseum suite, but for purposes of this chapter, the sale of fermented malt beverages furnished under this paragraph is considered to occur at the time and place that the holder pays for the fermented malt beverages. Notwithstanding s. 125.32 (3), the holder of a coliseum suite may pay for the fermented malt beverages at any time if he or she pays in accordance with the terms of an agreement with the person operating the coliseum or with the concessionaire. An individual who stocks or accepts payment for alcohol beverages under this paragraph shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company or the holder of a manager's or operator's license or be supervised by one of those individuals.

(2u) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), a Class “B” license issued under this section to a caterer also authorizes the caterer to provide fermented malt beverages, including their retail sale, at the National Railroad Museum in Green Bay during special events held at this museum. Notwithstanding sub. (1), a caterer may provide fermented malt beverages under this subsection at any location at the National Railroad Museum even though the National Railroad Museum is not part of the caterer's licensed premises, as described under sub. (3) in the caterer's Class “B” license, and even if the National Railroad Museum is not located within the municipality that issued the caterer's Class “B” license. A caterer that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the caterer's Class “B” licensed premises. This subsection does not authorize the National Railroad Museum to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale. This subsection does not apply if, at any time, the National Railroad Museum holds a Class “B” license.

(2v) (a) Subject to pars. (b) and (c), and notwithstanding ss. 125.04 (3) (a) 3. and (9), 125.09 (1), and 125.32 (6) (a), in addition to the authorization specified in sub. (1), a Class “B” license issued under this section to a caterer also authorizes the caterer to provide fermented malt beverages, including their retail sale, on racetrack grounds, as defined in s. 125.27 (5) (a). Subject to pars. (b) and (c), and notwithstanding sub. (1) and s. 125.32 (6) (a), a caterer may provide fermented malt beverages under this paragraph at any location on racetrack grounds even though the racetrack grounds are not part of the caterer's licensed premises, as described under sub. (3) in the caterer's Class “B” license, and even if the racetrack grounds are not located within the municipality that issued the caterer's Class “B” license. A caterer that provides fermented malt beverages under this paragraph is subject to s. 125.32 (2) and (3) as if the fermented malt beverages were provided on the caterer's Class “B” licensed premises.

(b) A caterer may not provide fermented malt beverages under par. (a) at any designated camping area on racetrack grounds while the area is in use for camping.

(c) A caterer may not provide fermented malt beverages under par. (a) on any premises covered by a permit issued under s. 125.27 (5) or 125.51 (5) (f).

(2w) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), a Class “B” license issued under this section to a caterer also authorizes the caterer to provide fermented malt beverages, including their retail sale, at the Heritage Hill state park during special events held at this park. Notwithstanding sub. (1), a caterer may provide fermented malt beverages under this subsection at any location at the Heritage Hill state park even though the Heritage Hill state park is not part of the caterer's licensed premises, as described under sub. (3) in the caterer's Class “B” license, and even if the Heritage Hill state park is not located within the municipality that issued the caterer's Class “B” license. A caterer that provides fermented

malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the caterer's Class “B” licensed premises. This subsection does not authorize the Heritage Hill state park to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale. This subsection does not apply if, at any time, the Heritage Hill state park holds a Class “B” license.

(2x) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), a Class “B” license issued under this section also authorizes the licensee to provide fermented malt beverages, including their retail sale, at specific locations within the Ozaukee County fairgrounds for consumption at these locations during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the licensee and if the licensee's Class “B” licensed premises are located in Ozaukee County. Notwithstanding sub. (1), a licensee may provide fermented malt beverages under this subsection at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the licensee's licensed premises, as described under sub. (3) in the licensee's Class “B” license, and even if the Ozaukee County fairgrounds are not located within the municipality that issued the Class “B” license. A licensee that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the licensee's Class “B” licensed premises. Notwithstanding s. 125.34 (4) and (5), a wholesaler may deliver fermented malt beverages to the Ozaukee County fairgrounds to a licensee approved by the Ozaukee County board under this subsection and such an approved licensee may transport fermented malt beverages from its licensed premises to the Ozaukee County fairgrounds for purposes of selling the fermented malt beverages at the Ozaukee County fairgrounds. This subsection does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale.

(3) Class “B” licenses shall particularly describe the premises for which issued and are not transferable, except as provided in s. 125.04 (12). A Class “B” license is subject to revocation for violation of any of the terms or provisions thereof.

(3m) A municipality may issue a Class “B” license authorizing retail sales of fermented malt beverages on a railroad car while the railroad car is standing in a specified location in the municipality.

(4) The fee for a Class “B” license shall be determined by the municipal governing body issuing the license but the fee may not exceed \$100 per year. The fee for a license for less than 12 months shall be prorated according to the number of months or fraction thereof for which the license is issued.

(5) Class “B” licenses may be issued at any time for a period of 6 months in any calendar year, for which 50 percent of the license fee shall be paid. Such licenses are not renewable during the calendar year in which issued.

(6) Temporary Class “B” licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans organizations authorizing the sale of fermented malt beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed \$10. An official or body authorized by a municipal governing body to issue temporary Class “B” licenses may, upon issuance of any temporary Class “B” license, authorize the licensee to permit underage persons to be on the premises for which the license is issued. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of fermented malt beverages from leased stands

on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of fermented malt beverages from the stands while the fair is being held. A municipal governing body may issue a temporary Class “B” license for premises that are covered by a “Class B” permit issued under s. 125.51 (5) (b) 2. if the applicant meets the requirements of this subsection. If a license is issued under this subsection to a fair association solely for the purpose of conducting on the licensed premises fermented malt beverages judging or tasting events involving servings of fermented malt beverages no greater than one fluid ounce each, s. 125.32 (2) does not apply to these licensed premises.

History: 1981 c. 79; 1985 a. 302; 1987 a. 249, 399; 1989 a. 253; 1991 a. 269; 1993 a. 112, 378; 1995 a. 282; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 22, 103; 2007 a. 20; 2009 a. 28; 2011 a. 32; 2011 a. 260 s. 81; 2013 a. 268; 2015 a. 62; 2017 a. 59, 95; 2021 a. 39.

A municipality has authority to limit the area of the premises when it grants a license. Here, the town chose to license the entire 8 acres of a resort as the premises for the sale, and also the consumption, of fermented malt beverages and intoxicating liquor. The town made that choice. The license was not void due to an insufficient description of the premises. *Wisconsin Dolls, LLC v. Town of Dell Prairie*, 2012 WI 76, 342 Wis. 2d 350, 815 N.W.2d 690, 10–2900.

125.27 Class “B” permits. (1) **SPORTS CLUBS.** (a) The department shall issue Class “B” permits to clubs holding a valid certificate issued under s. 73.03 (50) that are operated solely for the playing of golf or tennis and are commonly known as country clubs and to clubs that are operated solely for curling, ski jumping or yachting, if the club is not open to the general public and if no Class “B” licenses are issued by the governing body of the municipality in which the club is located. A Class “B” permit authorizes retail sales of fermented malt beverages to be consumed on the premises where sold. Persons holding a Class “B” permit may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(b) A club applying for a Class “B” permit under this subsection shall have occupied the premises on which it is located on the date of filing the application for a period of 6 months prior to that date.

(d) Except as otherwise provided in this subsection, all sections of this chapter relating to Class “B” licenses apply to Class “B” permits issued under this subsection.

(2) **VESSELS.** (a) 1. The department may issue a Class “B” permit to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5) authorizing the sale of fermented malt beverages for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. 29.001 (45) and (63) if any of the following applies:

a. The vessel serves food and has an approved passenger capacity of not less than 40 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50 percent of the gross receipts of all of the food and beverages served on the vessel.

b. The vessel has an approved passenger capacity of not less than 100 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50 percent of the gross receipts of the vessel.

2. The department may issue the permit only if the vessel leaves its place of mooring while the sale of fermented malt beverages is taking place and if the vessel fulfills the requirement under par. (am). A permit issued under this paragraph also authorizes the permittee to store fermented malt beverages purchased for sale on the vessel on premises owned or leased by the permittee and located near the vessel’s regular place of mooring. The permittee shall describe on the permit application under s. 125.04 (3) (a) 3. the premises where the fermented malt beverages will be stored. The premises shall be open to inspection by the department upon request.

(am) An applicant for a permit under par. (a) shall provide proof that the vessel is certified by the U.S. coast guard, classed

by the American bureau of shipping, or covered by liability insurance.

(b) Persons holding a permit under par. (a) may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(d) Except as provided in this subsection, all sections of this chapter applying to Class “B” licenses apply to Class “B” permits issued under this subsection.

(e) A person holding a permit under par. (a) shall keep all invoices relating to the purchase of fermented malt beverages for sale on a vessel at the location where the fermented malt beverages are customarily stored.

(3) **PERMITS FOR CERTAIN TRIBES.** (a) In this subsection, “tribe” means a federally recognized American Indian tribe in this state having a reservation created pursuant to treaty with the United States encompassing not less than 60,000 acres nor more than 70,000 acres or any business entity that is wholly owned and operated by such a tribe.

(b) Upon application, the department shall issue a Class “B” permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and that is qualified under s. 125.04 (5) and (6). The permit authorizes the retail sale of fermented malt beverages for consumption on or off the premises where sold.

(c) A tribe holding a permit under par. (a) may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(d) Except as provided in this subsection, all sections of this chapter applying to Class “B” licenses apply to Class “B” permits issued under this subsection.

(4) **ADDITIONAL SALES AUTHORITY FOR PERMITTEES.** Notwithstanding subs. (1) (d), (2) (d), and (3) (d) and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1), (2), or (3), a Class “B” permit issued under this section also authorizes the permittee to provide fermented malt beverages, including their retail sale, at specific locations within the Ozaukee County fairgrounds for consumption at these locations during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the permittee and if the premises covered by the Class “B” permit are located in Ozaukee County. Notwithstanding subs. (1), (2), and (3), a permittee may provide fermented malt beverages under this subsection at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the premises described in the permit. A permittee that provides fermented malt beverages under this subsection is subject to s. 125.32 (2) as if the fermented malt beverages were provided on the premises covered by the Class “B” permit. Notwithstanding s. 125.34 (4) and (5), a wholesaler may deliver fermented malt beverages to the Ozaukee County fairgrounds to a permittee approved by the Ozaukee County board under this subsection and such an approved permittee may transport fermented malt beverages from the premises covered by the permit to the Ozaukee County fairgrounds for purposes of selling the fermented malt beverages at the Ozaukee County fairgrounds. This subsection does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell fermented malt beverages at retail or to procure or stock fermented malt beverages for purposes of retail sale. This subsection does not apply to a permit issued under sub. (6).

(5) **PERMITS FOR RACETRACK GROUNDS.** (a) In this subsection, “racetrack grounds” means real property consisting of at least 300 acres containing a motor vehicle racetrack at least 4 miles in length capable of hosting professional racing events, and includes any building or other structure on this property associated with the racetrack or with services provided in connection with events held at the racetrack.

(b) The department may issue Class “B” permits for locations within racetrack grounds to any person that holds a valid certificate issued under s. 73.03 (50), that is qualified under s.

125.04 (5) and (6), and that is the owner or operator of the racetrack grounds or is designated by the owner or operator of the racetrack grounds to operate premises located within the racetrack grounds. Subject to par. (e), the permit authorizes the retail sale of fermented malt beverages on the premises covered by the permit, for consumption anywhere within the racetrack grounds. If the department issues more than one permit under this subsection for the same racetrack grounds, no part of the premises covered by a permit under this subsection may overlap with premises covered by any other permit issued under this subsection.

(c) Persons holding a permit under par. (b) may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(d) Subject to ss. 125.07 (3) (a) 17. and 125.32 (3) (c) and (3m) (k), all provisions of this chapter applying to Class “B” licenses apply to Class “B” permits issued under this subsection, except as follows:

1. A permit issued under this subsection does not authorize retail sales of fermented malt beverages for consumption off the racetrack grounds.

2. A permit issued under this subsection authorizes the retail sale of fermented malt beverages for possession and consumption off the premises where sold if the possession and consumption occurs within the racetrack grounds.

(e) A permit issued under this subsection does not authorize retail sales of fermented malt beverages at any designated camping area on racetrack grounds while the area is in use for camping.

(f) The department shall establish a fee for a permit issued under this subsection in the amount of 50 percent of the fee for a permit issued under sub. (1).

(6) PERMITS FOR STATE FAIR PARK. (a) The state fair park board may issue Class “B” permits for locations at the state fair park to any person who holds a valid certificate issued under s. 73.03 (50), meets the qualifications under s. 125.04 (5) (a), (b), and (c), and, if applicable, satisfies the requirements under s. 125.04 (6). The state fair park board may use the application forms under s. 125.04 (3) (b) and (d) 1. or may prepare its own application forms with application information tailored to the permits under this subsection. The state fair park board’s notice of meeting under s. 19.84 for a meeting at which a permit application will be considered shall be given at least 15 days prior to the meeting.

(b) A permit issued under this subsection authorizes the retail sale of fermented malt beverages on the premises covered by the permit, for consumption anywhere at the state fair park.

(c) A permit issued under this subsection may describe as premises under the permit multiple locations at the state fair park.

(d) A person holding a permit under this subsection is subject to any requirements or conditions imposed upon the person by the state fair park board in the permit or under a lease or vendor agreement. This agreement may require the person to remit to the state fair park board a percentage of gross sales of alcohol beverages as specified in the agreement.

(e) Persons holding a permit under this subsection may sell beverages containing less than 0.5 percent of alcohol by volume without obtaining a license under s. 66.0433.

(f) Sections 125.04 (3) (e), (f), and (g), (8), and (12), 125.045, 125.10, 125.12, and 125.185 do not apply with respect to a permit issued under this subsection.

(g) A permit issued under this subsection shall be valid for one year and expire on June 30. The state fair park board shall establish an annual fee for a permit issued under this subsection in the amount of 50 percent of the annual fee for a permit issued under sub. (1). All fees received under this paragraph shall be credited to the appropriation account under s. 20.190 (1) (h).

(h) 1. The state fair park board shall establish standards, consistent with par. (a), and procedures for renewal of a permit issued under this subsection.

2. The state fair park board shall establish standards and procedures for suspension, revocation, or refusal to renew a permit issued under this subsection. A suspension, revocation, or refusal to renew a permit under this subsection is a contested case under ch. 227.

(i) Except as otherwise provided in this subsection, all sections of this chapter relating to Class “B” licenses apply to Class “B” permits issued under this subsection.

(j) The state fair park board shall have the enforcement powers of s. 42.01 over a permittee under this subsection.

(k) A municipality may not issue a Class “B” license for premises within the state fair park. Except as provided in ss. 125.29 (3) (j) and 125.295 (1) (i), no person may sell fermented malt beverages at retail at the state fair park unless the person holds a permit issued under this subsection, and no brewer, brewpub, or wholesaler may sell fermented malt beverages to a person for resale at the state fair park unless the person holds a permit issued under this subsection.

History: 1981 c. 79, 202; 1983 a. 27 s. 2202 (38); 1985 a. 302; 1987 a. 91; 1989 a. 16, 252, 253, 359; 1995 a. 27; 1997 a. 248; 1999 a. 150 s. 672; 2009 a. 28; 2017 a. 59, 95, 364; 2021 a. 39, 43.

125.272 Face-to-face retail sales. Except as provided in ss. 125.26 (2m), (2s), and (2x) and 125.27 (4) and except with respect to caterers, a retail license issued under s. 125.25 or 125.26, and a retail permit issued under s. 125.27, authorizes only face-to-face sales to consumers at the premises described in the retail license or permit.

History: 2007 a. 85; 2017 a. 95.

125.275 Industrial fermented malt beverages permit.

(1) The department may issue an industrial fermented malt beverages permit which authorizes the permittee to purchase and use fermented malt beverages for industrial purposes only. Such permits may be issued only to persons who prove to the department that they use alcohol for industrial purposes and who holds a valid certificate issued under s. 73.03 (50).

(2) (a) Industrial fermented malt beverages permits may be issued to any person qualified under s. 125.04 (5), except a person acting as agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(b) An industrial fermented malt beverages permit may not be issued to a person holding a wholesaler’s permit issued under s. 125.28 or to a person who has a direct or indirect ownership interest in a premises operating under a wholesaler’s permit issued under s. 125.28.

(3) Shipments of industrial fermented malt beverages shall be conspicuously labeled “for industrial purposes” and shall meet other requirements which the department prescribes by rule.

History: 1985 a. 29; 1989 a. 253; 1993 a. 259, 378; 1995 a. 27; 2011 a. 32.

125.28 Wholesalers’ permits. **(1)** (a) Subject to par. (b), the department may issue permits to wholesalers for the sale of fermented malt beverages from premises within this state, which premises shall comply with the requirements under s. 125.34 (2). Subject to s. 125.34, and except as provided in pars. (e) and (f), a wholesaler’s permit authorizes sales of fermented malt beverages only in original packages or containers to retailers or wholesalers.

(b) If a wholesaler does not maintain any warehouse in this state but is licensed and maintains a warehouse in an adjoining state that allows wholesalers holding a wholesaler’s permit in this state to deliver fermented malt beverages to retailers in the adjoining state without warehousing in that state and that further requires that all fermented malt beverages be first unloaded and physically

at rest at, and distributed from, the warehouse of the licensed wholesaler in that state, the wholesaler's permit shall be issued by the department. Notwithstanding s. 125.04 (5) (a) 2. and (c) and (6), the department may issue the wholesaler's permit to a wholesaler described in this paragraph who is a natural person and not a resident of this state or that is a corporation or limited liability company and has not appointed an agent in this state.

(c) No additional license or permit is required for the solicitation of orders for sale to or by wholesalers holding a permit under this section.

(d) Wholesalers holding a permit under this section, employees of such wholesalers, and individuals representing such wholesalers may not provide or participate in providing taste samples under ss. 125.25 (1) and 125.33 (12).

(e) Notwithstanding ss. 125.04 (9) and 125.09 (1), if a wholesaler was issued a retail license prior to January 1, 2011, then the wholesaler may, under its wholesaler's permit, continue to sell at retail fermented malt beverages to individuals as was permitted under the previously issued retail license.

(f) A wholesaler's permit authorizes the wholesaler to sell or give fermented malt beverages to its employees. Fermented malt beverages may be consumed on a wholesaler's premises at events not open to the general public.

(2) (a) A wholesaler's permit may be issued to any person qualified under s. 125.04 (5) except a person acting as an agent for, or in the employ of, another person. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(b) A wholesaler's permit may not be issued to any of the following:

1. A person holding one or more of the following licenses or permits:

- a. A Class "A" license issued under s. 125.25.
- b. A Class "B" license issued under s. 125.26.
- c. A Class "B" permit issued under s. 125.27.
- d. An industrial fermented malt beverages permit issued under s. 125.275.
- e. A brewpub permit issued under s. 125.295.
- f. A brewer's permit issued under s. 125.29.

2. Except as provided in s. 125.33 (2m), a person who has a direct or indirect ownership interest in a premises operating under one or more of the licenses or permits listed in subd. 1. a. to f.

(d) Notwithstanding par. (b) 1. f. and 2., a wholesaler may not hold any ownership interest in any brewer, except a wholesaler that holds an ownership interest in a brewer on July 1, 2011, may continue to hold that interest.

(e) 1. Any person holding an unexpired wholesaler's license issued under s. 125.28, 2009 stats., prior to January 1, 2012, shall be treated as holding a valid wholesaler's permit under this section until January 1, 2013. On January 1, 2013, all wholesaler's licenses issued under s. 125.28, 2009 stats., shall be void.

2. After January 1, 2012, the department shall issue to each person holding an unexpired wholesaler's license issued under s. 125.28, 2009 stats., a wholesaler's permit if the person does not hold a license or permit prohibited under par. (b). The issuance of a wholesaler's permit by the department to any person shall invalidate any previous wholesaler's license issued under s. 125.28, 2009 stats., to the person.

(3) Wholesalers' permits shall particularly describe the premises for which issued and are not transferable, except as provided in s. 125.04 (12). A wholesaler's permit is subject to revocation for violation of any of the terms or provisions thereof.

(4) The amount of the permit fee shall be established by the department and shall be an amount that is sufficient to fund one special agent position dedicated to alcohol and tobacco enforcement at the department, but the permit fee may not exceed \$2,500 per year or fractional part thereof. All permit fees received under

this subsection shall be credited to the appropriation account under s. 20.566 (1) (hd).

(5) (a) The premises described in a permit issued under this section shall be capable of warehousing fermented malt beverages. Any fermented malt beverages sold by the wholesaler shall be physically unloaded at the premises described in the permit, or at any warehouse premises for which the wholesaler also holds a permit under this section and a permit issued under s. 125.19, prior to being delivered to a retail licensee or to another wholesaler.

(b) A wholesaler under this section shall annually sell and deliver fermented malt beverages to at least 25 retail licensees or other wholesalers that do not have any direct or indirect interest in each other or in the wholesaler. The department may not issue a permit under this section unless the applicant represents to the department an intention to satisfy this requirement, and may not renew a permit issued under this section unless the wholesaler demonstrates that this requirement has been satisfied.

(c) No fermented malt beverages retail licensee or wholesaler may receive a benefit from a violation under par. (a) or (b) with knowledge of the circumstances giving rise to the violation.

(d) 1. A wholesaler that violates this subsection shall be fined not more than \$10,000. In addition, a court shall order the wholesaler to forfeit an amount equal to any profit gained by the wholesaler or retail licensee that violates par. (c), or by both, resulting from the violation, and the court shall further order that the wholesaler's permit be revoked.

2. A court shall order a retail licensee or wholesaler that violates this subsection to forfeit an amount equal to any profit gained by the retail licensee or wholesaler resulting from the violation, and the court shall further order that the retail license or wholesaler's permit be revoked.

3. This paragraph shall not affect the authority of any municipality or the department to revoke, suspend, or refuse to renew or issue a license or permit under s. 125.12.

(e) The department shall promulgate rules to administer and enforce the requirements under this subsection. The rules shall ensure coordination between the department's issuance and renewal of permits under this section and its enforcement of the requirements of this subsection, and shall require that all applications for issuance or renewal of permits under this section be processed by department personnel generally familiar with activities of fermented malt beverages wholesalers. The department shall establish by rule minimum requirements for warehouse facilities on premises described in permits issued under this section and for periodic site inspections by the department of such warehouse facilities.

History: 1981 c. 79; 1989 a. 31, 253; 1993 a. 112, 259, 378, 491; 1995 a. 225; 1999 a. 163; 2003 a. 250; 2005 a. 103, 115; 2007 a. 9, 20; 2011 a. 32.

125.29 Brewers. (1) PERMIT. No person may operate as a brewer unless that person obtains a permit from the department. A permit under this section may only be issued to a person who holds a valid certificate issued under s. 73.03 (50).

(2) INTEREST RESTRICTIONS. (a) No person holding a Class "A" license, Class "B" license or permit, or wholesaler's permit issued under this chapter may register as a brewer.

(b) 1. Except as provided in subd. 2. or 3., no brewer may hold any ownership interest in any wholesaler.

2. A brewer may hold an ownership interest of less than 50 percent in a wholesaler if this ownership interest will not occur for more than 3 years.

3. If a wholesaler that has been granted distribution rights by a brewer for a brand in a designated sales territory is unable to service the designated sales territory for any reason, including the discontinuation of the wholesaler's distribution rights, bankruptcy, or criminal prosecution of the wholesaler in connection with operation of the wholesaler, and the reason is not the result of an action by the brewer, then a brewer shall be allowed, for a period of not more than one year, to take temporary control and operation of the wholesaler.

(3) **AUTHORIZED ACTIVITIES.** The department shall issue brewer's permits to eligible applicants authorizing all of the following:

(a) The manufacture of fermented malt beverages on the brewery premises.

(b) The bottling, packaging, possession, and storage of fermented malt beverages on the brewery premises.

(c) The transportation of fermented malt beverages between the brewery premises and any depot or warehouse maintained by the brewer.

(d) The sale, shipment, transportation, and delivery, in original unopened packages or containers, to wholesalers, from the brewery premises, of fermented malt beverages that have been manufactured by the brewer on those premises or on other premises of the brewer.

(e) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale of fermented malt beverages that have been manufactured on the brewery premises or on other premises of the brewer for on-premise consumption by individuals at the brewery premises or an off-site retail outlet established by the brewer.

(f) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale to individuals of fermented malt beverages, in original unopened packages or containers, that have been manufactured on the brewery premises or on other premises of the brewer for off-premise consumption by individuals, if the sale occurs at the brewery premises or at an off-site retail outlet established by the brewer.

(g) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale of fermented malt beverages, for on-premise consumption or for off-premise consumption in original unopened packages or containers, that have been manufactured on another brewery premises in this state if the fermented malt beverages have been purchased by the brewer from a wholesaler holding a permit under s. 125.28 or from another brewery located in this state that manufactures 300,000 or less barrels of beer in a calendar year.

(h) Notwithstanding ss. 125.04 (9) and 125.09 (1), the retail sale of intoxicating liquor, for on-premise consumption by individuals at the brewery premises or an off-site retail outlet established by the brewer, if the brewer held, on June 1, 2011, a license or permit authorizing the retail sale of intoxicating liquor and if the intoxicating liquor has been purchased by the brewer from a wholesaler holding a permit under s. 125.54.

(i) The provision of free taste samples on the brewery premises, at an off-site retail outlet established by the brewer, or as authorized under s. 125.33 (12).

(j) The ownership, maintenance, or operation of places for the sale of fermented malt beverages at the state fair park or on any county fairgrounds located in this state. A brewer may not make retail sales of fermented malt beverages at the state fair park unless the state fair park board has approved the brewer to make such sales.

(3m) **SALES TO RETAILERS.** (a) Except as provided in pars. (b) and (c), no brewer may sell fermented malt beverages to a retail licensee.

(b) A brewer that manufactures 300,000 or less barrels of fermented malt beverages in a calendar year from all locations may sell, ship, transport and deliver to retailers, from the brewery premises, fermented malt beverages, in original unopened packages or containers, that have been manufactured on the brewery premises, if the brewer complies with the requirements in ss. 125.33 and 125.34, as applicable, to the same extent as if the brewer were a wholesaler.

(c) If a wholesaler that has been granted distribution rights by a brewer for a brand in a designated sales territory is unable to service the designated sale territory for any reason, including the discontinuation of the wholesaler's distribution rights, bankruptcy, or criminal prosecution of the wholesaler in connection with operation of the wholesaler, and the reason is not the result of an action by the brewer, then a brewer shall be allowed, for a period of not more than one year, to sell or ship any brand of fermented malt

beverages to retailers located in the wholesaler's designated sales territory.

(5) **BREW PUBS.** No person holding a brewpub permit under s. 125.295 may register as a brewer under this section.

(6) **RESTAURANTS.** A brewer may operate a restaurant on the brewery premises and at an off-site retail outlet established by the brewer. A brewer may not operate a restaurant at any other location except that a brewer may possess or hold an indirect interest in a Class "B" license for not more than 20 restaurants in each of which the sale of alcohol beverages accounts for less than 60 percent of the restaurant's gross receipts if no fermented malt beverages manufactured by the brewer are offered for sale in any of these restaurants.

History: 1981 c. 79; 1989 a. 253; 1993 a. 378; 1995 a. 27; 2005 a. 103; 2007 a. 9, 20; 2011 a. 32; 2015 a. 55; 2017 a. 17; 2021 a. 43.

A Web of Regulations: Starting a Brewery. Glazer. Wis. Law. March 2016.

125.295 Brewpub permits. (1) The department shall issue brewpub permits to eligible applicants authorizing all of the following:

(a) The manufacture of fermented malt beverages on the brewpub premises if the entire manufacturing process occurs on these premises and not more than 10,000 barrels of fermented malt beverages are manufactured in a calendar year by the permittee's brewpub group.

(b) The bottling on brewpub premises of fermented malt beverages that have been manufactured on these premises.

(c) The packaging in refillable containers exceeding 24 ounces in volume, at the request of a customer and on brewpub premises, of fermented malt beverages that have been manufactured on these premises.

(d) The possession and storage of any fermented malt beverages on brewpub premises.

(e) The transportation of fermented malt beverages that have been manufactured on the brewpub premises between these premises and any other brewpub premises or Class "B" premises of the brewpub group.

(f) Subject to s. 125.34 (3) and (4), the sale at wholesale, shipment, transportation, and delivery, in original unopened packages or containers, to wholesalers, from the brewpub premises, of fermented malt beverages that have been manufactured on these premises or on other brewpub premises of the brewpub.

(g) The sale at wholesale, shipment, transportation, and delivery, in original unopened packages or containers, to retailers, from the brewpub premises, of fermented malt beverages that have been manufactured on these premises or on other brewpub premises of the brewpub. A brewpub's brewpub group may not sell, ship, transport, or deliver more than a total of 1,000 barrels of fermented malt beverages in any calendar year to retailers under this paragraph. Fermented malt beverages provided by a brewpub to any retail premises for which the brewpub group holds a retail license shall not be included in any calculation of the 1,000 barrel limitation under this paragraph. Deliveries and shipments of fermented malt beverages by a brewpub under this paragraph shall be made to retailers only at their retail premises. Any retailer receiving such a delivery or shipment is subject to the prohibition under s. 125.34 (5) against further transporting the delivery or shipment to any other retail premises.

(h) The sale of alcohol beverages at retail on the brewpub premises in accordance with the terms of any retail license specified in subs. (2) (a) 4. and (3) (b) and (c).

(i) Notwithstanding s. 125.33 (1), the ownership, maintenance, and operation of places for the sale of fermented malt beverages at the state fair park or on any county fairgrounds located in this state if the fermented malt beverages have been manufactured by the brewpub. A brewpub may not make retail sales of fermented malt beverages at the state fair park unless the state fair park board has approved the brewpub to make such sales.

(2) (a) An applicant is eligible for a brewpub permit only if all of the following apply:

1. The applicant's brewpub group manufactures a total of not more than 10,000 barrels of fermented malt beverages in a calendar year.

2. The applicant's entire process for manufacturing fermented malt beverages occurs on premises covered by a permit issued under this section. If the applicant holds more than one permit issued under this section, the applicant is not required to manufacture fermented malt beverages on each premises for which a permit is issued under this section.

3. The applicant operates a restaurant on the premises for which the permit is issued, for which a license is issued under s. 97.30 for a restaurant.

4. The applicant holds a Class "B" license for the restaurant identified in subd. 3. and, on these Class "B" premises, offers for sale, in addition to fermented malt beverages manufactured by the applicant, fermented malt beverages manufactured by a brewer other than the applicant and its brewpub group.

5. The applicant holds a valid certificate issued under s. 73.03 (50).

6. Neither the applicant nor the applicant's brewpub group holds, or has a direct or indirect ownership interest in a premises operating under, any of the following:

- a. A Class "A" license issued under s. 125.25.
- b. Except as provided in subd. 4. and subs. (1) (h) and (3) (b), a Class "B" license issued under s. 125.26.
- c. A wholesaler's permit issued under s. 125.28.
- d. A brewer's permit issued under s. 125.29.
- e. Except as provided in subs. (1) (h) and (3) (c), a "Class B" license or permit or "Class C" license issued under s. 125.51.
- f. An alcohol beverage warehouse permit issued under s. 125.19.

(b) If an applicant under par. (a) has no current operations, the applicant may certify that the applicant has applied for or will apply for a Class "B" license or license under s. 97.30 for a restaurant or will comply with any other requirement under par. (a), prior to or upon commencing operations authorized under this section. If a Class "B" license or license under s. 97.30 for a restaurant is not subsequently issued to the applicant, or if the applicant otherwise fails to comply with any requirement for eligibility under par. (a), the department may revoke under s. 125.12 (5) the permit issued under this section.

(c) If an applicant under par. (a) holds any license or permit prohibited under par. (a) 6. at the time of its application, the applicant may certify that the applicant will surrender any such license or permit upon issuance of a permit under this section. If the department issues a permit under this section and the applicant fails to surrender any license or permit prohibited under par. (a) 6., the department may revoke under s. 125.12 (5) the permit issued under this section. An applicant is not required to surrender any Class "B" license issued under s. 125.31 (1) (a) 2., 2009 stats., or under s. 125.31 (1) (a) 3., 2005 stats., if the applicant's continued possession of the license is consistent with subs. (1) (h), (2) (a) 4., and (3) (b) and (c).

(3) (a) No brewpub group may hold more than 6 brewpub permits issued under this section.

(b) A brewpub may not hold any Class "B" license other than one issued for a restaurant on the brewpub premises. Notwithstanding s. 125.26 (2) (a), each Class "B" license shall be issued for the brewpub's restaurant in the same name as the permittee under this section. Notwithstanding s. 125.33 (1), a brewpub may own the furniture, fixtures, fittings, furnishings, and equipment on the Class "B" premises and shall pay any license fee or tax required for the operation of the premises.

(c) Subject to the requirements specified in s. 125.51 (3) and (3m), a brewpub may also hold "Class B" licenses and "Class C" licenses, but only for restaurants on brewpub premises.

(4) The fee established by the department for a brewpub permit shall not exceed the fee established by the department for a permit under s. 125.29.

(5) The department shall promulgate rules and prescribe forms to ensure strict compliance with the requirements under this section.

History: 2007 a. 20; 2011 a. 32; 2013 a. 165; 2015 a. 55; 2021 a. 43.

125.30 Out-of-state shippers' permits; delivery to

wholesalers. (1) The department shall issue out-of-state shippers' permits which, except as provided in sub. (4), authorize the permittee to ship fermented malt beverages only to holders of a wholesaler's permit issued under s. 125.28. Except with respect to any shipment from a warehouse in an adjoining state by a wholesaler issued a wholesale permit under s. 125.28 (1) (b), no person may receive fermented malt beverages in this state which have been directly shipped from outside this state by any person other than the holder of a permit issued under this section. Subject to s. 125.34 (2), all shipments of fermented malt beverages to a wholesaler of fermented malt beverages in this state, whether shipped to the wholesaler from inside this state or from outside this state, shall be unloaded in, physically at rest in, and only then distributed from the wholesaler's warehouse in this state.

(2) The application for an out-of-state shipper's permit and the permit shall be on forms prescribed by the department which shall contain provisions determined by the department as necessary to effectuate the purposes of ss. 139.01 to 139.25 and shall include a provision that the permittee agrees:

(a) To comply with s. 139.05 relating to filing a bond, filing returns, paying taxes and record keeping;

(b) To permit inspections and examinations of the permittee's premises and records by the department and its duly authorized employees, as authorized under s. 139.08 (4); and

(c) To pay the expenses reasonably attributable to such inspections and examinations made within the United States.

(3) Out-of-state shippers' permits may be issued only to a person who holds a valid certificate issued under s. 73.03 (50), who is qualified under s. 125.04 (5), who does not maintain an office or street address in this state, and who is the primary source of supply for the brand of fermented malt beverages. An out-of-state shipper's permit may not be issued to a person determined by the department to be primarily engaged in wholesale or retail sales in another state. Notwithstanding s. 125.04 (5) (a), natural persons obtaining out-of-state shippers' permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section. Notwithstanding s. 125.04 (6), corporations or limited liability companies obtaining out-of-state shippers' permits are not required to appoint agents.

(4) An out-of-state brewer that manufactures 300,000 barrels or less of fermented malt beverages in a calendar year from all locations and that holds an out-of-state shipper's permit may sell and ship fermented malt beverages directly to retail licensees if the out-of-state brewer registers with the department, files whatever periodic reports with the department as the department may require, and complies with the requirements in ss. 125.33 and 125.34, as applicable, to the same extent as if the out-of-state brewer were a wholesaler holding a permit under s. 125.28.

(5) The department may revoke or suspend an out-of-state shipper's permit for such time as the department determines, if the permittee violates any provision of the application or ss. 139.01 to 139.25.

History: 1981 c. 79; 1989 a. 253; 1993 a. 112, 259, 491; 1995 a. 27; 1997 a. 166; 2005 a. 103, 115; 2011 a. 32.

Treating All Grapes Equally: Interstate Alcohol Shipping After *Granholm*. Gary. Wis. Law. March 2010.

125.315 ALCOHOL BEVERAGES

Updated 19–20 Wis. Stats. 26

125.315 Evading provisions of law by giving away fermented malt beverages. (1) No person may give away any fermented malt beverages or use any other means to evade any law of this state relating to the sale of fermented malt beverages.

(2) A person who violates sub. (1) may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

History: 1989 a. 253.

125.32 General restrictions and requirements.

(1) **MANAGERS' LICENSES; CLASS "B" LICENSES.** (a) If a municipal governing body elects to issue managers' licenses under s. 125.18, no person may manage premises operating under a Class "B" license or permit, unless the person is the licensee or permittee, an agent of a corporation or limited liability company appointed as required by s. 125.04 (6) or the holder of a manager's license. A manager's license issued in respect to a vessel under s. 125.27 (2) is valid outside the municipality that issues it. A person manages Class "B" premises if that person has responsibility or authority for:

1. Personnel management of all employees, whether or not the person is authorized to sign employment contracts;
2. The terms of contracts for the purchase or sale of goods or services, whether or not the person is authorized to sign the contracts; or
3. The daily operations of the Class "B" premises.

(b) The municipal governing body may, by ordinance, define factors in addition to those listed in par. (a) which constitute management of Class "B" premises.

(2) **OPERATORS LICENSES CLASS "A" OR CLASS "B" PREMISES.** Except as provided under sub. (3) (b) and ss. 125.07 (3) (a) 10. and 125.26 (6), no premises operated under a Class "A" or Class "B" license or permit may be open for business unless there is upon the premises the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under s. 125.27 (2) is valid outside the municipality that issues it. For the purpose of this subsection, any person holding a manager's license under s. 125.18 or any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve fermented malt beverages in any place operated under a Class "A" or Class "B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of the service.

(2m) **USE BY ANOTHER PROHIBITED.** (a) No person may allow another to use his or her Class "A" or Class "B" license or permit to sell alcohol beverages.

(b) The license or permit of a person who violates par. (a) shall be revoked.

(3) **CLOSING HOURS.** (a) No premises for which a Class "B" license or permit is issued may remain open between the hours of 2 a.m. and 6 a.m., except as provided in this paragraph and par. (c). On Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. 175.095 (2), the closing hours shall be between 3:30 a.m. and 6 a.m. On January 1 premises operating under a Class "B" license or permit are not required to close.

(am) Between 12 midnight and 6 a.m. no person may sell fermented malt beverages on Class "B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises.

(b) Class "A" premises may remain open for the conduct of their regular business but may not sell fermented malt beverages

between 12 midnight and 6 a.m. Subsection (2) does not apply to Class "A" premises between 12 midnight and 6 a.m. or at any other time during which the sale of fermented malt beverages is prohibited by a municipal ordinance adopted under par. (d).

(c) Hotels and restaurants the principal business of which is the furnishing of food and lodging to patrons, bowling centers, movie theaters, painting studios, indoor golf and baseball facilities, race-track grounds, as defined in s. 125.27 (5) (a), indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell fermented malt beverages during the hours specified in par. (a).

(d) A municipality may, by ordinance, impose more restrictive hours than those provided in par. (am) or (b), but may not impose different hours than those provided in par. (a) or (c).

(3m) **LIMITATIONS ON OTHER BUSINESS; CLASS "B" PREMISES.** No Class "B" license or permit may be granted for any premises where any other business is conducted in connection with the premises, except that this restriction does not apply if the premises for which the Class "B" license or permit is issued is connected to premises where other business is conducted by a secondary doorway that serves as a safety exit and is not the primary entrance to the Class "B" premises. No other business may be conducted on premises operating under a Class "B" license or permit. These restrictions do not apply to any of the following:

- (a) A hotel.
- (b) A restaurant, whether or not it is a part of or located in any mercantile establishment.
- (c) A combination grocery store and tavern.
- (d) A combination sporting goods store and tavern in towns, villages and 4th class cities.
- (e) A combination novelty store and tavern.
- (f) A bowling center or recreation premises.
- (g) A club, society or lodge that has been in existence for 6 months or more prior to the date of filing application for the Class "B" license or permit.
- (h) A movie theater.
- (i) A painting studio.
- (j) Premises for which a temporary Class "B" license is issued under s. 125.26 (6) if the license is one of multiple licenses issued by the municipality to the same licensee for the same date and times, the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times, and an admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.
- (k) Premises for which a Class "B" permit is issued under s. 125.27 (5).

(5) **SIGNS NEAR TAPS AND BRANDS ON TAP; CLASS "B" PREMISES.** Every Class "B" licensee or permittee selling or offering for sale draught fermented malt beverages shall display a sign on or near each tap or faucet disclosing the brand of fermented malt beverage drawn from the tap or faucet and the name of the brewer or brewpub that manufactured it. No Class "B" licensee or permittee may substitute any other brand of fermented malt beverage in place of the brand designated on the sign with the intent to defraud or deceive the customer.

(6) **LIMITATIONS ON BEVERAGES ON WHOLESALE AND RETAIL PREMISES.** (a) Except as provided in s. 125.33 (2) (o) or (12) or 125.70, and subject to par. (c), no person may possess on the premises covered by a retail or wholesale fermented malt beverages license or permit any alcohol beverages not authorized by law for sale on the premises.

(b) No fermented malt beverage licensee or permittee may keep any beverages of an alcoholic content prohibited by federal law on the premises covered by the license or permit.

(c) Paragraph (a) does not prohibit a licensee under s. 125.26 from allowing, if the licensed premises are located in a public park within a 1st class city, a person who does not hold a license or per-

mit under this chapter to possess and consume on the licensed premises fermented malt beverages that were not purchased from the licensee.

(7) **LABELS.** (a) No fermented malt beverages may be sold, offered, or exposed for sale, kept in possession with intent to sell, or served on any premises for which a license or permit for the sale of fermented malt beverages has been issued unless each barrel, keg, cask, bottle, or other container bears a label or other identification with the name and address of the brewer or brewpub that manufactured it. The possession of any fermented malt beverages which are not so identified on any premises for which a license or permit for the sale of fermented malt beverages has been issued is prima facie evidence that the fermented malt beverages are possessed with intent to sell, offer for sale, display for sale, or give away.

(b) No container containing fermented malt beverages may be sold, offered or exposed for sale, kept in possession with intent to sell or served on any premises for which a license or permit for the sale of fermented malt beverages has been issued unless there is a label or other identification on the container bearing a statement of its contents in fluid ounces in plain legible type.

History: 1981 c. 79; 1983 a. 27, 74, 192, 452; 1985 a. 28, 33, 221, 317; 1987 a. 27, 121; 1989 a. 253; 1991 a. 28, 39, 315; 1993 a. 112; 1995 a. 320; 2007 a. 3, 9, 20; 2009 a. 128; 2011 a. 32, 97; 2013 a. 268; 2015 a. 8, 62, 221; 2021 a. 39.

Cross-reference: See also s. Tax 7.21, Wis. adm. code.

125.33 Restrictions on dealings between brewers, brewpubs, wholesalers, and retailers. (1) FURNISHING

THINGS OF VALUE. (a) Except as provided in this section and s. 125.295, no brewer, brewpub, or wholesaler may furnish, give, lend, lease, or sell any furniture, fixtures, fittings, equipment, money, or other thing of value to any campus or Class “B” licensee or permittee, or to any person for the use, benefit, or relief of any campus or Class “B” licensee or permittee, or guarantee the repayment of any loan or the fulfillment of any financial obligation of any campus or Class “B” licensee or permittee. Such actions may not be taken by the brewer, brewpub, or wholesaler directly or indirectly, or through a subsidiary or affiliate corporation or limited liability company, or by any officer, director, stockholder, partner, or member thereof.

(b) No brewer, brewpub, or wholesaler may enter into any agreement whereby any campus or Class “B” licensee or permittee is required to purchase the fermented malt beverages of any brewer or brewpub to the exclusion of those manufactured by other brewers or brewpubs. Such contracts may not be entered into by the brewer, brewpub, or wholesaler, directly or indirectly, or through a subsidiary or an affiliate corporation or limited liability company, or by any officer, director, stockholder, partner, or member thereof.

(2) **EXCEPTIONS.** Notwithstanding the prohibitions in sub. (1), a brewer, brewpub, or wholesaler may:

(a) Give to any campus or Class “B” licensee or permittee, at any given time, for placement inside the premises, signs, clocks, or menu boards with an aggregate value of not more than \$2,500. If a gift of any item would cause the \$2,500 limit to be exceeded, the recipient shall pay the brewer, brewpub, or wholesaler the amount of the item’s value in excess of \$2,500. Each recipient shall keep an invoice or credit memo containing the name of the donor and the number and value of items received under this paragraph. The value of an item is its cost to the donor. Each recipient shall make the records kept under this paragraph available to the department for inspection upon request.

(b) Give to any campus or Class “B” licensee or permittee any of the following:

1. Fermented malt beverage tap knobs.
2. Signs made from paper, cardboard, plastic, vinyl, or other like material for placement inside the premises, notwithstanding the aggregate value limitation of par. (a).

(c) Sell at fair market value to a campus or Class “B” licensee or permittee miscellaneous advertising matter, the items specified

under pars. (a) and (b), nonmechanical coolers and tavern supply items used in the consumption of food or alcohol beverages.

(d) Sell to a campus or Class “B” licensee or permittee at fair market value equipment designed and intended to preserve and maintain the sanitary dispensing of fermented malt beverages or any services necessary to maintain this kind of equipment. A brewer, brewpub, or wholesaler shall charge the same price per unit of equipment to each campus or Class “B” licensee or permittee making the same or a similar purchase, and shall charge the same rate to each campus or Class “B” licensee or permittee purchasing maintenance services under this subdivision. Each brewer, brewpub, or wholesaler shall keep records of each transaction under this subdivision and shall make the records available to the department upon request.

(e) Sell at fair market value or maintain for a fair consideration dispensing equipment such as direct draw boxes, novelty boxes, coil boxes, beer storage boxes or tapping equipment, none of which may include bar additions, to campuses or Class “B” licensees and permittees for cash or on credit for not more than 2 years. Credit sales of equipment shall be evidenced by a written contract stating the terms, conditions and monthly payments. Within 10 days after the execution of the contract, the seller shall record the contract with the register of deeds for the county in which the equipment is installed.

(f) Sell consumable merchandise intended for resale, including the sale or loan of containers thereof, to campuses and Class “B” licensees and permittees in the regular course of business.

(g) Purchase advertising and other services and rights for a fair consideration from any corporate Class “B” licensee or permittee who is a member of a regularly established athletic league and whose principal business is the ownership, maintenance and operation of a professional athletic team playing a regular schedule of games and whose principal source of income is derived from the sale of tickets to games played by such teams.

(h) Contribute money or other things of value to or for the benefit of a nonprofit corporation, exempt under section 501 (c) (3) of the internal revenue code, as defined in s. 71.22 (4), which is conducting festivals of limited duration in a 1st class city if the festivals are sponsored and endorsed in whole or part by a municipal corporation.

(hm) Contribute money or other things of value to or for a nonprofit corporation which conducts an autumn ethnic festival of limited duration in a 2nd class city that had a population in 1986 of at least 49,000 but less than 50,000, if that festival is sponsored and endorsed in whole or part by that municipal corporation.

(i) Lease or lend furniture, fixtures, fittings and equipment to any person in possession of a Class “B” premises where the furniture, fixtures, fittings and equipment were installed on the Class “B” premises prior to May 24, 1941. Any brewer or wholesaler who repossesses any furniture, fixtures, fittings or equipment leased, lent or sold to any Class “B” licensee or permittee may sell them to any Class “B” licensee or permittee, for cash on delivery only, and shall deliver a bill of sale to the purchaser. Any application for a Class “B” license or permit after May 24, 1941, shall contain an affidavit by the applicant, setting forth the ownership of the fixtures in or attached to the premises and if the fixtures are not owned by the applicant, the manner, terms and conditions under which the fixtures are held.

(j) Contribute money or other items of value to, or purchase advertising from, an institution of higher education which is exempt under section 501 (c) (3) of the internal revenue code, as defined in s. 71.22 (4), if the contribution or purchase is for a purpose other than the use, benefit, or relief of premises or operations for the sale of fermented malt beverages and is not contingent either upon the use of the product of the brewer, brewpub, or wholesaler by the institution or upon an agreement by the institution wholly or partly to exclude from sale the products of a competing brewer, brewpub, or wholesaler.

(k) Contribute money or other items of value, or purchase advertising from, a campus if the contribution or purchase is for a purpose other than the use, benefit, or relief of premises or operations for the sale of fermented malt beverages and is not contingent either upon the use of the product of the brewer, brewpub, or wholesaler by the campus or upon an agreement by the campus partly or wholly to exclude from sale the products of a competing brewer, brewpub, or wholesaler.

(L) 1. Purchase advertising for a fair consideration from a bona fide national or statewide trade association that derives its principal income from membership dues of Class “B” licensees.

2. Purchase advertising from a person who does not hold a license under this chapter and who conducts national or regional sweepstakes, contests, or promotions on the premises of Class “B” licensees or permittees that sell the brewer’s, brewpub’s, or wholesaler’s products. The person may promote an event or activity in connection with a sweepstakes, contest, or promotion, including promoting the location of the event or activity, if the Class “B” licensee or permittee on whose premises the event or activity will occur does not receive money for hosting the event or activity and, except as provided in subd. 4., if the advertising for the event or activity identifies at least 4 unaffiliated Class “B” licensees or permittees.

3. Conduct national or regional sweepstakes, contests, or promotions on the premises of Class “B” licensees or permittees that sell the brewer’s, brewpub’s, or wholesaler’s products. The brewer, brewpub, or wholesaler may promote an event or activity in connection with a sweepstakes, contest, or promotion, including promoting the location of the event or activity, if the Class “B” licensee or permittee on whose premises the event or activity will occur does not receive money for hosting the event or activity and, except as provided in subd. 4., if the advertising for the event or activity identifies at least 4 unaffiliated Class “B” licensees or permittees.

4. A brewer that manufactures less than 30,000 barrels of fermented malt beverages annually, or a brewpub, may purchase advertising under subd. 2., and may promote sweepstakes, contests, or promotions through advertising under subd. 3., if the advertising identifies at least one Class “B” licensee or permittee.

(m) Purchase products from a Class “B” licensee or permittee.

(n) 1. Provide, in this state, reasonable business entertainment that is deductible under section 162 of the internal revenue code to a Class “B” licensee or permittee by doing any of the following:

- a. Providing tickets or free admissions to athletic events, concerts or similar activities.
- b. Providing food and beverages and paying for local ground transportation in connection with activities described in subd. 1. a. and business meetings.

2. Notwithstanding subd. 1., no brewer, brewpub, or wholesaler may provide business entertainment to a Class “B” licensee or permittee under subd. 1. in one day that has a value exceeding \$500, and no brewer, brewpub, or wholesaler may provide business entertainment to a Class “B” licensee or permittee under subd. 1. on more than 8 days in any calendar year.

(o) Furnish, free of charge, on Class “B” premises, taste samples of fermented malt beverages to any person who has attained the legal drinking age and who is attending a trade show, conference, convention or similar business meeting, that is held on those premises, of a bona fide national or statewide trade association that derives income from membership dues of Class “B” licensees. Taste samples may not be furnished under this paragraph at more than 2 such events of any one trade association per year. No fermented malt beverages brought on Class “B” premises under this paragraph may remain on those premises after the close of the trade show, conference, convention or business meeting.

(p) 1. Have present not more than 3 individuals representing the brewer or brewpub at a fermented malt beverages tasting event that lasts 2 days or less and at which taste samples of fermented malt beverages brewed or sold by at least 5 different brewers or

brewpubs are offered for consumption by persons who either pay for the taste samples or pay a charge for admission to the event. Any individual representing a brewer or brewpub shall confine his or her activities on the premises to ensuring the integrity of, providing information about, and dispensing the brewer’s or brewpub’s fermented malt beverages.

2. No Class “B” licensee or permittee may allow more than one event described in subd. 1. on the premises within one year.

(2m) EXCEPTION FOR GOLF COURSE. Notwithstanding the prohibitions in sub. (1), a wholesaler may have an interest in a corporation that owns and operates a golf course and leases premises on the golf course to the holder of a Class “B” license or permit for the premises, if the wholesaler’s license and the Class “B” license or permit were originally issued to the corporation and to the Class “B” licensee or permittee before June 1, 1981. The wholesaler’s license and the Class “B” license or permit shall be renewed annually upon application, unless revoked under s. 125.12. An application for a wholesaler’s license to which this subsection applies shall have attached to it an affidavit stating the applicant’s interest in the Class “B” premises.

(2s) EXCEPTION FOR RETAIL TRADE ASSOCIATION CONTRIBUTIONS. Notwithstanding the prohibitions in sub. (1), a brewer, brewpub, or wholesaler may contribute money or other things of value to a bona fide national, statewide, or local trade association that derives its principal income from membership dues of Class “B” licensees.

(3) EXEMPTION FOR CERTAIN REAL ESTATE. The restrictions contained in sub. (1) do not apply to real estate owned in whole or part on May 24, 1941, by any brewer or wholesaler, directly or indirectly, or through or by a subsidiary or affiliate corporation, or by any officer, director, stockholder, partner or trustee for any of the foregoing, or upon which any of the foregoing held a valid lien on May 24, 1941, or to any real estate owned in whole or part by any of the foregoing upon which there is or may be a hotel of 100 or more rooms.

(4) COMMERCIAL CREDIT. Nothing in sub. (1) affects the extension of usual and customary commercial credits for products of the fermented malt beverages industry actually sold and delivered.

(5) VIOLATIONS. Any licensee or permittee who is a party to any violation of sub. (1) or who receives the benefits thereof shall be guilty of the violation.

(6) VOLUME DISCOUNTS TO RETAILERS. Wholesalers of fermented malt beverages, and brewpubs with respect to sales of fermented malt beverages authorized under s. 125.295 (1) (g), shall charge the same price to all campuses and retail licensees and permittees making purchases in similar quantities. Any discount offered on fermented malt beverages shall be delivered to the retailer in a single transaction and single delivery, and on a single invoice.

(7) RETAIL PURCHASE CREDIT RESTRICTIONS. (a) *Restrictions on sales.* 1. No fermented malt beverages retail licensee or permittee may:

- a. Receive, purchase, or acquire fermented malt beverages from any wholesale permittee or from any brewpub acting under authority of s. 125.295 (1) (g), except for cash or credit for a period of not more than 15 days.

- b. Receive, purchase, or acquire fermented malt beverages from any wholesale permittee, or from any brewpub acting under authority of s. 125.295 (1) (g), if at the time of the receipt, purchase, or acquisition he or she is indebted to any wholesale permittee or brewpub for fermented malt beverages received, purchased, acquired, or delivered more than 15 days earlier.

2. No campus or fermented malt beverage retail licensee or permittee may receive any fermented malt beverages on consignment or on any basis other than a bona fide sale.

(b) *Restrictions on issuance of licenses and permits.* No Class “A” or Class “B” license or permit may be issued to a person having an indebtedness for fermented malt beverages outstanding for

more than 15 days. In each application for a Class “A” or Class “B” license or permit, the applicant shall state whether he or she has indebtedness for fermented malt beverages to any licensee, permittee, or brewpub which has been outstanding for more than 15 days.

(c) *Brewpubs.* For purposes of this subsection, a brewpub, when acting under authority of a retail license with respect to fermented malt beverages not manufactured by the brewpub, is deemed a fermented malt beverages retailer. This paragraph does not affect any provision of this subsection with respect to a brewpub acting under authority of s. 125.295 (1) (g).

(d) *Penalties.* A retail licensee or permittee who violates this subsection is subject to the penalties under s. 125.11 except that he or she may not be imprisoned. No brewer, brewpub, or wholesaler may be subjected to any penalty as the result of the sale of fermented malt beverages to a campus or retail licensee or permittee when purchased by the campus or retail licensee or permittee in violation of this subsection.

(7m) **CONDITIONAL PURCHASES.** No Class “A” or Class “B” licensee may condition the purchase of fermented malt beverages from a brewer, brewpub, or wholesaler upon the furnishing by the brewer, brewpub, or wholesaler of any thing of value, other than the products purchased, to the licensee or to any person for the use, benefit, or relief of the licensee.

(8) **EXCLUSIVE SALES BY WHOLESALER.** A wholesaler may not sell or offer to sell a brand of fermented malt beverages exclusively to one Class “A” licensee or to a group of Class “A” licensees affiliated through common ownership, management or control, unless the brand of fermented malt beverages is produced by a brewer that produces less than 300,000 barrels of fermented malt beverages in a calendar year or by a brewpub.

(9) **CAMPUSES AND RETAILERS TO PURCHASE FROM WHOLESALERS.** Except as provided in ss. 125.29 (3m) (b) and (c), 125.295 (1) (g), and 125.30 (4), no campus or retail licensee or permittee may purchase or possess fermented malt beverages purchased from any person other than a wholesaler holding a permit under this chapter for the sale of fermented malt beverages. Any person who violates this subsection may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(10) **COMPENSATION FOR TERMINATION OF WHOLESALER DISTRIBUTION RIGHTS.** (a) In this subsection:

1. “Brand” means any word, name, group of letters, symbols, or combination thereof, including the name of the brewer or brewpub if the brewer’s or brewpub’s name is also a significant part of the product name, adopted and used by a brewer or brewpub to identify a specific fermented malt beverage product and to distinguish that product from other fermented malt beverages produced by that brewer or brewpub or other brewers or brewpubs.

2. “Discontinued brand” means, with respect to a terminated wholesaler, any brand of fermented malt beverages for which a brewer, brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s permit has terminated, cancelled, or failed to renew an agreement, whether oral or written, with the wholesaler to supply that brand.

3. “Successor wholesaler” means any wholesaler who enters into an agreement, whether oral or written, to obtain a supply of a brand of fermented malt beverages that is a discontinued brand, or otherwise acquires the right to act as a wholesaler for a discontinued brand, from a brewer, brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s permit for purposes of selling the discontinued brand in a specifically defined territory, if the discontinued brand was sold by a terminated wholesaler in any portion of this same territory at a time immediately before the brand of fermented malt beverages became a discontinued brand.

4. “Terminated wholesaler” means a wholesaler with whom a brewer, brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s permit has terminated, cancelled, or failed to renew an agreement, whether oral or written, to supply a brand of fermented malt beverages to that wholesaler.

(b) Except as provided in par. (c) and subject to pars. (d) and (e), a successor wholesaler shall compensate a terminated wholesaler for the fair market value of the terminated wholesaler’s distribution rights to any discontinued brand of fermented malt beverages assumed by the successor wholesaler for the same territory, less any amount paid to the terminated wholesaler by the brewer, brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s permit for the discontinued brand. If the terminated wholesaler’s distribution rights to any discontinued brand of fermented malt beverages are divided among 2 or more successor wholesalers, each successor wholesaler shall compensate the terminated wholesaler for the fair market value of the distribution rights to any discontinued brand of fermented malt beverages assumed by that successor wholesaler for the applicable part of the same territory, less any amount paid to the terminated wholesaler by the brewer, brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s permit for the discontinued brand. A terminated wholesaler may not receive under this paragraph total compensation from the successor wholesaler and brewer, brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s permit that exceeds the fair market value of the terminated wholesaler’s distribution rights specified under this paragraph.

(c) A successor wholesaler is not required to compensate a terminated wholesaler under par. (b) if the terminated wholesaler’s agreement was terminated, cancelled, or not renewed for any of the following reasons:

1. The wholesaler or a principal of the wholesaler engaged in material fraudulent conduct or made substantial misrepresentations in its dealings with the brewer, brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s permit or with others regarding any brand of the brewer, brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s permit.

2. The wholesaler or a principal of the wholesaler was convicted of, or pleaded no contest to, a felony crime.

3. The wholesaler or a principal of the wholesaler knowingly distributed any brand of the brewer, brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s permit outside the territory authorized by the brewer, brewpub, brewer’s agent, brewpub’s agent, or holder of an out-of-state shipper’s permit for distribution of the brand.

4. The wholesaler or a principal of the wholesaler became insolvent or instituted bankruptcy proceedings, dissolved or liquidated the wholesaler’s business, or assigned or attempted to assign the assets of the wholesaler’s business for the benefit of creditors.

(d) If a terminated wholesaler and a successor wholesaler agree to the fair market value of the terminated wholesaler’s distribution rights to any discontinued brand of fermented malt beverages assumed by the successor wholesaler for the same territory, the successor wholesaler shall pay the agreed upon sum to the terminated wholesaler within 30 days of the date on which the parties reach the agreement. If the parties cannot agree on the compensation due to the terminated wholesaler, upon written demand of either party, the parties shall submit their dispute for binding arbitration, subject to ch. 788, under the commercial arbitration rules of the American Arbitration Association if possible or, if not possible, by a nationally recognized arbitration association. The arbitration shall be conducted on an expedited basis to the extent an expedited proceeding is available. The arbitration shall commence within 90 days after the successor wholesaler obtains rights to receive a supply of a brand of fermented malt beverages, that is a discontinued brand of fermented malt beverages, of the terminated wholesaler, unless this time period is extended by mutual agreement of the parties or by the arbitrator. If the arbitrator awards compensation to the terminated wholesaler under this paragraph, the successor wholesaler shall pay the awarded compensation to the terminated wholesaler within 30 days of the date of the arbitrator’s decision. The terminated wholesaler and the

successor wholesaler shall each pay an equal share of the costs of arbitration.

(e) This subsection does not apply if the terminated wholesaler is a dealer, as defined in s. 135.02 (2), whose business relationship as to any discontinued brand constitutes a dealership, as defined in s. 135.02 (3) (a), as determined by a court of competent jurisdiction. Any arbitration proceeding under par. (d) shall be stayed pending this determination.

(11) SOURCE OF FERMENTED MALT BEVERAGES. (a) Subject to s. 125.34 (3), no wholesaler authorized to make retail sales under s. 125.28 (1) (e) may sell a brand of fermented malt beverages to a retail licensee unless the wholesaler has an agreement for general wholesale distribution of that brand of fermented malt beverages with the brewer, brewpub, brewer's agent, brewpub's agent, or holder of an out-of-state shipper's permit supplying that brand.

(b) If a wholesaler violates par. (a), any other wholesaler aggrieved by such violation or the brewer or brewpub may bring an action against such wholesaler in any court of competent jurisdiction for damages sustained by the aggrieved wholesaler or the brewer or brewpub as a consequence of the violation, together with the actual costs of the action. Notwithstanding s. 814.04 (1), a wholesaler or the brewer or brewpub who prevails in an action under this paragraph may recover reasonable actual attorney fees incurred in the action.

(12) PROVIDING TASTE SAMPLES ON CLASS "A" PREMISES. Notwithstanding s. 125.34 (6), with the consent of the Class "A" licensee, a brewer may provide, free of charge, on Class "A" premises, taste samples of fermented malt beverages to any person who has attained the legal drinking age for consumption on the premises during hours in which the Class "A" licensee is authorized under s. 125.25 (1) to provide taste samples or, if more restrictive, only during hours established by ordinance by a municipality under s. 125.32 (3) (d). The provision of taste samples under this subsection shall be subject to the same limitations that apply to taste samples provided by a Class "A" licensee under s. 125.25 (1). No brewer may provide as taste samples under this subsection any fermented malt beverages that the brewer did not purchase from the Class "A" licensee on whose premises the taste samples are provided. A brewer may provide taste samples under this subsection through an individual representing the brewer who is hired by the brewer and who is not employed by or an agent of a wholesaler. All provisions of this subsection that apply to a brewer apply equally to any individual representing a brewer.

(13) WHOLESALERS' SOURCE OF SUPPLY. No wholesaler may purchase fermented malt beverages for resale unless the wholesaler purchases them either from the primary source of supply for the brand of fermented malt beverages sought to be sold or from a wholesaler within this state that holds a permit issued under s. 125.28. No wholesaler may sell fermented malt beverages purchased by the wholesaler to any other licensee or permittee under this chapter if the fermented malt beverages have not been purchased by the wholesaler from the primary source of supply or from a wholesaler within the state holding a permit issued under s. 125.28.

(14) SPONSORSHIP PAYMENTS TO STATE FAIR PARK VENDORS. It is not a violation of this chapter for a brewer, brewpub, out-of-state shipper, or wholesaler to make a sponsorship payment or provide any other item of value to a vendor that has been issued a permit by the state fair park board. If the vendor also holds a retail Class "B" license, the sponsorship exception is strictly applied only to the state fair park location.

History: 1981 c. 79, 202; 1983 a. 26, 67, 68, 182, 192, 538; 1985 a. 15, 135; 1987 a. 308; 1989 a. 31, 253; 1991 a. 39; 1993 a. 112, 301; 1995 a. 320; 1997 a. 132, 166; 2001 a. 16, 38, 105; 2003 a. 303; 2005 a. 103; 2007 a. 9, 20; 2011 a. 32; 2021 a. 43.

Cross-reference: See also s. Tax 7.23, Wis. adm. code.

The selective discount ban under s. 66.054 (8a) (i) [now s. 125.33 (6)] is constitutional. *State v. Kay Distributing Co., Inc.* 110 Wis. 2d 29, 327 N.W.2d 188 (Ct. App. 1982).

Sub. (1) (a) prohibits a person from having an interest in real estate leased to a Class "B" licensee while also being a director, officer, or shareholder of a brewery. 77 Att'y. Gen. 76.

125.34 Distribution restrictions on wholesalers, brewers, brewpubs, and out-of-state shippers. (1) In this section:

(a) "Brand" means any word, name, group of letters, symbol, or combination thereof, including the name of the brewer, brewpub, or out-of-state shipper if the brewer's, brewpub's, or out-of-state shipper's name is also a significant part of the product name, adopted and used by a brewer, brewpub, or out-of-state shipper to identify a specific fermented malt beverage product and to distinguish that product from other fermented malt beverages produced by that brewer, brewpub, or out-of-state shipper or other brewers, brewpubs, or out-of-state shippers.

(b) "Brewer" means a permittee under s. 125.29.

(c) "Designated sales territory" means the geographical area identified in a written agreement between a wholesaler and a brewer, brewpub, or out-of-state shipper under which the wholesaler is authorized to distribute one or more brands of fermented malt beverages supplied by the brewer, brewpub, or out-of-state shipper.

(d) "Out-of-state shipper" means a permittee under s. 125.30.

(e) "Retailer" means any person holding a Class "A" license or a Class "B" license or permit.

(f) "Retail premises" means the premises described in a Class "A" license or a Class "B" license or permit.

(g) "Wholesaler" means a permittee under s. 125.28.

(2) Except as provided in ss. 125.29 (3m) (b) and (c), 125.295 (1) (e) and (g), and 125.30 (4), no fermented malt beverages may be sold, transported, or delivered to a retailer unless, prior to such sale, transport, or delivery, the fermented malt beverages are first unloaded at, physically at rest at, and only then distributed from a wholesaler's warehouse premises covered by both a wholesaler's permit issued under s. 125.28 and an alcohol beverage warehouse permit issued under s. 125.19, which premises shall be in this state. This subsection does not apply to a wholesaler issued a wholesaler's permit under s. 125.28 (1) (b) with respect to fermented malt beverages transported and delivered from a warehouse in an adjoining state unless the wholesaler's warehouse in the adjoining state is located on premises in the adjoining state used for the manufacture of fermented malt beverages.

(3) (a) 1. A wholesaler may not sell, transport, or deliver any brand of fermented malt beverages unless the wholesaler has entered into a written agreement with the brewer, brewpub, or out-of-state shipper supplying the brand that grants to the wholesaler distribution rights for the brand and identifies the designated sales territory for which such distribution rights are granted, including the precise geographical area comprising the designated sales territory.

2. A brewer, brewpub, or out-of-state shipper may not, in any agreement under this paragraph, grant to more than one wholesaler distribution rights for the same brand in the same designated sales territory or in any part of the same designated sales territory.

(b) Within a wholesaler's designated sales territory for any brand of fermented malt beverages, the wholesaler may not refuse to sell the brand of fermented malt beverages, or refuse to offer reasonable service related to the sale of the brand of fermented malt beverages, to any retailer.

(4) No wholesaler may sell, transport, or deliver, or cause to be sold, transported, or delivered, any brand of fermented malt beverages to any of the following:

(a) Any retailer located outside the wholesaler's designated sales territory for the brand. This paragraph does not apply if another wholesaler that has been granted distribution rights for the brand in the designated sales territory where the sale, transportation, or delivery occurs is unable to service this designated sales territory and the brewer, brewpub, or out-of-state shipper granting distribution rights has, notwithstanding sub. (3) (a), given consent for the sale, transportation, or delivery, which consent shall

be limited to the time period that another wholesaler is unable to service this designated sales territory.

(b) Any person, other than another wholesaler, that the wholesaler knows or should know will transport the product for resale in a designated sales territory for which another wholesaler has been granted distribution rights for the brand.

(5) Except as provided in ss. 125.29 (3m) (b) and (c), 125.295 (1) (e) and (g), and 125.30 (4), deliveries of fermented malt beverages to retailers may be made only by wholesalers and shall be made to retailers only at their retail premises. No retailer may transport fermented malt beverages from one retail premises to another retail premises for purposes of selling the fermented malt beverages at the other retail premises unless both retail premises are operated by a brewpub holding the retail licenses.

(6) Except as provided in ss. 125.29 (3), (3m) (b) and (c) and 125.30 (4), a brewer or out-of-state shipper may sell, transport, and deliver fermented malt beverages only to a wholesaler.

History: 2005 a. 103, 115; 2007 a. 20; 2011 a. 32; 2013 a. 166.

SUBCHAPTER III

INTOXICATING LIQUOR

125.51 Retail licenses and permits. (1) MUNICIPAL AUTHORITY TO ISSUE. (a) Subject to sub. (2) (e) 2., every municipal governing body may grant and issue “Class A” and “Class B” licenses for retail sales of intoxicating liquor, and “Class C” licenses for retail sales of wine, from premises within the municipality to persons entitled to a license under this chapter as the issuing municipal governing body deems proper and may authorize an official or body of the municipality to issue temporary “Class B” licenses under sub. (10). No “Class B” license may be issued to a winery under sub. (3) (am) unless the winery has been issued a permit under s. 125.53 and the winery is capable of producing at least 5,000 gallons of wine per year in no more than 2 locations.

(b) No member of the municipal governing body may hold a permit under s. 125.54 or, with respect to the issuance or denial of licenses under this section, do any act in violation of s. 19.59 (1).

(c) 1. Except as provided in subd. 2., the municipal governing body, or the duly authorized committee of a city council, shall meet not later than May 15 annually, and be in session from day to day thereafter so long as may be necessary, for the purpose of acting upon license applications filed with it on or before April 15. Subject to sub. (2) (e) 2., the governing body or committee shall grant, issue, or deny each application not later than June 15 for the ensuing license year. Licenses may be granted for issuance at a later date when the applicant has complied with all requirements for the issuance of the license. The governing body or committee may accept and act upon any application filed at any other time. The governing body or committee may not deny an application for renewal of an existing license unless a statement of the reason for the denial is included in its clerk’s minutes.

2. The governing body of a 1st class city shall establish and publish notice of the dates on which it, or its duly authorized committee, will meet and act on license applications.

(2) RETAIL “CLASS A” LICENSE. (a) A “Class A” license authorizes the retail sale of intoxicating liquor for consumption off the premises where sold and in original packages and containers.

(am) In addition to the authorization under par. (a) and s. 125.06 (13), a “Class A” license authorizes the licensee to provide, free of charge, to customers and visitors who have attained the legal drinking age, taste samples of intoxicating liquor other than wine that are not in original packages or containers and that do not exceed 0.5 fluid ounces each, for consumption on the “Class A” premises. No “Class A” licensee may provide more than one such taste sample per day to any one person. Taste samples may be provided under this paragraph only between the hours of 11 a.m. and 7 p.m. Any representative of a manufacturer, rectifier, winery, or out-of-state shipper issued a permit under s.

125.52, 125.53, or 125.58 may assist the “Class A” licensee in dispensing or serving the taste samples. No “Class A” licensee may provide as taste samples under this paragraph intoxicating liquor other than wine that the “Class A” licensee did not purchase from a wholesaler.

(b) Except as provided under s. 125.69, “Class A” licenses may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another.

(c) “Class A” licenses shall particularly describe the premises for which issued and are not transferable, except as provided in s. 125.04 (12).

(d) 1. The annual fee for a “Class A” license shall be determined by the municipal governing body and shall be the same for all “Class A” licenses, except that the minimum fee is \$50 and the maximum fee is \$500.

2. Notwithstanding subd. 1., there is no annual fee or initial issuance fee for a “Class A” license issued under par. (e) 2.

(e) 1. In this paragraph, “cider” means any alcohol beverage that is obtained from the fermentation of the juice of apples or pears and that contains not less than 0.5 percent alcohol by volume and not more than 7.0 percent alcohol by volume. “Cider” includes flavored, sparkling, and carbonated cider.

2. Notwithstanding s. 125.68 (3), upon application, a municipal governing body shall grant and issue a “Class A” license to the applicant if all of the following apply:

a. The application is made for a “Class A” license containing the condition that retail sales of intoxicating liquor are limited to cider.

b. The applicant holds a Class “A” license issued under s. 125.25 for the same premises for which the “Class A” license application is made.

3. Notwithstanding par. (a) and s. 125.06 (13), a person issued a “Class A” license under subd. 2. may not make retail sales, or provide taste samples, of any intoxicating liquor other than cider. Paragraph (am) does not apply to a person issued a “Class A” license under subd. 2.

(3) RETAIL “CLASS B” LICENSE. (a) A “Class B” license authorizes the retail sale of intoxicating liquor by the glass and not in the original package or container for consumption on the premises where sold or for consumption off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. In addition, wine may be sold in the original package or container in any quantity to be consumed off the premises where sold. This paragraph does not apply in municipalities in which the governing body elects to come under par. (b) or to a winery that has been issued a “Class B” license. Paragraph (am) applies to all wineries that have been issued a “Class B” license.

(am) A “Class B” license issued to a winery authorizes the sale of wine to be consumed by the glass or in opened containers on the premises where sold or off the premises if the licensee seals the container of wine with a tamper-evident seal before the wine is removed from the premises. The “Class B” license also authorizes the sale of wine in the original package or container to be consumed off the premises where sold, but does not authorize the sale of fermented malt beverages or any intoxicating liquor other than wine.

(b) In all municipalities electing by ordinance to come under this paragraph, a retail “Class B” license authorizes the sale of intoxicating liquor to be consumed by the glass on the premises where sold or off the premises if the licensee seals the container of intoxicating liquor with a tamper-evident seal before the intoxicating liquor is removed from the premises. The “Class B” license also authorizes the sale of intoxicating liquor in the original package or container, in any quantity, to be consumed off the premises where sold. This paragraph does not apply to a winery that has been issued a “Class B” license. Paragraph (am) applies to all wineries that have been issued a “Class B” license.

(bm) Notwithstanding pars. (a) and (b) and s. 125.04 (3) (a) 3. and (9), a “Class B” license authorizes a person operating a hotel to furnish a registered guest who has attained the legal drinking age with a selection of intoxicating liquor in the guest’s room which is not part of the “Class B” premises. Intoxicating liquor furnished under this paragraph shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place must be capable of being locked. The cabinet, refrigerator or other secure storage place shall be locked, or the intoxicating liquor shall be removed from the room, when the room is not occupied and when intoxicating liquor is not being furnished under this paragraph. A key for the lock shall be supplied to a guest who has attained the legal drinking age upon request at registration. The hotel shall prominently display a price list of the intoxicating liquor in the hotel room. Intoxicating liquor may be furnished at the time the guest occupies the room, but for purposes of this chapter, the sale of intoxicating liquor furnished under this paragraph is considered to occur at the time and place that the guest pays for the intoxicating liquor. Notwithstanding s. 125.68 (4) (c), the guest may pay for the intoxicating liquor at any time if he or she pays in conjunction with checking out of the hotel. An individual who stocks or accepts payment for alcohol beverages under this paragraph shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company or the holder of a manager’s or operator’s license or be supervised by one of those individuals.

(bs) 1. In this paragraph:

a. “Coliseum” means a multipurpose facility designed principally for sports events, with a capacity of 18,000 or more persons.

b. “Concessionaire” means a person designated by the owner or operator of a coliseum to operate premises in the coliseum and to provide intoxicating liquor to holders of coliseum suites.

2. Notwithstanding pars. (a) and (b) and s. 125.04 (3) (a) 3. and (9), a “Class B” license authorizes a person operating a coliseum to furnish the holder of a coliseum suite who has attained the legal drinking age with a selection of intoxicating liquor in the coliseum suite that is not part of the “Class B” premises. Intoxicating liquor furnished under this subdivision shall be furnished in original packages or containers and stored in a cabinet, refrigerator or other secure storage place. The cabinet, refrigerator or other secure storage place or the coliseum suite must be capable of being locked. The cabinet, refrigerator or other secure storage place or the coliseum suite shall be locked, or the intoxicating liquor shall be removed from the coliseum suite, when the coliseum suite is not occupied and when intoxicating liquor is not being furnished under this subdivision. Intoxicating liquor may be furnished at the time the holder of the coliseum suite occupies the coliseum suite, but for purposes of this chapter, the sale of intoxicating liquor furnished under this subdivision is considered to occur at the time and place that the holder pays for the intoxicating liquor. Notwithstanding s. 125.68 (4) (c), the holder of a coliseum suite may pay for the intoxicating liquor at any time if he or she pays in accordance with an agreement with the person operating the coliseum or with the concessionaire. An individual who stocks or accepts payment for alcohol beverages under this subdivision shall be the licensee, the agent named in the license if the licensee is a corporation or limited liability company or the holder of a manager’s or operator’s license or be supervised by one of those individuals.

(bu) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in sub. (1) (a) and in sub. (3) (a) or (b), a “Class B” license issued under sub. (1) to a caterer also authorizes the caterer to provide intoxicating liquor, including its retail sale, at the National Railroad Museum in Green Bay during special events held at this museum. Notwithstanding subs. (1) (a) and (3) (a) and (b), a caterer may provide intoxicating liquor under this paragraph at any location at the National Railroad Museum even though the National Railroad Museum is not part of the caterer’s licensed premises, as described under par. (d) in the caterer’s “Class B” license, and even if the National Rail-

road Museum is not located within the municipality that issued the caterer’s “Class B” license. A caterer that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the caterer’s “Class B” licensed premises. This paragraph does not authorize the National Railroad Museum to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply if, at any time, the National Railroad Museum holds a “Class B” license.

(bv) 1. Subject to subs. 2. and 3., and notwithstanding ss. 125.04 (3) (a) 3. and (9), 125.09 (1), and 125.32 (6) (a), in addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a “Class B” license issued under sub. (1) to a caterer also authorizes the caterer to provide intoxicating liquor, including its retail sale, on racetrack grounds, as defined in s. 125.27 (5) (a). Subject to subs. 2. and 3., and notwithstanding pars. (a) and (b) and sub. (1) (a) and s. 125.32 (6) (a), a caterer may provide intoxicating liquor under this subdivision at any location on racetrack grounds even though the racetrack grounds are not part of the caterer’s licensed premises, as described under par. (d) in the caterer’s “Class B” license, and even if the racetrack grounds are not located within the municipality that issued the caterer’s “Class B” license. A caterer that provides intoxicating liquor under this subdivision is subject to s. 125.68 (2) and (4) as if the intoxicating liquor were provided on the caterer’s “Class B” licensed premises.

2. A caterer may not provide intoxicating liquor under subd. 1. at any designated camping area on racetrack grounds while the area is in use for camping.

3. A caterer may not provide intoxicating liquor under subd. 1. on any premises covered by a permit issued under sub. (5) (f) or s. 125.27 (5).

(bw) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a “Class B” license issued under sub. (1) to a caterer also authorizes the caterer to provide intoxicating liquor, including its retail sale, at the Heritage Hill state park during special events held at this park. Notwithstanding pars. (a) and (b) and sub. (1) (a), a caterer may provide intoxicating liquor under this paragraph at any location at the Heritage Hill state park even though the Heritage Hill state park is not part of the caterer’s licensed premises, as described under par. (d) in the caterer’s “Class B” license, and even if the Heritage Hill state park is not located within the municipality that issued the caterer’s “Class B” license. A caterer that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the caterer’s “Class B” licensed premises. This paragraph does not authorize the Heritage Hill state park to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply if, at any time, the Heritage Hill state park holds a “Class B” license.

(bx) Notwithstanding ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in par. (a) or (b) and in sub. (1) (a), a “Class B” license issued under sub. (1) also authorizes the licensee to provide intoxicating liquor, including its retail sale, at specific locations within the Ozaukee County fairgrounds for consumption at these locations during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the licensee and if the licensee’s “Class B” licensed premises are located in Ozaukee County. Notwithstanding pars. (a) and (b) and sub. (1) (a), a licensee may provide intoxicating liquor under this paragraph at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the licensee’s licensed premises, as described under par. (d) in the licensee’s “Class B” license, and even if the Ozaukee County fairgrounds are not located within the municipality that issued the licensee’s “Class B” license. A licensee that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the licensee’s “Class B” licensed premises. This paragraph does not authorize Ozaukee County or any person operating or managing the Ozaukee County

fairgrounds to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale.

(c) Except as provided under s. 125.69, a “Class B” license may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another.

(d) “Class B” licenses shall particularly describe the premises for which issued and are not transferable, except as provided in s. 125.04 (12).

(dm) A municipality may issue a “Class B” license authorizing retail sales of intoxicating liquor on a railroad car while the railroad car is standing in a specified location in the municipality.

(e) 1. Except as provided in subds. 2. to 4. and 6., the annual fee for a “Class B” license shall be established by the municipal governing body and shall be the same for all “Class B” licenses, except that the minimum fee shall be \$50 and the maximum fee shall be \$500. The minimum fee does not apply to licenses issued to bona fide clubs and lodges situated and incorporated in the state for at least 6 years.

2. Each municipal governing body shall establish the fee, in an amount not less than \$10,000, for an initial issuance of a reserve “Class B” license, as defined in sub. (4) (a) 4., and, if the municipality contains a capital improvement area enumerated under sub. (4) (x) 2., for an initial issuance of a “Class B” license under sub. (4) (x) 3. and 4., except that the fee for an initial issuance of a reserve “Class B” license to a bona fide club or lodge situated and incorporated in the state for at least 6 years is the fee established under subd. 1. for such a club or lodge. The fee under this subdivision is in addition to any other fee required under this chapter. The annual fee for renewal of a reserve “Class B” license, as defined in sub. (4) (a) 1., and a “Class B” license issued under sub. (4) (x) 3. or 4. is the fee established under subd. 1. A municipality may not rebate or refund to a “Class B” licensee or a person affiliated with the “Class B” licensee or with the license application process, including through any grant or tax credit program, the fee paid by the licensee under this subdivision for initial issuance of a reserve “Class B” license.

3. Each municipal governing body shall establish the annual fee for a “Class B” license issued under sub. (4) (v), except that neither the fee for an initial issuance of, nor the annual fee for, a “Class B” license issued under sub. (4) (v) 4. may exceed any fee established under subd. 1. The initial fee may be different from the annual fee to renew the license.

4. Each municipal governing body that transfers a license under sub. (4) (e) shall establish the fee, in an amount not less than \$10,000, for issuance of a reserve “Class B” license after it has been transferred under sub. (4) (e). A municipality may not rebate or refund to a “Class B” licensee or a person affiliated with the “Class B” licensee or with the license application process, including through any grant or tax credit program, the fee paid under this subdivision for issuance of the license after transfer. The annual fee for renewal of a reserve “Class B” license after it has been transferred and reissued under sub. (4) (e) is the fee established under subd. 1.

5. Notwithstanding subd. 2., a municipal governing body may not establish an initial issuance fee for a “Class B” license issued under sub. (4) (w) 5. that exceeds the annual fee established for the license under subd. 1.

6. Notwithstanding subd. 2., each municipal governing body that has designated a premier economic development district under sub. (4) (u) 2. shall establish the fee, in an amount not less than \$30,000, for initial issuance of a reserve “Class B” license under sub. (4) (u) 3. A municipality may not rebate or refund to a “Class B” licensee or a person affiliated with the “Class B” licensee or with the license application process, including through any grant or tax credit program, the fee paid by the licensee under this subdivision for initial issuance of a reserve “Class B” license under sub. (4) (u) 3. The annual fee for renewal of a reserve “Class B” license issued under sub. (4) (u) 3. is the fee established under subd. 1.

(f) A “Class B” license may be issued only to a holder of a retail Class “B” license to sell fermented malt beverages unless the “Class B” license is the kind of “Class B” license specified under par. (am) or is a temporary “Class B” license under sub. (10).

(3m) RETAIL “CLASS C” LICENSE. (a) In this subsection “barroom” means a room that is primarily used for the sale or consumption of alcohol beverages.

(b) A “Class C” license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.

(c) A “Class C” license may be issued to a person qualified under s. 125.04 (5) for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which does not have a barroom or for a restaurant in which the sale of alcohol beverages accounts for less than 50 percent of gross receipts and which has a barroom in which wine is the only intoxicating liquor sold. A “Class C” license may not be issued to a foreign corporation, a foreign limited liability company or a person acting as agent for or in the employ of another.

(d) A “Class C” license shall particularly describe the premises for which it is issued.

(e) The annual fee for a “Class C” license shall be determined by the municipal governing body issuing the license. The fee shall not exceed \$100 and shall be the same for all “Class C” licenses.

(3r) SALES OF WINE BY THE BOTTLE IN RESTAURANTS. (a) Notwithstanding subs. (3) (a) and (b) and (3m) (b), a “Class B” license or “Class C” license authorizes the retail sale of wine in an opened original bottle, in a quantity not to exceed one bottle, for consumption both on and off the premises where sold if all of the following apply:

1. The licensed premises is a restaurant also operated under a “Class B” or “Class C” license and the purchaser of the wine orders food to be consumed on the licensed premises.

2. The licensee provides a dated receipt that identifies the purchase of the food and the bottle of wine.

3. Prior to the opened, partially consumed bottle of wine being taken off the licensed premises, the licensee securely reinserts the cork into the bottle to the point where the top of the cork is even with the top of the bottle and the cork is reinserted at a time other than during the time period specified in s. 125.68 (4) (c) 3.

(b) This subsection does not apply to a “Class B” license issued to a winery under s. 125.51 (3) (am). Nothing in this subsection restricts a licensee’s authorization for retail sales of wine under subs. (3) (a) and (b) and (3m) (b).

(4) QUOTAS ON “CLASS B” LICENSES. (a) In this subsection:

1. “License” means a retail “Class B” license issued under sub. (3) but does not include a “Class B” license issued to wineries under sub. (3) (am).

2. “Population” means the number of inhabitants in the previous year determined by the department of administration under s. 16.96 (2) for purposes of revenue sharing distribution.

3. “Quota” means the number of licenses which a municipality may grant or issue.

4. “Reserve “Class B” license” means a license that is not granted or issued by a municipality on December 1, 1997, and that is counted under par. (br).

(am) No municipality may issue a license that would cause the municipality to exceed its quota.

(b) Except as provided in pars. (c) and (d), the quota of each municipality is the sum of the following:

1g. The number of licenses granted or issued in good faith by the municipality and in force on December 1, 1997.

1m. The number of the municipality’s reserve “Class B” licenses determined under par. (bm) 3.

(bm) The clerk of each municipality shall record the municipality’s population, as defined in par. (a) 2., and the number of licenses:

1. Authorized to be issued by the municipality on December 1, 1997, under s. 125.51 (4), 1995 stats.;

2. Described in par. (b) 1g.; and

3. That are reserve “Class B” licenses.

(br) 1. Except as provided in subd. 2., the number of reserve “Class B” licenses authorized to be issued by a municipality shall be determined as follows:

a. Subtract 3 from the number recorded under par. (bm) 1.

b. Subtract the number recorded under par. (bm) 2. from the result under subd. 1. a.

c. Divide the result under subd. 1. b. by 2, except that if the result is not a whole number round the quotient down to the nearest whole number.

d. Add 3 to the result under subd. 1. c.

e. Add one license per each increase of 500 population to the population recorded under par. (bm).

f. Add one license if the municipality had issued a license under s. 125.51 (4) (br) 1. e., 1999 stats., based on a fraction of 500 population, but a municipality’s quota is only increased under this subd. 1. f. as long as the total number of licenses issued by the municipality equals the maximum number of licenses authorized, including under this subd. 1. f.

g. Add one license for each license transferred to the municipality under par. (e).

h. Subtract one license for each license transferred from the municipality under par. (e).

2. Notwithstanding subd. 1., if the difference between the number of licenses determined under par. (b) 1g. and under par. (bm) 1. is 3 or fewer, the number of reserve “Class B” licenses authorized to be issued by that municipality is the difference between the number of licenses determined under par. (b) 1g. and under par. (bm) 1., plus one per each increase of 500 population to the population recorded under par. (bm), plus one for each license transferred to the municipality under par. (e), minus one for each license transferred from the municipality under par. (e), plus one if the municipality had issued a license under s. 125.51 (4) (br) 2., 1999 stats., based on a fraction of 500 population but only as long as the total number of licenses issued by the municipality equals the maximum number of licenses authorized.

(c) If territory containing premises covered by a license or reserve “Class B” license is annexed to a municipality and if the municipality’s quota would not otherwise allow a license or reserve “Class B” license for the premises, the quota is increased to include the license or reserve “Class B” license of each premises in the annexed territory.

(d) Detachment of territory decreases the quota of the remainder of the municipality by the number of licenses or reserve “Class B” licenses issued for premises in the detached territory, except that detachment does not decrease the quota of the remainder to less than one license per 500 persons or less than one license.

(e) 1. A municipality may make a request to another municipality that is contiguous with, or within 2 miles of, the requesting municipality that the other municipality transfer a reserve “Class B” license to the requesting municipality. If the request is granted, the reserve “Class B” license shall be transferred.

2. A municipality may transfer or receive more than one reserve “Class B” license under this paragraph as long as each transfer meets the requirements of this paragraph, but a municipality may not transfer more than 3 reserve “Class B” licenses under this paragraph.

3. After transfer of a reserve “Class B” license under this paragraph, the municipality receiving the reserve “Class B” license may issue and renew the reserve “Class B” license in the same manner as other reserve “Class B” licenses that have not been so transferred, except that the fee under sub. (3) (e) 4., not sub. (3) (e) 2., applies upon issuance of the reserve “Class B” license by the receiving municipality after the transfer. Upon receipt of the

issuance fee from the licensee, the receiving municipality shall remit this issuance fee to the municipality that transferred the license.

4. Notwithstanding subds. 1. to 3., if a municipality has not issued any licenses, the municipality may not transfer any licenses under this paragraph.

(u) 1. In this paragraph:

a. “Economic development project” means a project or projects within a premier economic development district that, alone or together, have an estimated comprehensive new construction assessed valuation increase of at least \$20,000,000, as established and certified by an independent 3rd-party appraiser or market research firm that provides a written report regarding the estimated value to be created by the project or projects.

b. “Premier economic development district” means a geographic area designated under subd. 2.

2. A municipality may, by ordinance enacted by at least a two-thirds vote of the municipality’s governing body, designate a geographic area within the municipality as a premier economic development district if all of the following apply:

a. The geographic area does not exceed 40 acres and the boundaries of the geographic area are precisely identified in the ordinance.

b. No part of the geographic area is physically separated from the rest of the geographic area so that, except for public streets, similar community infrastructure, and rivers and other waterways, each portion of the geographic area is contiguous with some other portion of the geographic area.

c. The geographic area does not include any land that is zoned exclusively for industrial use or zoned exclusively for single-family or 2-family residences.

3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a municipality that has designated a premier economic development district may issue up to 2 “Class B” licenses in connection with an economic development project within the premier economic development district, in addition to the number of licenses determined for the municipality’s quota under pars. (b) to (d) and in addition to any license under par. (v) or (w).

4. A “Class B” license issued under subd. 3. may not be transferred under s. 125.04 (12) (b) 4. If a “Class B” license issued under subd. 3. is surrendered to the issuing municipality, revoked, or not renewed, the municipality may reissue the license only for premises located within the premier economic development district.

5. A municipality may not designate more than one premier economic development district under this paragraph.

6. Not more than 2 “Class B” licenses may be issued under this paragraph for premises within a premier economic development district, regardless of the number of economic development projects within the premier economic development district.

(v) Notwithstanding par. (am), if a municipality has granted or issued a number of licenses equal to or exceeding its quota, the municipal governing body may issue a license for any of the following:

1. A full-service restaurant that has an interior, permanent seating capacity of 300 or more persons.

2. A hotel that has 50 or more rooms of sleeping accommodations and that has either an attached restaurant with a seating capacity of 150 or more persons or a banquet room in which banquets attended by 400 or more persons may be held.

3. An opera house or theater for the performing arts operated by a nonprofit organization, as defined in s. 134.695 (1) (am). Notwithstanding sub. (3) (a) and (b), a “Class B” license issued under this subdivision authorizes the retail sale of intoxicating liquor only for consumption on the premises where sold and only in connection with ticketed performances.

4. A full-service restaurant that has a seating capacity of 75 to 100 persons on November 26, 2009; is located in a commercial

building; prepares, serves, and sells food to the public; has a separate dining area with permanent fixtures where table service is provided a minimum of 4 nights per week for a minimum of 6 months per year; generates more than 50 percent of total annual sales revenue from food sales; and is located on a golf course in a municipality, in Bayfield County, having a population of at least 400 but not more than 500. For purposes of this subdivision, “golf course” does not include a miniature golf course. No “Class B” license may be issued under this subdivision after March 1, 2010. If a “Class B” license issued under this subdivision is surrendered to the issuing municipality, not renewed, or revoked, the municipality may not reissue the license.

(w) 1. Notwithstanding pars. (am) to (d) and s. 125.185 (5), the village board of any village in the northern geographical half of Ozaukee County having a population of more than 4,000 may issue, to any applicant designated by the village board, one “Class B” license in addition to the number of licenses determined for the village’s quota under pars. (b) to (d). No “Class B” license may be issued under this subdivision after August 1, 2008. If a “Class B” license issued under this subdivision is surrendered to the issuing village, not renewed, or revoked, the village may not reissue the license, but a “Class B” license issued under this subdivision may be transferred in the same manner as other licenses as provided under s. 125.04 (12) (b) 4.

2. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a city that is immediately adjacent to the southern border of the city of Milwaukee and that has an eastern boundary of Lake Michigan may issue 3 “Class B” licenses in addition to the number of licenses determined for the city’s quota under pars. (b) to (d).

3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a 4th class city located in Dane County having a population as shown in the 2000 federal decennial census of at least 8,000 but not more than 9,000 may issue one “Class B” license in addition to the number of licenses determined for the city’s quota under pars. (b) to (d).

4. Notwithstanding pars. (am) to (d) and s. 125.185 (5), a 3rd class city located in Dane County having a population as shown in the 2000 federal decennial census of at least 15,000 but not more than 16,000 may issue 2 “Class B” licenses in addition to the number of licenses determined for the city’s quota under pars. (b) to (d).

5. Notwithstanding pars. (am) to (d) and s. 125.185 (5), the town of Wyoming in Iowa County may issue one “Class B” license in addition to the number of licenses determined for the town’s quota under pars. (b) to (d). No “Class B” license may be issued under this subdivision after February 1, 2016. If the “Class B” license issued under this subdivision is surrendered to the issuing town, not renewed, or revoked, the town may not reissue the license.

(x) 1. In this paragraph:

a. “Area base value” means the aggregate assessed value of all taxable property located within the geographic bounds of a capital improvement area on January 1 of the year that is 5 years prior to the year in which such capital improvement area is enumerated under subd. 2.

b. “Capital improvement area” means a geographic area that is enumerated under subd. 2. as having an improvement increment exceeding \$50,000,000 in the year in which the area is enumerated and as being located within a municipality with insufficient reserve “Class B” licenses to issue a “Class B” license for each business or proposed business that would reasonably require one.

c. “Good faith,” with respect to an applicant’s attempt to purchase a “Class B” licensed business, includes an applicant making an offer to purchase the business for an amount exceeding \$25,000 in total value, without additional significant conditions placed on the purchase by either party, after having given notice to all current “Class B” license holders within the municipality where the business is located, by U.S. mail addressed to either the licensee’s last-known address or to the licensed premises, of the applicant’s

interest in purchasing a licensed business, except that an offer in an amount of \$25,000 or less may also be considered to be in a good faith for purposes of this subd. 1. c. depending on the fair market value of the business, the availability of other licensed businesses for purchase, and any conditions attached to the sale.

d. “Improvement increment” means the aggregate assessed value of all taxable property in a capital improvement area as of January 1 of any year minus the area base value.

e. “Qualified applicant” means an applicant that complies with all requirements under s. 125.04 (5) and (6) and any applicable ordinance, that certifies by affidavit that the applicant has made a good faith attempt to purchase the business of a person holding a “Class B” license within the municipality and have that license transferred to the applicant under s. 125.04 (12) (b) 4., and for whom the issuing municipality has determined that these requirements have been met.

2. The legislature hereby enumerates, as a capital improvement area, the geographic area composed of all land within the Tax Incremental District Number 3 within the city of Oconomowoc in Waukesha County that lies south of Valley Road and east of STH 67 or that lies south of I 94 and west of STH 67.

3. Notwithstanding pars. (am) to (d) and s. 125.185 (5), upon application by a qualified applicant, the governing body of any municipality containing a capital improvement area enumerated under subd. 2. shall issue to the qualified applicant one “Class B” license in addition to the number of licenses determined for the municipality’s quota under pars. (b) to (d) and in addition to any license under par. (v).

4. Notwithstanding pars. (am) to (d) and s. 125.185 (5), after a qualified applicant has filed an application under subd. 3. and upon application by an initial qualified applicant under this subdivision, the governing body of any municipality containing a capital improvement area enumerated under subd. 2. shall determine the improvement increment within the capital improvement area for the calendar year in which the application under this subdivision is filed. If the improvement increment is at least \$10,000,000 above \$50,000,000, the governing body of the municipality shall issue to the initial qualified applicant a “Class B” license. For each \$10,000,000 of improvement increment above \$50,000,000, the governing body of the municipality is authorized to issue under this subdivision one “Class B” license and, upon each application by a qualified applicant subsequent to that of the initial qualified applicant, the governing body of the municipality shall issue a “Class B” license to the qualified applicant until all licenses authorized under this subdivision have been issued. If the governing body of any municipality receives an application by a qualified applicant in a calendar year subsequent to the calendar year in which it received the application of the initial qualified applicant, the governing body of the municipality shall redetermine the improvement increment for that year for the purpose of determining the number of “Class B” licenses authorized under this subdivision. The “Class B” licenses that a municipality is authorized to issue under this subdivision are in addition to the number of licenses determined for the municipality’s quota under pars. (b) to (d), any license under par. (v), and the license under subd. 3.

5. Notwithstanding subds. 3. and 4., not more than 8 “Class B” licenses may be issued under this paragraph for premises within the same capital improvement area.

6. Notwithstanding subd. 7., any “Class B” license issued under this paragraph may be transferred as provided under s. 125.04 (12) (b) 4. Notwithstanding subds. 5. and 7., if a “Class B” license issued under this paragraph is surrendered to the issuing municipality, revoked, or not renewed, the municipality may reissue the license to a qualified applicant for a premises located within the same capital improvement area for which the license was originally issued.

7. No “Class B” license may be issued under this paragraph after July 1, 2017.

(5) RETAIL “CLASS B” PERMITS. (a) *Sports clubs.* 1. The department shall issue “Class B” permits to clubs that are operated solely for the playing of golf or tennis and are commonly known as country clubs and to clubs which are operated solely for curling, ski jumping, or yachting. A “Class B” permit may be issued only to a club that holds a valid certificate issued under s. 73.03 (50), that is not open to the general public, and that is located in a municipality that does not issue “Class B” licenses or to a club located in a municipality that issues “Class B” licenses, if the club holds a valid certificate issued under s. 73.03 (50), is not open to the general public, was not issued a license under s. 176.05 (4a), 1979 stats., and does not currently hold a “Class B” license. The permits may be issued by the department without regard to any quota under sub. (4). The holder of a “Class B” permit may sell intoxicating liquor for consumption by the glass and not in the original package or container on the premises covered by the permit.

2. Except as provided in this paragraph, all sections of this chapter applying to retail “Class B” licenses apply to “Class B” permits issued under this paragraph.

3. “Class B” permits may be issued only to a club which has occupied the premises upon which it is located for a period of at least 6 months prior to the date of application.

4. The department may annually issue a “Class B” permit to any club that holds a valid certificate issued under s. 73.03 (50), is organized to engage in sports similar to curling, golf, tennis or yachting and that held a license from July 1, 1950, to June 30, 1951, as long as it is continuously operated under substantially the same circumstances under which it operated during the year beginning July 1, 1950, if the club is located in a municipality that does not issue “Class B” licenses.

(b) *Public facilities and airports.* 1. In this paragraph:

a. “Arena” means a public building with a capacity of 4,000 or more persons used principally for the conduct of sports events.

b. “Coliseum” means a public multipurpose facility designed for activities of the public, which may include but are not limited to sports events, trade shows, conventions, seminars, concerts, banquets and fairs.

c. “Concessionaire” means a person designated by resolution of the governing body of a county or municipality owning an airport or public facility to operate premises in the airport or public facility.

d. “Public facility” means an arena, coliseum, related exposition facilities or center for the performing or visual arts.

e. “Related exposition facility” means buildings constructed on the same grounds as a coliseum and used for the same or ancillary functions.

2. The department shall issue a “Class B” permit to a concessionaire that holds a valid certificate issued under s. 73.03 (50) and that conducts business in an operating airport or public facility, if the county or municipality which owns the airport or public facility has, by resolution of its governing body, annually applied to the department for the permit. The permit authorizes the sale of intoxicating liquor for consumption by the glass and not in the original package or container on the premises.

3. Except as provided in this paragraph, all sections of this chapter relating to “Class B” licenses apply to “Class B” permits issued under this paragraph.

4. The department may not issue a permit under this paragraph to any county or municipality or officer or employee thereof.

(c) *Vessels.* 1. The department may issue a “Class B” permit to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5) authorizing the sale of intoxicating liquor for consumption on any vessel having a regular place of mooring located in any waters of this state as defined under s. 29.001 (45) and (63) if the vessel either serves food and has an approved passenger capacity of not less than 40 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50 percent of the gross receipts

of all of the food and beverages served on the vessel or if the vessel has an approved passenger capacity of at least 100 individuals and the sale of intoxicating liquor and fermented malt beverages on the vessel accounts for less than 50 percent of the gross receipts of the vessel. The department may issue the permit only if the vessel leaves its place of mooring while the sale of intoxicating liquor is taking place and if the vessel fulfills the requirement under par. (c) 1m. A permit issued under this subdivision also authorizes the permittee to store intoxicating liquor purchased for sale on the vessel on premises owned or leased by the permittee and located near the vessel’s regular place of mooring. The permittee shall describe on the permit application under s. 125.04 (3) (a) 3. the premises where the intoxicating liquor will be stored. The premises shall be open to inspection by the department upon request.

1m. An applicant for a permit under subd. 1. shall provide proof that the vessel is certified by the U.S. coast guard, classed by the American bureau of shipping, or covered by liability insurance.

3. Except as provided in this paragraph, all provisions of this chapter applying to “Class B” licenses apply to “Class B” permits issued under subd. 1.

4. A person holding a permit under subd. 1. shall keep all invoices relating to the purchase of intoxicating liquor for sale on a vessel at the location where the intoxicating liquor is customarily stored.

(d) *Permits for certain tribes.* 1. In this paragraph, “tribe” has the meaning given in s. 125.27 (3) (a).

2. Upon application, the department shall issue a “Class B” permit to a tribe that holds a valid certificate issued under s. 73.03 (50) and that is qualified under s. 125.04 (5) and (6). The permit authorizes the retail sale of intoxicating liquor for consumption on the premises where sold by the glass and not in the original package or container. The permit also authorizes the sale of intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, to be consumed off the premises where sold, except that wine is not subject to the 4-liter limitation.

3. Except as provided in this paragraph, all sections of this chapter applying to “Class B” licenses apply to “Class B” permits issued under this paragraph.

(e) *Additional sales authority for permittees.* Notwithstanding pars. (a) 2., (b) 3., (c) 3., and (d) 3. and ss. 125.04 (3) (a) 3. and (9) and 125.09 (1), in addition to the authorization specified in par. (a), (b), (c), or (d), a “Class B” permit issued under this subsection also authorizes the permittee to provide intoxicating liquor, including its retail sale, at specific locations within the Ozaukee County fairgrounds for consumption at these locations during special events held at the fairgrounds, if the Ozaukee County board adopts a resolution approving the permittee and if the premises covered by the “Class B” permit are located in Ozaukee County. Notwithstanding pars. (a), (b), (c), and (d), a permittee may provide intoxicating liquor under this paragraph at the Ozaukee County fairgrounds even though the Ozaukee County fairgrounds are not part of the premises described in the permit. A permittee that provides intoxicating liquor under this paragraph is subject to s. 125.68 (2) as if the intoxicating liquor were provided on the premises covered by the “Class B” permit. This paragraph does not authorize Ozaukee County or any person operating or managing the Ozaukee County fairgrounds to sell intoxicating liquor at retail or to procure or stock intoxicating liquor for purposes of retail sale. This paragraph does not apply to a permit issued under par. (g).

(f) *Permits for racetrack grounds.* 1. In this paragraph, “racetrack grounds” has the meaning given in s. 125.27 (5) (a).

2. The department may issue “Class B” permits for locations within racetrack grounds to any person that holds a valid certificate issued under s. 73.03 (50), that is qualified under s. 125.04 (5) and (6), and that is the owner or operator of the racetrack grounds or is designated by the owner or operator of the racetrack grounds to operate premises located within the racetrack

grounds. Subject to subd. 4., the permit authorizes the retail sale of intoxicating liquor, by the glass and not in the original package or container, on the premises covered by the permit, for consumption anywhere within the racetrack grounds. If the department issues more than one permit under this paragraph for the same racetrack grounds, no part of the premises covered by a permit under this paragraph may overlap with premises covered by any other permit issued under this paragraph.

3. Subject to ss. 125.07 (3) (a) 17. and 125.68 (4) (c) 4., all provisions of this chapter applying to “Class B” licenses apply to “Class B” permits issued under this paragraph, except as follows:

a. A permit issued under this paragraph does not authorize retail sales of intoxicating liquor for consumption off the racetrack grounds.

b. A permit issued under this paragraph authorizes the retail sale of intoxicating liquor for possession and consumption off the premises where sold if the possession and consumption occurs within the racetrack grounds.

4. A permit issued under this paragraph does not authorize retail sales of intoxicating liquor at any designated camping area on racetrack grounds while the area is in use for camping.

5. The department shall establish a fee for a permit issued under this paragraph in the amount of 50 percent of the fee for a permit issued under par. (a).

(g) *Permits for state fair park.* 1. The state fair park board may issue “Class B” permits for locations at the state fair park to any person who holds a valid certificate issued under s. 73.03 (50), meets the qualifications under s. 125.04 (5) (a), (b), and (c), and, if applicable, satisfies the requirements under s. 125.04 (6). The state fair park board may use the application forms under s. 125.04 (3) (b) and (d) 1. or may prepare its own application forms with application information tailored to the permits under this paragraph. The state fair park board’s notice of meeting under s. 19.84 for a meeting at which a permit application will be considered shall be given at least 15 days prior to the meeting.

2. A permit issued under this paragraph authorizes the retail sale of intoxicating liquor, by the glass and not in the original package or container, on the premises covered by the permit, for consumption anywhere at the state fair park.

3. A permit issued under this paragraph may describe as premises under the permit multiple locations at the state fair park.

4. A permit issued under this paragraph to a person affiliated with a winery trade association may also authorize the permittee to make retail sales, in original packages or containers, for consumption away from the state fair park, of wine manufactured by members of the winery trade association.

5. A person holding a permit under this paragraph is subject to any requirements or conditions imposed upon the person by the state fair park board in the permit or under a lease or vendor agreement. This agreement may require the person to remit to the state fair park board a percentage of gross sales of alcohol beverages as specified in the agreement.

6. Sections 125.04 (3) (e), (f), and (g), (8), and (12), 125.045, 125.10, 125.12, and 125.185 do not apply with respect to a permit issued under this paragraph.

7. Permits issued under this paragraph are not subject to a quota under sub. (4).

8. A permit issued under this paragraph shall be valid for one year and expire on June 30. The state fair park board shall establish an annual fee for a permit issued under this paragraph in the amount of 50 percent of the annual fee for a permit issued under par. (a). All fees received under this subdivision shall be credited to the appropriation account under s. 20.190 (1) (h).

9. a. The state fair park board shall establish standards, consistent with subd. 1., and procedures for renewal of a permit issued under this paragraph.

b. The state fair park board shall establish standards and procedures for suspension, revocation, or refusal to renew a

permit issued under this paragraph. A suspension, revocation, or refusal to renew a permit under this paragraph is a contested case under ch. 227.

10. Except as otherwise provided in this paragraph, all sections of this chapter relating to “Class B” licenses apply to “Class B” permits issued under this paragraph.

11. The state fair park board shall have the enforcement powers of s. 42.01 over a permittee under this paragraph.

12. A municipality may not issue a “Class B” license for premises within the state fair park. No person may sell intoxicating liquor at retail at the state fair park unless the person holds a permit issued under this paragraph.

(6) *FACE-TO-FACE RETAIL SALES.* Except as provided in subs. (3) (bm), (bs), and (bx) and (5) (e) and except with respect to caterers, a retail license or permit issued under this section authorizes only face-to-face sales to consumers at the premises described in the retail license or permit.

(7) *SALES IN NAME OF LICENSEE OR PERMITTEE.* Every holder of a retail license or permit for the sale of intoxicating liquor shall purchase, advertise and sell intoxicating liquor in the holder’s name and under the holder’s license or permit only, except that holders of retail licenses or permits that are franchisees, as defined in s. 553.03 (5), may advertise, separately or together, in the name of the franchisor, as defined in s. 553.03 (6).

Cross-reference: See also s. Tax 8.61, Wis. adm. code.

(8) *CONNECTING PREMISES.* Except in the case of hotels, no person may hold both a “Class A” license and either a “Class B” license or permit, a Class “B” license or permit or a “Class C” license for the same premises or for connecting premises. Except for hotels, if either type of license or permit is issued for the same or connecting premises already covered by the other type of license or permit, the license or permit last issued is void. If both licenses or permits are issued simultaneously, both are void.

(9) *LICENSES FOR LESS THAN ONE YEAR.* (a) A license may be issued after July 1 in any license year. The license shall expire on the following June 30. The fee for the license shall be prorated according to the number of months or fractions thereof remaining until the following June 30.

(b) Licenses valid for 6 months may be issued at any time. The fee for the license shall be 50 percent of the annual license fee. The license may not be renewed during the calendar year in which issued.

(10) *TEMPORARY LICENSES.* (a) Notwithstanding s. 125.68 (3), temporary “Class B” licenses may be issued to bona fide clubs and chambers of commerce, to county or local fair associations or agricultural societies, to churches, lodges, or societies that have been in existence for at least 6 months before the date of application, and to posts of veterans’ organizations authorizing the sale of wine in an original package, container, or bottle or by the glass if the wine is dispensed directly from an original package, container, or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. The amount of the fee for the license shall be determined by the municipal governing body issuing the license but may not exceed \$10, except that no fee may be charged to a person who at the same time applies for a temporary Class “B” license under s. 125.26 (6) for the same event. A license issued to a county or district fair licenses the entire fairgrounds where the fair is being conducted and all persons engaging in retail sales of wine from leased stands on the fairgrounds. The county or district fair to which the license is issued may lease stands on the fairgrounds to persons who may engage in retail sales of wine from the stands while the fair is being held. If a county or district fair leases any stand to a winery holding a permit under s. 125.53, in addition to making retail sales of wine from the leased stand, the winery may provide taste samples anywhere on the fairgrounds of wine manufactured by the winery. If a license is issued under this paragraph to a fair association solely for the purpose of conducting on the licensed premises wine judging or tasting events

involving servings of wine no greater than one fluid ounce each, s. 125.68 (2) does not apply to these licensed premises. Except as provided in par. (b), not more than 2 licenses may be issued under this paragraph to any club, chamber of commerce, county or local fair association, agricultural association, church, lodge, society, or veterans post in any 12-month period.

(b) 1. A municipality may issue up to 20 licenses under par. (a) to the same licensee if all of the following apply:

a. Each license is issued for the same date and times and the licensee is the sponsor of an event held at multiple locations within the municipality on this date and at these times.

b. An admission fee is charged for participation in the event and no additional fee is charged for service of alcohol at the event.

c. Within the immediately preceding 12-month period, the municipality has issued licenses under authority of this paragraph for fewer than 2 events.

2. The duration of an event under subd. 1. may not exceed one day.

3. For purposes of the 2-license limit imposed under par. (a), each event for which multiple licenses are issued as provided in subd. 1. shall count as one license toward this 2-license limit.

4. A municipal governing body or an official or body authorized by a municipal governing body to issue temporary “Class B” licenses may, upon issuance of a temporary “Class B” license as provided in subd. 1., authorize the licensee to permit underage persons to be on the licensed premises for the purpose of acting as designated drivers.

History: 1981 c. 79, 202, 220; 1983 a. 27 ss. 1489c, 2202 (38); 1983 a. 250, 516; 1985 a. 74, 239, 302; 1987 a. 27, 91, 103, 249, 354, 399; 1989 a. 16, 30, 31, 252, 253, 359; 1991 a. 39; 1993 a. 112; 1995 a. 27; 1997 a. 27, 41, 248, 259; 1999 a. 9, 185; 2001 a. 16, 49; 2003 a. 124; 2005 a. 22, 268, 307; 2007 a. 20, 69, 85, 192; 2009 a. 28, 73; 2011 a. 129; 2013 a. 268; 2015 a. 10, 55, 62, 286, 372; 2017 a. 95, 364; 2019 a. 6; 2021 a. 21, 39, 43; 2021 a. 239 ss. 73, 74.

A city ordinance allowing a recipient of a new Class B license who pays the \$10,000 fee under sub. (3) (e) 2. to apply for a \$10,000 economic development grant from the city was not barred by the statute or constitution. *Alexander v. City of Madison*, 2001 WI App 208, 247 Wis. 2d 576, 634 N.W.2d 577, 00–2692.

The licensed premises, with respect to a “Class B” intoxicating liquor license under this section, may be co-extensive with the premises where consumption may occur. Thus, the premises to be listed on a “Class B” license are not necessarily confined to the dimensions of a bar room or storage room. Here, the town chose to license the entire eight acres of a resort as the premises for the sale, and also the consumption, of fermented malt beverages and intoxicating liquor. The town made that choice. The license was not void due to an insufficient description of the premises. *Wisconsin Dolls, LLC v. Town of Dell Prairie*, 2012 WI 76, 342 Wis. 2d 350, 815 N.W.2d 690, 10–2900.

Country clubs opening any part of their facilities to the general public lose their eligibility for “country club” liquor or beer licenses. 69 Atty. Gen. 248.

125.52 Manufacturers’ and rectifiers’ permits.

(1) **AUTHORIZED ACTIVITIES.** (a) The department shall issue manufacturers’ and rectifiers’ permits which authorize the manufacture or rectification, respectively, of intoxicating liquor on the premises covered by the permit. A person holding a manufacturer’s or rectifier’s permit may manufacture and bottle wine, pursuant to the terms of the permit, without procuring a winery permit.

(b) 1. A manufacturer’s or rectifier’s permit entitles the permittee to sell intoxicating liquor to wholesalers holding a permit under s. 125.54, to wineries holding a permit under s. 125.53, and to other manufacturers and rectifiers holding a permit under this section, from the premises described in the permit. Except as provided in subd. 2., no sales may be made for consumption on the premises of the permittee.

2. Notwithstanding s. 125.09 (1), a manufacturer’s or rectifier’s permit authorizes the retail sale of intoxicating liquor that is manufactured or rectified on the premises, for consumption on or off the premises. A manufacturer’s or rectifier’s permit also authorizes the provision of taste samples, free of charge and in an amount not exceeding a total of 1.5 fluid ounces to any one person, of intoxicating liquor that is manufactured or rectified on the premises, for consumption on the premises. The department may prescribe additional regulations for the sale of intoxicating liquor under this subdivision, if the additional regulations do not conflict

with the requirements applicable to holders of “Class B” licenses. Notwithstanding any other provision of this chapter, the authorization under this subdivision applies with respect to a person who holds any permit under this section, a winery permit under s. 125.53, and either a “Class A” license or a “Class B” license issued under s. 125.51 (3) (am), all issued for the same premises or portions of the same premises.

(c) Possession of a permit under this section does not authorize the permittee to sell tax-free intoxicating liquor and wines brought into this state under s. 139.03 (5).

(2) **LIMITED MANUFACTURER’S PERMIT.** The department shall issue a limited manufacturer’s permit which authorizes the use or sale of the intoxicating liquor produced only if it is rendered unfit for use as a beverage and is used or sold for use as fuel. The department shall notify the department of natural resources of the name and address of any person to whom a limited manufacturer’s permit is issued.

(3) **PERSONS ELIGIBLE.** Except as provided under s. 125.69, a manufacturer’s or rectifier’s permit may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section.

(7) **MULTIPLE PERMITS.** Not more than 2 manufacturers’ or 2 rectifiers’ permits may be issued to any one person. In each application for a manufacturer’s or rectifier’s permit, the applicant shall state that application has not been made for more than one other manufacturer’s or rectifier’s permit.

History: 1981 c. 79; 1985 a. 302; 1989 a. 253; 1991 a. 39; 1993 a. 112, 259, 491; 1995 a. 27; 2001 a. 16; 2007 a. 85; 2009 a. 28.

Cross-reference: See also s. Tax 8.22, Wis. adm. code.

125.53 Winery permit. (1) The department shall issue only to a manufacturing winery in this state that holds a valid certificate issued under s. 73.03 (50) a winery permit authorizing the manufacture and bottling of wine on the premises covered by the permit for sale to wholesalers holding a permit under s. 125.54. A winery permit also authorizes the permittee to, on the winery premises and without obtaining a rectifier’s permit, possess intoxicating liquor and mix or blend intoxicating liquor to produce wine sold to wholesalers holding a permit under s. 125.54. A winery holding a permit under this section may offer on the premises taste samples of wine manufactured on the premises to persons who have attained the legal drinking age. A permittee under this section may also have either one “Class A” license or one “Class B” license, but not both. The “Class A” license or “Class B” license may either be issued for the winery premises or for real estate owned or leased by the winery. If a “Class A” or “Class B” liquor license has also been issued to the winery, the winery may provide wine manufactured, mixed, or blended on the winery premises directly to the “Class A” or “Class B” premises and may offer the taste samples on the “Class A” or “Class B” premises. A winery holding a permit under this section may also make retail sales and provide taste samples on county or district fair grounds as provided in s. 125.51 (10), but this wine sold at retail or provided as taste samples shall be purchased from a wholesaler holding a permit under s. 125.54.

(2) Winery permits may be issued to any person except a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another.

History: 1981 c. 79; 1983 a. 74; 1989 a. 30; 1993 a. 112; 1995 a. 27; 2001 a. 16; 2007 a. 85; 2011 a. 129.

Cross-reference: See also s. Tax 8.22, Wis. adm. code.

125.535 Direct wine shippers’ permits. (1) **AUTHORIZED ACTIVITIES.** The department shall issue direct wine shippers’ permits authorizing the permittee to ship wine directly to an individual in this state who is of the legal drinking age, who acknowl-

edges receipt of the wine shipped, and who is not intoxicated at the time of delivery.

(2) **ANNUAL PERMIT FEE.** The department may, by rule, establish an annual fee, not to exceed \$100, for each permit issued under this section. All fees collected under this subsection shall be credited to the appropriation account under s. 20.566 (1) (ha).

(3) **PERSONS ELIGIBLE.** (a) A direct wine shipper's permit may be issued under this section to any person that manufactures and bottles wine on premises covered by any of the following:

1. A manufacturer's or rectifier's permit under s. 125.52.
2. A winery permit under s. 125.53.
3. A winery license, permit, or other authorization issued to the winery by any state from which the winery will ship wine into this state.
4. A federal basic permit for a winery under 27 USC 203 and 204.

(b) A winery located outside of this state is eligible for a direct wine shipper's permit under par. (a) 3. or 4. if all of the following apply:

1. The winery holds a valid business tax registration certificate issued under s. 73.03 (50).
2. The winery submits to the department, with any initial application or renewal for a certificate under s. 73.03 (50) or a permit under par. (a) 3. or 4., a copy of any current license, permit, or authorization issued to the winery by the state from which the winery will ship wine into this state or the winery's federal basic permit.

(c) Notwithstanding s. 125.04 (5) (a), natural persons obtaining direct wine shippers' permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section. Corporations and limited liability companies obtaining direct wine shippers' permits are subject to s. 125.04 (6) and any other person, including any natural person or cooperative, obtaining a direct wine shipper's permit shall appoint an agent, and be subject to all provisions of s. 125.04 (6), in the same manner applicable to corporations and limited liability companies.

(4) **LABELS.** Containers of wine shipped to an individual in this state under this section shall be clearly labeled to indicate that the package may not be delivered to an underage person or to an intoxicated person.

(5) **RESTRICTIONS.** No individual may resell, or use for a commercial purpose, wine received by the individual that is shipped under authority of this section.

(6) **ANNUAL LIMIT.** No individual in this state may receive more than 108 liters of wine annually shipped under authority of this section. Each individual shall be responsible for compliance with this annual limit. An individual who violates this annual limit is subject to s. 125.11 (1). This subsection does not apply to purchases made under a permit issued under s. 125.61.

History: 2007 a. 85.

125.54 Wholesalers' permits. (1) **AUTHORIZED ACTIVITIES.** The department shall issue wholesalers' permits authorizing the permittee to sell, from the premises described in the permit, intoxicating liquor at wholesale to retailers and wholesalers, as well as to manufacturers, rectifiers, and wineries for production purposes. The permittee may not sell intoxicating liquor for consumption on the premises. Possession of a permit under this section does not authorize the permittee to sell tax-free intoxicating liquor and wine brought into this state under s. 139.03 (5).

(2) **PERSONS ELIGIBLE.** Except as provided under s. 125.69, a wholesaler's permit may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a foreign corporation, a foreign limited liability company or a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not

required to complete a responsible beverage server training course to be eligible for a permit under this section.

(3) **TASTE SAMPLES ON "CLASS A" PREMISES.** Wholesalers holding a permit issued under this section, employees of such wholesalers, and individuals representing such wholesalers may not assist or participate in providing taste samples under s. 125.06 (13) (a) or 125.51 (2) (am).

(5) **SALES AREA.** No wholesaler may sell any intoxicating liquor before filing with the department a written statement that the permittee is a distributor of a particular brand in this state, or an area of this state, and that the sales of that brand by the permittee and anyone purchasing from the permittee will be limited to the area specified. The permittee shall notify the department of any change in the area within 7 days of the effective date of the change.

(6) **MULTIPLE PERMITS.** Not more than 2 wholesalers' permits may be issued to any one person. In each application for a wholesaler's permit, the applicant shall state that application has not been made for more than one other wholesaler's permit.

(7) **BONA FIDE WHOLESALERS.** (a) 1. The premises described in a permit issued under this section shall be capable of warehousing intoxicating liquor. Any intoxicating liquor sold by the permittee shall be physically unloaded at the premises described in the permit, or at any warehouse premises for which the permittee under this section also holds a permit issued under s. 125.19, prior to being delivered to a retail licensee or permittee or to another wholesaler.

2. A permittee under this section shall annually sell and deliver intoxicating liquor to at least 10 retail licensees or permittees that do not have any direct or indirect interest in each other or in the permittee under this section. The department shall not issue a permit under this section unless the applicant represents to the department an intention to satisfy this requirement, and shall not renew a permit issued under this section unless the permittee demonstrates that this requirement has been satisfied.

(b) No intoxicating liquor retail licensee or permittee may receive a benefit from a violation under par. (a) with knowledge of the circumstances giving rise to the violation.

(c) 1. A wholesaler who violates this subsection shall be fined not more than \$10,000. In addition, a court shall order the wholesaler to forfeit an amount equal to any profit gained by the wholesaler or by a retail licensee or permittee that violates par. (b), or by both, resulting from the violation, and the court shall further order that the wholesaler's permit be revoked.

2. A court shall order a retail licensee or permittee who violates this subsection to forfeit an amount equal to any profit gained by the retail licensee or permittee resulting from the violation, and the court shall further order that the retail license or permit be revoked.

3. This paragraph shall not affect the authority of any municipality or the department to revoke, suspend, or refuse to renew or issue a license or permit under s. 125.12.

(d) The department shall promulgate rules to administer and enforce the requirements under this subsection. The rules shall ensure coordination between the department's issuance and renewal of permits under this section and its enforcement of the requirements of this subsection, and shall require that all applications for issuance or renewal of permits under this section be processed by department personnel generally familiar with activities of intoxicating liquor wholesalers. The department shall establish by rule minimum requirements for warehouse facilities on premises described in permits issued under this section and for periodic site inspections by the department of such warehouse facilities.

(e) This subsection does not apply to a cooperative wholesaler under s. 125.545.

(8) **DUTY TO WORK IN GOOD FAITH.** Each wholesaler has an obligation to negotiate in good faith with any manufacturer, rectifier, or winery that seeks to sell its products in this state through

the wholesaler. To this end, all wholesalers shall work diligently to ensure that distribution channels are available for the sale of intoxicating liquor products through wholesalers to retailers in this state.

History: 1981 c. 79; 1985 a. 5; 1989 a. 253; 1993 a. 112, 259, 491; 1995 a. 27; 2005 a. 25; 2007 a. 85; 2015 a. 10.

Cross-reference: See also s. Tax 8.22, Wis. adm. code.

Section 176.05 (1a) (b) [now s. 125.54 (5)] does not prohibit a wholesaler from selling to a retailer located outside an area described in an area statement provided that the sale takes place within that area. 70 Atty. Gen. 258.

125.545 Small winery cooperative wholesalers.

(1) DEFINITIONS. In this section:

(a) “Member” means a small winery that meets the requirements established under this section for membership in a cooperative wholesaler and that has been qualified and accepted for membership in a cooperative wholesaler.

(b) “Out-of-state winery” means a winery that is located in a state other than this state and that holds a valid direct shipper’s permit issued under s. 125.535.

(c) “Retailer” means any person holding a “Class A”, “Class B”, or “Class C” license or “Class B” permit issued under s. 125.51.

(d) “Small winery” means any winery that produces and bottles less than 25,000 gallons of wine in a calendar year.

(e) “Small winery cooperative wholesaler” or “cooperative wholesaler” means an entity established under this section.

(f) “Wisconsin winery” means a winery operating under a permit issued under s. 125.53.

(2) CREATION AND ORGANIZATION. (a) 1. A cooperative wholesaler may only be created as provided under s. 185.043 (2) and this section. Each cooperative wholesaler operating under authority of this section shall be organized under ch. 185 but shall be subject to the limitations on such cooperatives imposed by this section. Subject to subd. 3., only small wineries may be members of a cooperative wholesaler. The principal purpose of a cooperative wholesaler shall be to sell and distribute wine manufactured, blended, or mixed, and also bottled, by its members.

2. Notwithstanding s. 185.08 (1), a cooperative wholesaler shall include in its articles of incorporation under ch. 185 a single location for its agent and principal office, which location shall be in this state.

3. A small winery may become a member of a cooperative wholesaler only if all of the following apply:

a. The small winery holds a direct shipper’s permit under s. 125.535.

b. The small winery is certified by the department under sub. (6) (a) as a small winery.

(b) In addition to the requirements specified in s. 185.31 for the board of directors of a cooperative wholesaler, a director representing a member that is a Wisconsin winery shall be either an owner or an employee of that Wisconsin winery. If any out-of-state winery is a member of the cooperative wholesaler, at least one director shall be either an owner or an employee of an out-of-state winery that is a member of the cooperative wholesaler.

(c) Notwithstanding any provision of ch. 185, a cooperative wholesaler may not employ any owner or employee of a member. However, an individual that is an owner or an employee of a member may act as a volunteer to assist that cooperative wholesaler in the sale and distribution of wine to retailers and other wholesalers in the manner authorized under this section.

(3) AUTHORIZATION AND ACTIVITIES. (a) 1. Within 7 days after filing its articles of incorporation under ch. 185, a cooperative wholesaler shall apply to the department for a wholesaler’s permit under s. 125.54. The provisions of s. 125.04 (5) (c) and (6) shall apply to a cooperative wholesaler as if the cooperative wholesaler were a corporation or a limited liability company and, for each of these provisions, the department shall determine whether the cooperative wholesaler is most similar to a corporation or a lim-

ited liability company in the context of that provision and apply that provision to the cooperative wholesaler accordingly.

2. Notwithstanding s. 125.54 (6), the department may issue not more than one wholesaler’s permit to any cooperative wholesaler. The department may not issue more than a total of 6 wholesalers’ permits to cooperative wholesalers in this state. The department may not issue any new wholesaler’s permit to a cooperative wholesaler after December 31, 2008, but may renew wholesalers’ permits that were initially issued to cooperative wholesalers prior to that date.

3. No cooperative wholesaler may operate in this state without a wholesaler’s permit.

(b) 1. Notwithstanding s. 125.54 (1), and except as provided in subd. 3., a cooperative wholesaler issued a wholesaler’s permit under par. (a) is authorized to sell and distribute only wine. Except as provided in subd. 3., a cooperative wholesaler may not sell or distribute any alcohol beverages, or any other product, except wine.

2. A cooperative wholesaler shall purchase on consignment wine from its members to be resold to retailers and other wholesalers. Notwithstanding s. 125.69 (5), a cooperative wholesaler may not purchase wine from any person other than a member. A cooperative wholesaler may not resell or distribute wine unless it has been purchased on consignment from a member. Notwithstanding s. 125.54 (1), a cooperative wholesaler may not sell or distribute wine except to a retailer or to a wholesaler holding a permit under s. 125.54.

3. A cooperative wholesaler may purchase ancillary wine industry trade goods such as bottles, corks, and other supplies used by wineries in the bottling and sale of wine if such trade goods do not include any alcohol beverages. Any wine industry trade goods purchased by a cooperative wholesaler under this subdivision may be offered for resale to the cooperative wholesaler’s members or to any winery that was formerly a member of the cooperative wholesaler.

4. A cooperative wholesaler shall work with all of its members on evenhanded terms. Any preferential treatment by a cooperative wholesaler for the benefit of a member that is a Wisconsin winery, and any discrimination against a member that is an out-of-state winery, is prohibited.

(c) Neither a cooperative wholesaler nor its members are subject to any restriction on dealings under s. 125.69 (1) between wholesalers and wineries. Except as provided in s. 125.54 (7) (e) and as otherwise provided in this section, all provisions of this chapter and ch. 139 that apply to a wholesaler issued a permit under s. 125.54 also apply to a cooperative wholesaler issued a permit under s. 125.54.

(4) EXCLUSIVE DISTRIBUTION. A member of a cooperative wholesaler may make its wine available for purchase by a retailer or another wholesaler only through the cooperative wholesaler of which it is a member. A member of a cooperative wholesaler may not sell its wine directly to any other wholesaler or directly to a retailer.

(5) BIENNIAL REPORTS. With each application for renewal of a wholesaler’s permit issued to a cooperative wholesaler, each cooperative wholesaler shall file with the department, in the form and manner prescribed by the department by rule, a biennial report that includes detailed information on its members, board of directors, and sale and distribution activities.

(6) DEPARTMENT CERTIFICATION AND RULE MAKING. (a) 1. The department shall, upon application, certify eligible applicants as small wineries and renew prior certifications of eligible applicants as small wineries.

2. Any winery seeking to become a member of, or to maintain its membership in, a cooperative wholesaler may apply to the department for certification as a small winery. If the winery meets the definition of a small winery under this section, satisfies the requirement under sub. (2) (a) 3. a., and submits any other infor-

41 Updated 19–20 Wis. Stats.

mation that the department determines is necessary to certify that the winery is operating as a small winery and is eligible for membership in a cooperative wholesaler, the department shall certify the winery as a small winery. This certification shall remain valid for one year.

3. In certifying any winery under subd. 2., the department shall classify the winery as either a Wisconsin winery or an out-of-state winery.

4. The department shall refuse to certify under this paragraph any winery that cannot demonstrate it holds all necessary permits for its operations or that the department finds is otherwise not in full compliance with the laws of this state.

(b) The department shall promulgate rules to administer and enforce the requirements under this section.

(7) **PENALTIES.** (a) Any winery that sells or distributes its wine directly to a retailer, rather than through a wholesaler or cooperative wholesaler, is subject to a fine of not more than \$10,000 and revocation of all of its permits by the department under s. 125.12 (5).

(b) Any cooperative wholesaler that provides preferential treatment to a Wisconsin winery or discriminates against an out-of-state winery is subject to a fine of not more than \$10,000 and revocation of its wholesaler's permit by the department under s. 125.12 (5).

History: 2007 a. 85; 2011 a. 175.

Cross-reference: See also s. Tax 8.05, Wis. adm. code.

125.55 Combination permits. (1) The department may issue a combination manufacturer's and rectifier's permit.

(2) A combination manufacturer's and wholesaler's permit may not be issued. A combination rectifier's and wholesaler's permit may not be issued.

History: 1981 c. 79; 1995 a. 27; 2007 a. 85.

125.56 Sacramental wine. (1) **AUTHORIZATION TO SELL.** Any person holding a permit under s. 125.52 (1), 125.53 or 125.54 may sell sacramental wine directly to persons holding permits under sub. (2).

(2) **SACRAMENTAL WINE PERMIT.** (a) The department shall issue sacramental wine permits to organized religious bodies authorizing them to purchase for their own use sacramental wine from any permittee under s. 125.52 (1), 125.53 or 125.54. A permit under this subsection does not authorize the resale of sacramental wine by the permittee.

(b) No sacramental wine permit may be issued to a person acting as an agent for or in the employ of another.

(c) Shipments of sacramental wine shall be conspicuously labeled "for sacramental purposes" and shall meet any other requirements the department prescribes by rule.

(d) A sacramental wine permit shall be issued free of charge by the department and is not subject to s. 125.04 (11) (a).

History: 1981 c. 79; 1983 a. 516 s. 8.

125.58 Out-of-state shippers' permit; exception to requirement. (1) The department shall issue out-of-state shippers' permits which authorize persons located outside this state to sell or ship intoxicating liquor into this state. Except as provided under sub. (4), intoxicating liquor may be shipped into this state only to a person holding a wholesaler's permit under s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a permit under this section, to a person holding a manufacturer's or rectifier's permit under s. 125.52 or a winery permit under s. 125.53. Except as provided under sub. (4), a separate out-of-state shipper's permit is required for each location from which any intoxicating liquor is sold or shipped into this state, including the location from which the invoices are issued for the sales or shipments. Any person holding an out-of-state shipper's permit issued under this section may solicit orders for sales or shipments by the permittee without obtaining the sales solicitation permit required by s. 125.65, but every agent, salesperson or other repre-

ALCOHOL BEVERAGES**125.62**

sentative who solicits orders for sales or shipments by an out-of-state shipper shall first obtain a permit for soliciting orders under s. 125.65. No holder of an out-of-state shipper's permit issued under this section may sell intoxicating liquor in this state or ship intoxicating liquor into this state unless the out-of-state shipper is the primary source of supply for that intoxicating liquor.

(2) Out-of-state shippers' permits may be issued only to a person who holds a valid certificate issued under s. 73.03 (50), but may not be issued to a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a), natural persons obtaining out-of-state shippers' permits are not required to be residents of this state. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be eligible for a permit under this section. Notwithstanding s. 125.04 (6), corporations or limited liability companies obtaining out-of-state shippers' permits are not required to appoint agents.

(4) A winery located outside of this state may ship wine into this state as provided under s. 125.535 and is not required to hold an out-of-state shipper's permit under this section.

History: 1981 c. 79; 1983 a. 27; 1987 a. 399; 1989 a. 253; 1991 a. 39; 1993 a. 112, 259, 491; 1995 a. 27; 2001 a. 16; 2001 a. 104 s. 136; 2007 a. 85.

Cross-reference: See also ss. Tax 8.35 and 8.61, Wis. adm. code.

Treating All Grapes Equally: Interstate Alcohol Shipping After Granholm. Gary, Wis. Law, March 2010.

125.60 Wholesale alcohol permit. (1) The department may issue a wholesale alcohol permit which authorizes the permittee to sell ethyl alcohol of 190 proof or more to persons holding permits or licenses issued under s. 125.61 or 125.62. Nothing in this section requires manufacturers, rectifiers and wholesalers holding permits issued under s. 125.52 (1) or 125.54 to obtain a wholesale alcohol permit.

(2) Wholesale alcohol permits may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(3) Holders of wholesale alcohol permits who do not hold permits issued under s. 125.52 (1) or 125.54 are exempt from s. 125.65 as it relates to special permits for agents or representatives of wholesale alcohol permit holders.

(4) Holders of wholesale alcohol permits under this section who do not hold permits issued under s. 125.52 (1) or 125.54 may sell or deal in ethyl alcohol, except that no alcohol may be sold for consumption on the premises of the permittee.

History: 1981 c. 79; 1989 a. 253; 1993 a. 259; 1995 a. 27.

125.61 Medicinal alcohol permit. (1) The department may issue a medicinal alcohol permit which authorizes the permittee to purchase and use alcohol for medicinal purposes only. The permit may be issued only to persons who prove to the department that they use alcohol for medicinal purposes.

(2) Medicinal alcohol permits may be issued to any person qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(3) Shipments of medicinal alcohol shall be conspicuously labeled "for medicinal purposes" and shall meet other requirements which the department prescribes by rule.

(4) A medicinal permit shall be issued free of charge by the department and is not subject to s. 125.04 (11) (a).

History: 1981 c. 79; 1983 a. 516 s. 8; 1993 a. 259.

125.62 Industrial alcohol permit. (1) The department may issue an industrial alcohol permit which authorizes the permittee to purchase and use alcohol for industrial purposes only.

Such permits may be issued only to persons who prove to the department that they use alcohol for industrial purposes.

(2) Industrial alcohol permits may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a person acting as agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(3) Shipments of industrial alcohol shall be conspicuously labeled “for industrial purposes” and shall meet other requirements which the department prescribes by rule.

History: 1981 c. 79; 1989 a. 253; 1993 a. 259; 1995 a. 27.

125.63 Industrial wine permit. (1) The department may issue an industrial wine permit which authorizes the purchase and use of wine for industrial purposes only. An industrial wine permit may be issued only to persons who prove to the department that they use wine for industrial purposes.

(2) Industrial wine permits may be issued to any person who holds a valid certificate issued under s. 73.03 (50) and who is qualified under s. 125.04 (5), except a person acting as an agent for or in the employ of another. Notwithstanding s. 125.04 (5) (a) 5., a person is not required to complete a responsible beverage server training course to be qualified for a permit under this section.

(3) Shipments of industrial wine shall be conspicuously labeled “for industrial purposes” and shall meet other requirements which the department prescribes by rule.

History: 1981 c. 79; 1989 a. 253; 1993 a. 259; 1995 a. 27.

125.65 Permit to solicit for future sales. (1) The department may issue a permit for wholesale sales for future delivery which authorizes the permittee to solicit orders, and to engage in the sale, of intoxicating liquor for delivery at a future date. A person holding a permit under this section may give a sample of a brand of intoxicating liquor to a “Class A” licensee who has not previously purchased that brand from the permittee.

(2) Permits for wholesale sale for future delivery may be issued to any person who holds a valid certificate issued under s. 73.03 (50), who is qualified under s. 125.04 (5) (a) 1. and (b) and who is at least 18 years of age.

(3) Both natural persons engaged in actual solicitation of orders or sales and their employers shall obtain permits under this section.

(4) The department shall require the following information in applications for permits under this section:

(a) The type of permit desired.

(b) The name and address of the applicant; if the applicant is a partnership, limited liability company or association, the name and address of each member thereof; or if the applicant is a corporation, the name and address of each of its officers.

(c) The places where the business is to be conducted.

(d) For the period of at least 3 years immediately preceding the date of application, the business or occupation, if any, engaged in by the applicant; if a partnership, limited liability company or association, by each member thereof; or if a corporation, by each officer.

(e) Any other information required by the department.

(6) Employers shall furnish the department with the names of all employees engaged in activities requiring a permit under this section and shall notify the department whenever an employee begins or terminates employment. Upon leaving employment, an employee shall submit his or her permit to the department for cancellation.

(7) Every person holding a permit under this section shall exhibit it upon request to any prospective purchaser.

(8) Nonresident persons holding permits under this section may solicit sales from retailers in this state only if the orders are solicited for, and will be filled by, persons holding permits under s. 125.54.

(9) Any person who violates this section shall be fined not less than \$100 nor more than \$500 or imprisoned for not less than 30 days nor more than 6 months or both. Conviction for a violation of this section shall result in automatic revocation of any permit issued under this section. If a permit issued under this section is so revoked, another permit may not be issued to the same person for a period of 2 years following revocation.

(10) The department may not require a fee for a permit under this section for an individual who is eligible for the veterans fee waiver program under s. 45.44.

History: 1981 c. 79; 1985 a. 302; 1989 a. 253; 1993 a. 112; 1995 a. 27; 2007 a. 85; 2011 a. 209.

Cross-reference: See also ss. Tax 8.12 and 8.76, Wis. adm. code.

125.66 Sale without license; failure to obtain permit; penalties. (1) No person may sell, or possess with intent to sell, intoxicating liquor unless that person holds the appropriate license or permit. Whoever violates this subsection may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

(2) The issuance of any current permit or special tax stamp of the federal government to any person, authorizing or permitting the person to sell intoxicating liquor, shall be prima facie evidence in any prosecution for violation of this section that the person was engaged in selling intoxicating liquor.

(3) Any person manufacturing or rectifying intoxicating liquor without holding appropriate permits under this chapter, or any person who sells such liquor, is guilty of a Class F felony.

(4) Notwithstanding sub. (1) and s. 125.04 (1), a “Class A” licensee who sells intoxicating liquor to a “Class B” licensee for resale may be fined not more than \$100.

History: 1981 c. 79; 1989 a. 253; 1995 a. 27; 1997 a. 283; 2001 a. 109.

A license never should have been issued when a notice of application had not been published as required under s. 125.04 (3) (g), and a license issued without publication is void under s. 125.04 (2). Selling liquor under a void license constitutes a violation of s. 125.66 (1). Under s. 125.12, a renewal licensee, if refused, is guaranteed a right to be heard by the municipality, and the municipality must show cause for refusal, but a new licensee, if refused, has no such guarantee. When an original license is void, the applicant is a new licensee. *Williams v. City of Lake Geneva*, 2002 WI App 95, 253 Wis. 2d 618, 643 N.W.2d 864, 01–1733.

125.67 Evading provisions of law by giving away intoxicating liquor; penalties. No person may give away intoxicating liquor or use any other means to evade any law of this state relating to the sale of intoxicating liquor. Whoever violates this subsection may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.

History: 1981 c. 79; 1989 a. 253.

125.68 General restrictions and requirements.

(1) **MANAGERS’ LICENSES; “CLASS B” AND “CLASS C” PREMISES.** (a) If a municipal governing body elects to issue managers’ licenses under s. 125.18, no person may manage premises operating under a “Class B” license or permit or a “Class C” license unless the person is the licensee or permittee, an agent of a corporation or limited liability company appointed as required by s. 125.04 (6) or the holder of a manager’s license. A manager’s license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality that issues it. A person manages premises if that person has responsibility or authority for:

1. Personnel management of all employees, whether or not the person is authorized to sign employment contracts;

2. The terms of contracts for the purchase or sale of goods or services, whether or not the person is authorized to sign the contracts; or

3. The daily operations of the premises.

(b) The municipal governing body may, by ordinance, define factors in addition to those listed in par. (a) which constitute management of premises.

(2) **OPERATORS’ LICENSES; “CLASS A,” “CLASS B,” “CLASS C,” AND OTHER PREMISES.** Except as provided under ss. 125.07 (3) (a) 10. and 125.51 (10), no premises operated under a “Class A” or “Class C” license or under a “Class B” license or permit may be

open for business, and no person who holds a manufacturer's or rectifier's permit may allow the sale or provision of taste samples of intoxicating liquor on the manufacturing or rectifying premises as provided in s. 125.52 (1) (b) 2., unless there is upon the premises either the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. An operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality that issues it. For the purpose of this subsection, any person holding a manager's license issued under s. 125.18 or any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve or sell alcohol beverages in any place operated under a "Class A" or "Class C" license or under a "Class B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee or agent or a person holding an operator's license, who is on the premises at the time of the service.

(2m) USE BY ANOTHER PROHIBITED. (a) No person may allow another to use his or her "Class A" or "Class C" license or "Class B" license or permit to sell alcohol beverages.

(b) The license or permit of a person who violates par. (a) shall be revoked.

(3) RESTRICTIONS ON LOCATION. No "Class A" or "Class B" license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of a public or parochial school, tribal school, as defined in s. 115.001 (15m), hospital, or church, except that this prohibition may be waived by a majority vote of the governing body of the municipality in which the premises is located. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license or permit. The prohibition in this subsection does not apply to any of the following:

(a) Premises covered by a license or permit on June 30, 1947.

(b) Premises covered by a license or permit prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

(c) A restaurant located within 300 feet of a church or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50 percent of their gross receipts.

(4) CLOSING HOURS. (a) *Wholesalers.* No premises for which a wholesale intoxicating liquor permit has been issued may remain open for the sale of intoxicating liquor between the hours of 5 p.m. and 8 a.m., except on Saturday the premises may remain open until 9 p.m.

(b) *"Class A" retailers.* No premises for which a "Class A" license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 6 a.m. A municipality may, by ordinance, impose more restrictive hours than those provided in this paragraph.

(c) *"Class B" and "Class C" retailers.* 1. Subject to subds. 3. and 6. and s. 125.51 (3r) (a) 3., no premises for which a "Class B" license or permit or a "Class C" license has been issued may remain open between the hours of 2 a.m. and 6 a.m., except as otherwise provided in this subdivision and subd. 4. On January 1 premises operating under a "Class B" license or permit are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. 175.095 (2), no premises may remain open between 3:30 a.m. and 6 a.m. This subdivision does not apply to a "Class B" license issued to a winery under s. 125.51 (3) (am).

3. Between 12 midnight and 6 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises or on "Class C" licensed premises as authorized under s. 125.51 (3r) (a). A municipal governing body may, by ordinance, impose more restrictive hours than are provided in this subdivision except with respect to the sale of intoxicating liquor authorized under s. 125.51 (3r) (a). This subdivision does not apply to a "Class B" license issued to a winery under s. 125.51 (3) (am).

3m. No premises for which a "Class B" license has been issued under s. 125.51 (3) (am) may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 8 a.m.

4. Hotels and restaurants the principal business of which is the furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters, painting studios, racetrack grounds, as defined in s. 125.27 (5) (a), indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell intoxicating liquor during the closing hours under subd. 1. or, with respect to the sale of intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

5. A municipality may not, by ordinance, impose different hours than those provided under subd. 1.

6. No person may serve wine after 9 p.m. on premises covered by a temporary "Class B" license issued as provided in s. 125.51 (10) (b).

(5) RESTAURANT SANITATION RULES. No applicant may obtain a "Class B" license or permit or a "Class C" license unless the premises complies with the rules promulgated by the department of agriculture, trade and consumer protection governing sanitation in restaurants. However, the department of agriculture, trade and consumer protection may not restrict the serving of cheese without charge in individual portions to customers as permitted by s. 97.01 (14g).

(8) SALE FROM ORIGINAL CONTAINER. (a) A person convicted of any of the following prohibited activities shall be fined not less than \$150 nor more than \$500 or imprisoned not less than 60 days nor more than 6 months or both:

1. Diluting any intoxicating liquor for purposes of sale as undiluted intoxicating liquor.

2. Refilling any original container which had previously been used for intoxicating liquor containing 21 percent or more of alcohol by volume.

3. Possessing diluted intoxicating liquor or refilled original containers on any premises covered by a "Class A" or "Class C" license or "Class B" license or permit.

(b) Possession of an original container which contains diluted intoxicating liquor or which has been refilled is prima facie evidence of intent to violate this subsection.

Cross-reference: See also s. Tax 8.43, Wis. adm. code.

(9) LABELS; CONTENTS; PACKAGING. (b) All containers of intoxicating liquor sold in this state shall be clearly and legibly labeled with the name and address of the manufacturer and the name of the intoxicating liquor. The label shall meet any other labeling requirements created by the federal alcohol administration act.

(c) No intoxicating liquor may contain any added ingredients or substances which are injurious to health or deleterious for human consumption.

(d) All packages or containers of intoxicating liquor delivered in this state shall bear seals affixed by the manufacturer so that the contents cannot be removed without breaking the seals.

(e) No person holding a license or permit issued under this chapter may possess or sell any package or container of intoxicating liquor which does not comply with pars. (b) and (d) or which

does not bear evidence that the package or container was in compliance when delivery was taken.

(f) Every person manufacturing, rectifying or blending intoxicating liquor sold in this state shall provide the department with the names, brands, descriptions, alcoholic content by volume and any other information about the intoxicating liquor required by the department. Information required by this paragraph shall be submitted prior to placing any new blend on the market. The department may also require by rule that samples of new products be submitted for examination and analysis.

(g) Persons convicted of violating this subsection shall be fined not less than \$500 nor more than \$1,000 or imprisoned in the county jail for not less than 3 months nor more than one year or both.

Cross-reference: See also s. Tax 8.52, Wis. adm. code.

(10) SHIPMENTS INTO STATE. (a) Except as provided in s. 125.535, no intoxicating liquor may be shipped into this state unless consigned to a person holding a wholesaler's permit under s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a permit under s. 125.58, consigned to a person holding a manufacturer's or rectifier's permit under s. 125.52 or a winery permit under s. 125.53.

(b) Except as provided in s. 125.535, no common carrier or other person may transport into and deliver within this state any intoxicating liquor unless it is consigned to a person holding a wholesaler's permit under s. 125.54 or, if shipped from a manufacturer or rectifier in another state holding a permit under s. 125.58, consigned to a person holding a manufacturer's or rectifier's permit under s. 125.52 or a winery permit under s. 125.53. Any common carrier violating this paragraph shall forfeit \$100 for each violation.

Cross-reference: See also s. Tax 8.35, Wis. adm. code.

(11) ALCOHOL OR WINE FOR NONBEVERAGE USE; PENALTY. (a) The following products are not intoxicating liquor subject to this chapter, when unfit for beverage purposes:

1. Denatured alcohol produced and used pursuant to acts of congress and regulations promulgated thereunder.
2. Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations.
3. Flavoring extracts, syrups and food products.
4. Scientific, chemical, mechanical and industrial products.

(b) Any person who sells any of the products enumerated in par. (a) for intoxicating beverage purposes, either knowingly or under circumstances from which a reasonable person may deduce the intention of the purchaser to use them for such purposes, shall be penalized under s. 125.11.

(12) DENATURED ALCOHOL. (a) No person may recover any alcohol or alcoholic liquid from denatured alcohol by any process or use, sell, conceal or dispose of, in any manner, any alcohol or alcoholic liquid derived from denatured alcohol.

(b) Whoever violates par. (a) is guilty of a Class F felony.

(c) Any person causing the death of another human being through the selling or otherwise disposing of, for beverage purposes, either denatured alcohol or alcohol or alcoholic liquid redistilled from denatured alcohol is guilty of a Class E felony.

(13) INTOXICATING LIQUOR NOT PURCHASED ON RETAIL PREMISES IN A PARK. No provision of this chapter prohibits a licensee under s. 125.51 (3) from allowing, if the licensed premises are located in a public park within a 1st class city, a person who does not hold a license or permit under this chapter to possess and consume on the licensed premises intoxicating liquor that was not purchased from the licensee.

History: 1981 c. 79, 158, 202; 1983 a. 74; 1983 a. 189 s. 329 (6); 1983 a. 203 s. 47; 1983 a. 349; 1985 a. 28, 221, 317; 1987 a. 27, 121, 399; 1989 a. 30, 253; 1991 a. 28, 39; 1993 a. 27, 112; 1995 a. 27 s. 9126 (19); 1997 a. 283; 2001 a. 16, 109; 2005 a. 25, 268; 2007 a. 3; 2007 a. 20 s. 9121 (6) (a); 2007 a. 85; 2009 a. 28, 128, 302; 2011 a. 32, 97; 2013 a. 268; 2015 a. 8, 55, 62; 2021 a. 39.

It is not illegal under s. 176.07 [now s. 125.68 (4) (c) 3.] to allow the carry-out of liquor from a "Class B" licensed premises between 12 midnight and 8 a.m. if the sale of liquor occurred before 12 midnight. "Sale" is defined. 69 Atty. Gen. 168.

125.69 Restrictions on dealings between manufacturers, rectifiers, wholesalers and retailers. **(1) INTEREST RESTRICTIONS.** (a) No intoxicating liquor manufacturer, rectifier, winery, out-of-state shipper permittee, or wholesaler may hold any direct or indirect interest in any "Class A" license or establishment and no "Class A" licensee may hold any direct or indirect interest in a wholesale permit or establishment, except that a winery that has a permit under s. 125.53 may have an ownership interest in a "Class A" license and a person may hold a "Class A" license and both a winery permit under s. 125.53 and a manufacturer's or rectifier's permit under s. 125.52 and may make retail sales and provide taste samples as authorized under the "Class A" license and ss. 125.06 (13) and 125.52 (1) (b) 2.

(b) 1. Except as provided under subs. 4. and 5., no intoxicating liquor manufacturer, rectifier, winery, out-of-state shipper permittee, or wholesaler may hold any direct or indirect interest in any "Class B" license or permit or establishment or "Class C" license or establishment and no "Class B" licensee or permittee or "Class C" licensee may hold any direct or indirect interest in a manufacturer, rectifier, winery, out-of-state shipper, or wholesale permit or establishment.

4. A winery that has a permit under s. 125.53 may have an ownership interest in a "Class B" license issued under s. 125.51 (3) (am) and a person may hold a "Class B" license and both a winery permit under s. 125.53 and a manufacturer's or rectifier's permit under s. 125.52 and may make retail sales and provide taste samples as authorized under the "Class B" license and s. 125.52 (1) (b) 2.

5. A winery that has a permit under s. 125.53 may make retail sales and provide taste samples on county or district fair grounds, as provided in s. 125.51 (10), under a "Class B" license issued under s. 125.51 (10) to a county or local fair association.

(c) No manufacturer, rectifier, winery, or out-of-state shipper permittee, whether located within or without this state, may hold any direct or indirect interest in any wholesale permit or establishment. Except as provided in pars. (a) and (b) 4. and s. 125.53, no retail licensee may hold any direct or indirect interest in any manufacturer, rectifier, winery, or out-of-state shipper permittee.

(d) Except as provided in s. 125.295 (3) (c), no brewpub may hold any direct or indirect interest in any "Class B" license or permit or establishment or "Class C" license or establishment.

(3) VOLUME DISCOUNTS TO CAMPUSES AND RETAILERS. A wholesaler of intoxicating liquor shall charge the same price to all campuses and retail licensees and permittees making purchases in similar quantities. Any discount offered on intoxicating liquor shall be delivered to the retailer in a single transaction and single delivery, and on a single invoice.

(4) RETAIL PURCHASE CREDIT RESTRICTIONS. (a) *Restrictions on sales.* 1. No intoxicating liquor retail licensee or retail permittee may:

a. Receive, purchase or acquire intoxicating liquor from any permittee except for cash or credit for a period of not more than 30 days.

b. Receive, purchase or acquire intoxicating liquor from any permittee if at the time of the receipt, purchase or acquisition, he or she is indebted to any permittee for intoxicating liquor received, purchased, acquired or delivered more than 30 days earlier.

2. No campus or intoxicating liquor retail licensee or permittee may receive any intoxicating liquor on consignment or on any basis other than a bona fide sale.

(b) *Restrictions on issuance of licenses and permits.* No intoxicating liquor retail license or retail permit may be issued under this chapter to any person having an indebtedness for intoxicating liquor outstanding more than 30 days. In each application for a retail license or retail permit, the applicant shall state whether the applicant has any indebtedness for intoxicating liquor to any licensee or permittee which has been outstanding for more than 30 days.

(d) *Penalties.* A retail licensee or retail permittee who violates par. (a) is subject to the penalties in s. 125.11, except that he or she may not be imprisoned.

(e) *Costs.* The cost of administering this subsection shall be charged to the manufacturer, rectifier and wholesaler permittees. The department shall determine the costs and shall establish the procedure for apportioning the cost against the permittees and provide for the method of payment to the department.

(5) *SOURCE OF SUPPLY.* No wholesaler may purchase intoxicating liquor for resale unless he or she purchases it either from the primary source of supply for the brand of intoxicating liquor sought to be sold or from a wholesaler within this state who holds a permit issued under this chapter. No wholesaler may sell intoxicating liquor purchased by the wholesaler to any other licensee or permittee under this chapter if the intoxicating liquor has not been purchased by the wholesaler from the primary source of supply or from a wholesaler within the state holding a permit issued under this chapter.

(6) *CAMPUSES AND RETAILERS TO PURCHASE FROM PERSONS HOLDING PERMITS.* (a) No campus or retail licensee or permittee may purchase intoxicating liquor from, or possess intoxicating liquor purchased from, any person other than a wholesaler holding a permit under this chapter for the sale of intoxicating liquor.

(b) Any person who violates par. (a), if the total volume of intoxicating liquor purchased or possessed by that person in one month is 12 liters or less, may be required to forfeit not more than \$100. A person who purchases or possesses more than 12 liters of intoxicating liquor in one month in violation of par. (a) shall be fined not less than \$1,000 nor more than \$10,000.

(c) Notwithstanding par. (b), a “Class B” licensee who purchases intoxicating liquor from a “Class A” licensee for resale or

who possesses intoxicating liquor purchased from a “Class A” licensee for resale may be fined not more than \$100.

(7) *LICENSE OR PERMIT REVOCATION.* The violation of sub. (1), (3) or (5) is sufficient cause for the revocation of the license or permit of any licensee or permittee receiving the benefit from the prohibited act as well as the revocation of the license or permit of the licensee or permittee committing the prohibited act.

(8) *SPONSORSHIP PAYMENTS TO STATE FAIR PARK VENDORS.* It is not a violation of this chapter for a manufacturer, rectifier, out-of-state shipper, or wholesaler to make a sponsorship payment or provide any other item of value to a vendor that has been issued a permit by the state fair park board. If the vendor also holds a retail “Class B” license, this subsection is strictly applied only to the state fair park location.

History: 1981 c. 79, 202; 1983 a. 26, 69, 182; 1985 a. 5, 15, 302; 1987 a. 403; 1989 a. 30, 31, 253; 1991 a. 39; 1995 a. 27; 2007 a. 20, 85; 2009 a. 28; 2011 a. 129; 2021 a. 43.

Cross-reference: See also ss. Tax 8.66, 8.81, 8.85, and 8.87, Wis. adm. code.

125.70 Trade show samples. A manufacturer, rectifier, winery, or intoxicating liquor wholesaler may furnish, free of charge, on “Class B” premises, taste samples of intoxicating liquor to any person who has attained the legal drinking age and who is attending a trade show, conference, convention, or similar business meeting, that is held on those premises, of a bona fide national or statewide trade association that derives income from membership dues of “Class B” licensees. Taste samples may not be furnished under this section at more than 2 such events of any one trade association per year. No intoxicating liquor brought on “Class B” premises under this section may remain on those premises after the close of the trade show, conference, convention, or business meeting.

History: 1995 a. 320; 2013 a. 250.

Sec. 4-9. - License restrictions.

- (a) *Statutory requirements.* Any license granted pursuant to this chapter to sell intoxicating liquor or fermented malt beverages shall be subject to the regulations, conditions, and restrictions imposed by Wis. Stats. Ch. 125. In addition, the City of Green Bay, pursuant to the authority of Wis. Stats. § 125.10, adopts certain other restrictions and requirements specifically by this section.
- (b) *Restrictions on location.* No alcohol license shall be issued for a premises when any portion of the structure housing the premises would be less than 300 feet from any portion of a structure housing any established public school, parochial school, hospital, or church; said restriction may be waived by a two-thirds vote of the governing body. This subsection shall not apply to:
 - (1) Any premises licensed as such on March 25, 2000;
 - (2) Any premises licensed as such prior to the occupation within 300 feet thereof of any school building, hospital building, or church building;
 - (3) Any special event or picnic license; or
 - (4) Any premises operated under both a Class "B" (beer) or "Class B" (liquor) license and a restaurant permit where the principal business conducted is that of a restaurant.
- (c) *Health and sanitary requirements.* A Class "B" (beer), "Class B" (liquor), or "Class C" (wine) license shall not be issued for any premises which does not conform to the sanitary, safety, and health requirements of the State Department of Industry, Labor, and Human Relations pertaining to buildings and plumbing, to the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and to all such ordinances and regulations adopted by the City. Should a licensed premises fall below such standards, the license may be revoked or suspended pursuant to Section 4-8.
- (d) *Delinquent payment.* The City Clerk shall not issue a license to any applicant occupying a premises for which real or personal property taxes are delinquent or to an applicant otherwise indebted to the City, unless such applicant shall make arrangements satisfactory to the Clerk to pay such debts not less than 30 days before the expiration of the license.
- (e) *Closing hours.* No premises for which a Class "B" (beer), "Class B" (liquor), or "Class C" (wine) license has been issued may remain open between the hours of 2:00 a.m. and 6:00 a.m., except as otherwise provided in this section. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6:00 a.m. For the purposes of this section, the term "open" shall mean allowing any person, other than the licensee or an employee actively performing job-related duties, to enter, loiter or remain in or on the licensed premises.
 - (1) No licensee or person in charge of a premises for which a Class "B" (beer) or "Class B" (liquor) license has been issued shall allow the carry out of closed containers of alcohol beverages between the hours of 12:00 midnight and 6:00 a.m.
 - (2) On January 1, premises licensed under a Class "B" (Beer), "Class B" (Liquor), or "Class C" (Wine) license are not required to close.
 - (3) No premises for which a Class "A" (beer) or "Class A" (liquor) license is issued shall be permitted to remain open between 12:00 midnight and 8:00 a.m. for the purpose of selling fermented malt beverages. No deliveries of fermented malt beverages shall be permitted within the City of Green Bay between the hours of 12:00 midnight and 8:00 a.m.
 - (4) Hotels and restaurants, whose principal business is furnishing of food, drinks, or lodging to patrons, bowling

alleys, and golf courses, may remain open for the conduct of their regular business, but may not sell alcohol beverages during the closing hours mentioned above. An establishment remaining open for the purpose of their regular business must, at all times, allow for open public access to the licensed establishment after such closing hours. In determining whether or not an establishment is open for the purpose other than selling alcohol beverages, the burden shall be on the licensee.

(5) No person shall loiter in a licensed establishment after closing hours.

(6) No person shall carry out closed containers of alcohol beverages from a premises for which a Class "B" (beer) or "Class B" (liquor) license has been issued between the hours of 12:00 midnight and 6:00 a.m.

(f) *Disorderly house.*

(1) *Duty to maintain order.* A licensee under this section shall have a duty to maintain order and peace in and around the licensed premises. This duty shall extend to and include any adjacent parking lot or facility adjacent to and servicing the licensed premises.

(2) *Police power to close licensed premises.*

a. *Police Department.* The Police Department may order any disorderly house closed until 8:00 a.m. the following day when, in the reasonable view of the Department, the licensee or person in charge failed to maintain peace and order as per subsection (f)(1) of this section, or the Department otherwise believes that the public peace and safety is served by such closing by reason of threat to the bodily security, property, or peaceful repose of any member of the general public.

b. *Department of Public Works, Inspection Division.* The Green Bay Department of Public Works, Inspection Division may order the temporary suspension of a restaurant and beverage license where an imminent health hazard exists on licensed premises pending a hearing pursuant to Section 10-24. Such closing may act as grounds for suspension or revocation of a liquor license privilege under this chapter.

(3) *Open containers.*

a. *Prohibited.* A licensee or person in charge shall not allow the sale, service, consumption or carry out of alcohol beverages in open containers outside the licensed premises.

b. *Exemption.* This subsection (3) shall not apply to the consumption or carry out of alcohol beverages in open containers from the licensed premises to a special event premises licensed to serve alcohol beverages if all of the following apply:

1. The alcohol beverage is carried from the licensed premises to the adjoining special event premises without crossing an unlicensed area;

2. No glass containers may be carried off the licensed premises.

(g) *Outdoor areas.*

(1) *New applications.* An application for a license pursuant to this chapter may include an outdoor area in the proposed premises. The inclusion of the outdoor area in the licensed premises shall be subject to review in the same manner as any other license application and the restrictions provided in this section.

(2) *Amendment.* A licensee may apply to amend a licensed premises to include an outdoor area. The request shall be filed with the City Clerk no less than 30 days prior to the first date of use of the outdoor area. The application for amendment shall be subject to review in the same manner as any other license application, inspection by the Building Inspector and Police Department, and the restrictions provided in this section.

(3) *Physical requirements.*

- a. *Immediately adjacent.* A licensed outdoor area must be immediately adjacent to the indoor portion of the licensed premises.
 - b. *Fencing.* A licensed outdoor area must be enclosed by a fence or structure at least six feet in height impervious to the passing of alcohol beverages to or from the licensed premises.
 - c. *Ingress.* A licensed outdoor area shall have no more than one means of direct ingress from unlicensed areas. This subsection shall not be construed to limit the means of access to or from the outdoor licensed area to indoor licensed areas.
 - d. *Modification.* The requirements of this subsection (g)(3) may be waived by a two-thirds majority vote of the Protection and Policy Committee and the Common Council.
- (4) *Noise.* No musical instruments, radios, juke boxes, or other means of electric sound amplification may be used or operated in a licensed outdoor area after 10:00 p.m., unless a variance has been granted pursuant to Section 24-145 or Section 29.01 of the Brown County Code.
- (5) *Unlicensed outdoor area.* An unlicensed outdoor area adjacent to and used in conjunction with the licensed premises shall not be used for the purpose of serving or consuming alcohol beverages.
- (6) *Licensee responsibility.* Any licensed outdoor area is subject to all regulations of this chapter and Wis. Stats. Ch. 125.
- (7) *Maintaining order.* The licensee shall maintain peace and order over any outdoor area adjacent to and used in conjunction with a licensed premises whether or not said outdoor area is licensed. Violation of this section may result in the Police Department exercising its authority under subsection (f)(2) of this section, and ordering any outdoor premises or the entire licensed area closed in the public interest.
- (8) *Sidewalk cafe.*
- a. *Special conditions for sale of alcohol beverages at sidewalk cafes.*
 - 1. No alcohol beverages may be served in a sidewalk cafe unless the Department of Public Works has approved a sidewalk cafe permit issued under Section 10-91.
 - 2. Violations of the requirements of this section or Wis. Stats. Ch. 125 may result in the sidewalk cafe permit issued hereunder and the Class B premises expansion being repealed by the Common Council in addition to other penalties provided under those regulations.
 - 3. Alcohol beverages shall only be served to patrons of the establishment. No carryout or carry-in of alcohol beverages by a patron to or from the area of the sidewalk cafe shall be permitted.
 - 4. Each sidewalk cafe serving alcohol beverages shall be responsible for monitoring the area of the sidewalk cafe to ensure that customers are of legal drinking age and that alcohol beverages are not removed from the premises.
 - 5. The sale of alcohol beverages in sidewalk cafes shall be limited to the hours of 11:00 a.m. to 11:00 p.m. All alcohol shall be removed from the sidewalk cafe area no later than 11:30 p.m.
 - b. *Revocation of permit.* The sidewalk cafe permit is subject to revocation as described in Section 10-91.
- (9) *Online ordering and curbside pickup of alcohol beverages.*
- a. No establishment shall allow the online purchase of alcohol beverages and curbside delivery of such purchases (hereinafter, "click and collect") without first submitting a request to the City Clerk to amend its liquor license premises description to include that portion of the establishment's parking lot that will

allow purchasers to park their vehicles for purposes of picking up their online orders. This request must be approved by the Common Council, upon recommendation of the Protection and Policy Committee.

1. The licensed establishment shall file a detailed operation plan with its amendment request that clearly details how its "click and collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "click and collect" program.
2. If the licensee fails to provide a detailed operation plan with its amendment request, the City Clerk shall not forward the request to the Protection and Policy Committee for consideration.
- b. No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.
 1. Payment for the purchase must be completed on-premises and may not be completed until the purchaser is at the licensed premises and has presented a valid photo identification that has been verified by a licensed operator employed by the establishment.
 2. The licensed operator must verify that the person picking up the "click and collect" order is the same person who placed the order and is present in the vehicle into which the order is loaded.
 3. The sale and delivery of "click and collect" purchases shall be made only by a licensed operator.
 4. No alcohol sales are permitted if the purchaser fails to present valid photo identification.
 5. The "click and collect" system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
- c. The establishment must capture and retain an image of the vehicle into which each "click and collect" order is loaded for 30 days.
- d. For each "click and collect" transaction, the establishment must record and retain the following information for 30 days:
 1. The name of the purchaser.
 2. The type of identification card presented and the number and expiration date of that identification card.
 3. The purchaser's date of birth.
 4. The license plate of the vehicle into which the order is loaded.
- e. Pick-up of "click and collect" orders shall be prohibited between the hours of 12:00 midnight and 6:00 a.m. for a premises holding a Class "B" (beer) or "Class B" (liquor) license. For premises holding a Class "A" (beer) license or "Class A" (liquor) license, pick-up of fermented malt beverages shall be prohibited between the hours of 12:00 midnight and 8:00 a.m., and pick-up of intoxicating liquor shall be prohibited between the hours of 9:00 p.m. and 8:00 a.m.
- f. If the "click and collect" purchaser is in the vehicle but is not the driver of the vehicle into which the order is loaded, the licensed operator must verify that the driver is 21 years of age or older through valid photo identification stating the driver's date of birth.
- g. The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and, in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.
- h. The pick-up area for "click and collect" purchases shall be clearly defined with visible markings, signs,

and/or barriers.

- i. No events other than the delivery of "click and collect" orders shall be allowed on the expanded premises.
- j. Penalty. Any licensee or person who violates any provision of this subsection shall be subject to a forfeiture of not less than \$250.00, nor more than \$1,000.00, plus court costs and fees.

(h) *Area for liquor sales on "Class A" (liquor) licensed premises.*

- (1) In the interest of limiting juvenile access to alcohol beverages at retail establishments, and in the interest of promoting effective, unhampered, and efficient enforcement of such provisions as they relate to juveniles, no "Class A" (liquor) license shall be granted for any premises where the principal business conducted thereon is other than the sale of alcohol beverages, unless the establishment has:
 - a. A separate area with the ability to lock that portion of the premises during non-sale hours;
 - b. 24-hour surveillance camera with recordings available to law enforcement at their request; and
 - c. Signage informing minors that they must be 21 years of age to purchase alcohol.
- (2) Burden of proof. If a question arises as to what is the principal business being conducted on a premises, the burden of proof shall be on the applicant or licensee. A violation of this provision can act as grounds for revocation or non-renewal of a liquor license privilege under this chapter.

(i) *Restrictions on use of picnic license.*

- (1) *Licensed operators required.* No person holding a picnic license, as defined in Section 4-1, shall permit the sale of fermented malt beverages unless a person holding an operator's license, also issued under this chapter, is in direct supervision and control of the areas in which the sale of fermented malt beverages is occurring. Where two areas of sale are used pursuant to subsection (i)(2) of this section, at least one licensed operator must be present and in supervision of each area of sale.
- (2) *Outdoor use of picnic licenses.* Where a picnic license issued under this chapter is intended for use for an outdoor gathering, such as a picnic or fair, the following regulations shall apply:
 - a. No more than two separate areas may be used to dispense fermented malt beverages.
 - b. At least one uniformed security officer shall be present at the outdoor event at all times while fermented malt beverages are being sold or dispensed.

(j) *Violation of stipulation or agreement.* No licensee may violate a provision of a stipulation or other agreement entered into with the City of Green Bay or signed in consideration of a license issued by the City under this chapter or Wis. Stats. Ch. 125. Any person who violates this provision shall be subject to a penalty as provided in Section 4-11.

(k) *Allowing entry.* No licensee or person in charge may refuse entry of a police officer, peace officer or agent of the Department of Revenue to the licensed premises at any reasonable time to determine whether Wis. Stats. Ch. 125 and this chapter are being complied with. The term "reasonable time" includes, without limitation, all times when the premises is open.

(l) *Premises capacity.* Every Class "B" (beer) and "Class B" (liquor) licensed establishment shall display a sign stating the maximum number of persons permitted on the premises by this Code, the Wisconsin Administrative Code, and/or International Building Code. The sign shall be placed in a conspicuous place at the main entrance to each premises. The sign shall have the following wording: "Limit (number) persons." The lettering shall be white on a

dark background. The letters shall not be less than 1½ inches in height and the number shall not be less than three inches in height. No licensee or person in charge of a premises shall allow more persons on the premises than the maximum number posted thereon.

(Code 1984, § 33.08; Ord. No. 18-85; Ord. No. 81-93; Ord. No. 19-98; Ord. No. 51-98; Ord. No. 35-99; Ord. No. 11-00; Ord. No. 36-03; Ord. No. 32-04; Ord. No. 12-07; Ord. No. 20-08; Ord. No. 25-10; Ord. No. 20-12; Ord. No. 25-12; Ord. No. 17-16; Ord. No. 11-17; Ord. No. 12-20, § 2(33.08), 5-19-2020; Ord. No. 13-20, § 1, 6-29-2020)



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.7

To approve a 2021-2022 license year original application for a Class "A" Beer license for Sarpanch, 2, Inc. at 610 E. Walnut St. with a license premises description as "1,000 K CONVENIENCE STORE W/ BEER & LIQ STORE ON SHELVES & COOLERS," pending the approval of the proper authorities (Currently licensed as Singhs C Store 3, LLC with a Class "A" Beer license).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Within 300' Da Vinci School for Gifted Learners
2. 610 E WALNUT ORG APP
3. sarpanch security plan
4. PROOF OF COURSE-AGENT
5. SIGNED SECURITY PLAN AND STIPULATIONS.STROJNYM.378-610 E WALNUT



Report to the
**Protection and Policy Committee
of the City of Green Bay**

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.8

To approve a 2022-2023 renewal application for a Class "A" Beer license by Sarpanch 2, Inc. at 610 E Walnut St. (subject to the approval of the proper authorities and approval of the original liquor license application at the June 28 Council meeting).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 610 E walnut renewal application
2. 610 RENEWAL APPLICATION-REVISED
3. 610 ORG APPLICATION-REVISED



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.9

To approve a 2022-2023 renewal application with a change of agent for Chefbop, LLC at 709 S. Broadway.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 709 S BROADWAY-RENEWAL LICENSE



Report to the
**Protection and Policy Committee
of the City of Green Bay**

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.10

To approve various liquor renewal applications for the 2022-2023 license year (contingent upon the approval of the proper authorities).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. liquor license06.28.2022

LIQUOR AND/OR FERMENTED MALT BEVERAGE AND/OR WINE APPLICATIONS

The following renewal applications have been received by the City Clerk of the City of Green Bay for licenses to sell liquor and/or fermented malt beverages and/or wine under various permits for the 2022-2023 License Year. (Contingent upon the approval of the proper authorities).

Class "A" Beer & "Class A" Liquor

Badi Malika LLC
Bay Settlement BP
at 2278 Bay Settlement Rd.

Walgreen Co.
Walgreens #03088
at 1401 E. Mason

Dolgencorp, LLC
Dollar Store General Store #21045
at 1641 Main St.

Lami LLC
Military Cenex
at 601 N Military Ave.

Dolgencorp. LLC
Dollar General Store 6563
at 1152 S. Military Ave.

Class "A" Beer

Sarpanch 2, Inc.
Walnut Marathon
at 610 E. Walnut St.

"Class B" Liquor & Class "B" Beer

Jam-Rock GB LLC
Jam Rock GB
at 700 Bodart St.

Hyatt Corporation
Hyatt Regency Green Bay
333 Main St.

Chefbop, LLC
Rockabilly's
at 709 S. Broadway

El Azteca of Green Bay, LLC
El Azteca
At 2469 W. Mason St.

Randy Tremi
Brewski's on Broadway
at 1100 S. Broadway

Alejandro Gonzalez-Rico
Las Brias
at 1906 University Ave.

MO-J Willis, Inc.
Legend Larry's
at 2035 University Ave.



Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.11

To receive and place on file the DS200 and DS450 modem report.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2022-06-20 FINAL Modem Report w attachments

2022-06-20 DS200/450 Modem Report

As of 3/18/22 all DS200s used by the City of Green Bay have been verified to have no modems.

Timeline:

- At the 2/21/22 Protection and Policy Committee meeting, Alder Wery made a request to, "ensure voting machines have no modems or internet connectivity capability."
- I requested an updated list from ES&S in February 2022 (see Attachment 1)
- On that list, DS200 serial number 0175 was listed as having a modem
- On 3/10/22 the county and city gathered at the DS200 storage facility to inspect and determine if any tabulators modems. None did. The county provided information (Attachment 2) and created a master list with serial numbers and ward assignments (Attachment 4)
- On 3/18/22 Dan Detampel, ES&S Technician, made a service call. He examined 0175 and determined it didn't have a modem (Attachment 3)
- On 3/18/22 I inspected the remaining DS200s at City Hall. None had modems.

DS20--0175 use (see inspector's statement logs, Attachment 5):

- 2/18/202 used at ward 25
- 4/7/2020 used at ward 25
- 11/3/2020 used at ward 25
- 2/16/2021 serial numbers not provided
- 4/6/2021 serial numbers not provided
- 2/15/2022 not used in primary election
- 4/5/2022 used at ward 41

Other noteworthy items:

- There were five DS200s at Central Count in November 2020. None had a modem.
- DS450s are not designed with modems.

Maintenance history:

- Still awaiting information, as of 6/16/22.

Deployment:

- The City stores the DS200s although they are the property of the County.
- 5 city-employed election technicians deploy and maintain (generally) the DS200s.
- The DS450s are the property of the City of Green Bay. They are stored at City Hall.

Attachment 1

serial number, DS200

D--0015
D--0028
D--0029
D--0037
D--0043
D--0049
D--0051
D--0096
D--0381
D--0099
D--0111
D--0126
D--0171
D--0049
D--0050
D--0052
D--0053
D--0054
D--0055
D--0056
D--0057
D--0063
D--0067
D--0071
D--0074
D--0075
D--0076
D--0077

D--0078
D--0108
D--0113
D--0116
D--0133
D--0298
D--0299
D--0303
D--0310
D--0313
D--0389
DS200 w/ modem, noted by ES&S
D--0175
DS450s
D--3533
D--3604

Attachment 2

Per ES&S, no DS-200 regardless of modem equipped or not, is ever connected to the internet. Modems only allow for the transmission of results from a DS200 machine to an end user, and do not travel via the public internet. To my knowledge, the DS-200s that were ordered and allocated to the City of Green Bay back in 2013/2014 were never equipped with landline modems. Any landline modem that was installed would have been removed by ES&S technicians during the bi-annual maintenance and/or software updates over the past few years. In the event that the City did by chance have a machine with a landline modem, it would be inoperable now anyway as the voting software no longer supports that mode of transmission.

Attachment 3

From: Figgins, Katie <katie.figgins@essvote.com>
Sent: Friday, April 8, 2022 10:58 AM
To: Celestine Jeffreys <Celestine.Jeffreys@greenbaywi.gov>
Subject: City of Green Bay WI- DS200 unit

Ms. Jeffreys,

During a recent service call an ES&S technician had opportunity to review and assess a DS200 unit belonging to the City of Green Bay, WI Serial No. DS0113370175. The field service technical confirmed during that service visit that there was not a modem installed in the DS200 containing the Serial No. DS0113370175.

If you have any additional questions, please do not hesitate to ask.



Katie D. Figgins, Esq. | Associate General Counsel | Election Systems & Software

11128 John Galt Blvd. Omaha, NE 68137 | P: 402-938-1332 | M: 402-983-1053

Katie.Figgins@essvote.com | www.essvote.com

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Attachment 4

MUNICIPALITY	# OF DS-200	SERIAL NUMBER OF DS-200	ASSOCIATED POLLING PLACE
CITY OF GREEN BAY	47	D--0015	W6
CITY OF GREEN BAY		D-0028	W42
CITY OF GREEN BAY		D--0029	W33
CITY OF GREEN BAY		D--0037	W37
CITY OF GREEN BAY		D--0043	W22
CITY OF GREEN BAY		D--0049	W24, 25
CITY OF GREEN BAY		D--0051	W40
CITY OF GREEN BAY		D--0096	W46
CITY OF GREEN BAY		D--0381	W4
CITY OF GREEN BAY		D--0099	W21
CITY OF GREEN BAY		D--0111	W26
CITY OF GREEN BAY		D--0126	W7
CITY OF GREEN BAY		D--0171	W5
CITY OF GREEN BAY		D--0175	W41
CITY OF GREEN BAY		D--0049	W45
CITY OF GREEN BAY		D--0050	W28
CITY OF GREEN BAY		D--0052	W1-2
CITY OF GREEN BAY		D--0053	W31, 32
CITY OF GREEN BAY		D--0054	W16
CITY OF GREEN BAY		D--0055	W36

Attachment 4

MUNICIPALITY	# OF DS-200	SERIAL NUMBER OF DS-200	ASSOCIATED POLLING PLACE
CITY OF GREEN BAY		D--0056	W11-12
CITY OF GREEN BAY		D--0057	vault
CITY OF GREEN BAY		D--0063	W32
CITY OF GREEN BAY		D--0067	W44
CITY OF GREEN BAY		D--0071	W14
CITY OF GREEN BAY		D--0074	W15
CITY OF GREEN BAY		D--0075	vault
CITY OF GREEN BAY		D--0076	W8
CITY OF GREEN BAY		D--0077	W13
CITY OF GREEN BAY		D--0078	W29
CITY OF GREEN BAY		D--0108	W47
CITY OF GREEN BAY		D--0113	W10
CITY OF GREEN BAY		D--0116	W34
CITY OF GREEN BAY		D--0133	W39
CITY OF GREEN BAY		D--0298	W38
CITY OF GREEN BAY		D--0299	W19
CITY OF GREEN BAY		D--0303	W20, 22
CITY OF GREEN BAY		D--0310	W17
CITY OF GREEN BAY		D--0313	W30
CITY OF GREEN BAY		D--0389	vault

Attachment 4

MUNICIPALITY	# OF DS-200	SERIAL NUMBER OF DS-200	ASSOCIATED POLLING PLACE
CITY OF GREEN BAY		D--0352	CENTRAL COUNT
CITY OF GREEN BAY		D--0754	CENTRAL COUNT
CITY OF GREEN BAY		D--0315	vault
CITY OF GREEN BAY		D--0339	W18
CITY OF GREEN BAY		D--1129	vault
CITY OF GREEN BAY		D--1137	W3
CITY OF GREEN BAY		D--0118	W25

MUNICIPALITY	# OF DS-450	SERIAL NUMBER OF DS-450	ASSOCIATED POLLING PLACE
CITY OF GREEN BAY	2	D--3533	CENTRAL COUNT
CITY OF GREEN BAY		D--3604	CENTRAL COUNT

INSPECTORS' STATEMENT LOG

Attachment 5

ELECTION DATE **FEBRUARY 18, 2020**

DS200	Ward(s)	Tamper-Evident	DS200	Ward(s)	Tamper-Evident
Serial Number		Seal Serial Number	Serial Number		Seal Serial Number
0057	1-2	22590494	00050	28	22590479
1137	3	2201832	00078	29	22590482
0381	4	22590478	0313	30	22590484
0389	5	22590469	00053	31	22590486
0126	6	22590470	00063	32	22590491
0015	7	22590471	00029	33-35	22590485
0389	8	22590468	0116	34	22590480
0076	9	22590490	00055	36	22590475
0113	10	22590477	00037	37	22590488
0056	11-12	22590496	0298	38	22590474
0077	13	2201831	0133	39	2201826
0071	14	22590473	00051	40	22590492
0074	15	22590489	00049	41-45	2201825
0054	16	22590476	00028	42	2201828
0310	17	22590500	00075	43	2201829
0339	18	22590487	00067	44	22590498
0299	19	22590481	00096	46	22590499
0303	20	22590483	0108	47	22590497
0111	21-27	22590472	00052	Central Count 1-8 & 19	2201821
0043	22-23	2259067	1129	Central Count 9-18 & 20	2201822
0049	24	22590493	00754	Central Count 21-30	2201823
0175	25	2201827	00315	Central Count 31-40	2201824
0099	26	2201830	00352	Central Count 41-47	22590272

INSPECTORS' STATEMENT LOG

ELECTION DATE

APRIL 7, 2020

DS200	Ward(s)	Tamper-Evident	DS200	Ward(s)	Tamper-Evident
Serial Number		Seal Serial Number	Serial Number		Seal Serial Number
0057	1-2	2201867	0050	28	2201849
1137	3	2201870	0078	29	2201855
0381	4	2201865	0313	30	2201844
0389	5	2201850	0053	31	2201840
0126	6		0063	32	2201869
0015	7	2201875	0029	33-35	2201848
0389	8	2201838	0116	34	2201846
0076	9	2201866	0055	36	2201839
0113	10	2201854	0037	37	2201847
0056	11-12	2201862	0298	38	2201856
0077	13	2201853	0133	39	2201861
0071	14	2201852	0051	40	2201858
0074	15	2201864	0049	41-45	2201860
0054	16	2201843	0028	42	
0310	17	2201845	0075	43	2201877
0039	18	2201871	0067	44	2201863
0299	19	2201868	0096	46	2201851
0303	20	2201872	0108	47	2201873
0111	21-27	2201874	0052	Central Count 1-8 & 19	2201878
0043	22-23	2201836	1129	Central Count 9-18 & 20	2201834
0049	24	2201842	0754	Central Count 21-30	2201835
0175	25	2201841	0315	Central Count 31-40	2201837
0099	26	2201857	0352	Central Count 41-47	2201833
0028	WEST SIDE	2201881	0126	EAST SIDE	2201882

INSPECTORS' STATEMENT LOG

ELECTION DATE NOVEMBER 3, 2020

DS200	Ward(s)	Tamper-Evident Seal Serial Number	DS200 Serial Number	Ward(s)	Tamper-Evident Seal Serial Number
0057	1-2	2201930	0050	28	2201956
1137	3	2201931	0078	29	2201945
0381	4	2201932	0313	30	2201946
0389	5	2201933	0053	31	2201958
0126	6	2201934	0063	32	2201961
0015	7	2201935	0029	33-35	2201959
0389	8	2201936	0116	34	2201962
0076	9	2201938	0055	36	2201963
0113	10	2201937	0037	37	2201965
0056	11-12	2201939	0298	38	2201947
0077	13	2201940	0133	39	2201966
0071	14	2201941	0051	40	22590466
0074	15	2201942	0049	41-45	2201967
0054	16	2201949	0028	42	2201968
0310	17	2201948	0075	43	2201972
0339	18	2201950	0352	44	2201971
0299	19	2201951	0096	46	2201970
0303	20	2201952	0108	47	2201969
0111	21-27	2201943	0052	Central Count 1-8 & 19	
0043	22-23	2201953	1129	Central Count 9-18 & 20	
0049	24	2201954	0754	Central Count 21-30	
0175	25	2201944	0315	Central Count 31-40	
0099	26	2201957	0067	Central Count 41-47	
0028			0126		

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70125 no modern 4/0 3/18/22

INSPECTORS' STATEMENT LOG

ELECTION DATE FEBRUARY 16, 2021

DS200 Serial Number	Ward(S)	Tamper-Evident Seal Serial Number	DS200 Serial Number	Ward(S)	Tamper-Evident Seal Serial Number
	1-2	22590410		28	2201978
	3	2201980		29	2201982
	4	22590406		30	2201989
	5	2201999		31	22590421
	6	2202000		32	2201975
	7	2201996		33-35	2201973
	8	22590407		34	2201993
	9	2201997		36	2201987
	10	2201984		37	22590462
	11-12	2201995		38	22590408
	13	22590464		39	2201975
	14	2201998		40	2201976
	15	22590412		41-45	2201755
	16	22590463		42	2201756
	17	2201757		43	2201984
	18	2201985		44	2201979
	19	2201990		46	2201983
	20	22590411		47	2201999
	21-27	2201981		Central Count 1-8 & 19	22604021
	22-23	2201988		Central Count 9-18 & 20	22604022
	24	2201758		Central Count 21-30	22604023
	25	2201977		Central Count 31-40	22604024
	26	2201986		Central Count 41-47	
DS450:				DS450:	

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INSPECTORS' STATEMENT LOG

ELECTION DATE APRIL 6, 2021

DS200	Ward(s)	Tamper-Evident Seal Serial Number	DS200 Serial Number	Ward(s)	Tamper-Evident Seal Serial Number
	1-2	22590427		28	22590439
	3	22590431		29	22590419
	4	22590433		30	22590447
	5	22590434		31	22590440
	6	22590409		32	22590444
	7	22590438		33-35	22590436
	8	22590457		34	22590428
	9	22590442		36	22590445
	10	22590435		37	22590441
	11-12	22590434		38	22590424
	13	22590455		39	22590429
	14	22590417		40	22590420
	15	22590449		41-45	22590421
	16	22590432		42	22590422
	17	22590448		43	22590416
	18	22590423		44	22590426
	19	22590456		46	22590443
	20	22590413		47	22590418
	21-27	22590414		Central Count 1-8 & 19	
	22-23	22590430		Central Count 9-18 & 20	
	24	22590423		Central Count 21-30	
	25	22590437		Central Count 31-40	
	26	22590446		Central Count 41-47	
DS450:				DS450:	

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2/15/2022 DS200 no Modern-- All Listed are In Service

Vault [REDACTED] 0057

vault

0052

Central Count

DS450	GB	3533	Original Hardware Warranty thru 8/31/21
	GB	3604	Original Hardware Warranty thru 1/31/22
DS200 with Modem		0175	GB
			RSM thru 12/31/22

Celestine Jeffreys

From: noreply@civicplus.com
Sent: Monday, June 13, 2022 8:18 AM
To: Celestine Jeffreys
Subject: Online Form Submittal: Alders' Petitions and Communications

Alders' Petitions and Communications

Name	Randy Scannell
Committee Name	Protection and Policy Committee
Text of Communication	Consideration with possible action on a city referendum on marijuana legalization for the fall 2022 general election. Should marijuana be legalized for adult-use, taxed and regulated like alcohol? Yes_____ No_____ We've seen that our neighbors are benefiting by legalizing cannabis. Michigan legalized adult recreational marijuana in 2018 and now, what was previously illegal, is monitored and regulated. Not only is this giving adults more freedom to make their own personal choices, but it's ensuring safer and more predictable options while generating significant economic activity and public revenue. In March, Michigan sent more than \$42.2 million to 163 municipalities and counties as a part of the Michigan Regulation and Taxation of Marijuana Act.

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Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.13

To refer to staff a request by Ald. Wery which reads:

Review with possible action city policy regarding use of city flagpoles and what types of flags may be flown from them and when. If the city does not have one, I would request we create a city flagpole policy.

PURPOSE:

To establish clear guidelines for:

1) the exhibition of the United States of America flag, the Wisconsin State flag, the City of Green Bay flag at City facilities and at City Hall

POLICY:

It is the policy of the City of Green Bay that flags should be displayed in conformance with Federal and State laws and policies, as stated in the Federal "The Flag" publication of the Congress, Title 4, Chapter, I of the United States Code, and the State of California Government Code Sections 430 and 437.

The City's flagpoles are not intended to serve as a forum for free expression by the public. The City will not display a ceremonial flag based on a request from a third party, nor will the City use its flagpoles

to sponsor the expression of a third party.

PROCEDURE:

Federal, State, and City Flags

1. Outdoor flags will be flown at City facilities in the following order of

precedence: first, the United States of America flag; second, the

Wisconsin State flag; third, the City of Green Bay flag;

2. The City of Green Bay flag will be flown wherever there are sufficient poles to do so. The City flag may be displayed on the same

pole with, and underneath the State flag, whenever the pole is of

2

sufficient height. The Federal, State, and City flags shall not be flown

on a single pole of any height.

3. Indoor flags will only consist of the U.S. Flag, State of Wisconsin Flag and City of Green Bay Flag and approved ceremonial flags.

Ceremonial Flags:

1. Flags of governments recognized by the United States may be displayed in conjunction with an official government event.
2. The flags of any official Sister Cities of the City of Green Bay may be displayed in conjunction with an event involving the Sister City or Cities.
3. Ceremonial flags of significance to the City's history may be displayed as designated by City Council by adoption of a resolution in conjunction with official actions or proclamations of the City Council

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2022-06-07 Dist 8 to P and P

From: noreply@civicplus.com
Sent: Tuesday, June 7, 2022 12:30 AM
To: Celestine Jeffreys
Subject: Online Form Submittal: Alders' Petitions and Communications

Alders' Petitions and Communications

Name	Chris Wery
Committee Name	Protection and Policy Committee
Text of Communication	Review with possible action city policy regarding use of city flagpoles and what types of flags may be flown from them and when. If the city does not have one, I would request we create a city flagpole policy. PURPOSE: To establish clear guidelines for: 1) the exhibition of the United States of America flag, the Wisconsin State flag, the City of Green Bay flag at City facilities and at City Hall POLICY: It is the policy of the City of Green Bay that flags should be displayed in conformance with Federal and State laws and policies, as stated in the Federal "The Flag" publication of the Congress, Title 4, Chapter, 1 of the United States Code, and the State of California Government Code Sections 430 and 437. The City's flagpoles are not intended to serve as a forum for free expression by the public. The City will not display a ceremonial flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party. PROCEDURE: Federal, State, and City Flags 1. Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States of America flag; second, the Wisconsin State flag; third, the City of Green Bay flag; 2. The City of Green Bay flag will be flown wherever there are sufficient poles to do so. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of

sufficient height. The Federal, State, and City flags shall not be flown

on a single pole of any height.

3. Indoor flags will only consist of the U.S. Flag, State of Wisconsin Flag and City of Green Bay Flag and approved ceremonial flags.

Ceremonial Flags:

1. Flags of governments recognized by the United States may be

displayed in conjunction with an official government event.

2. The flags of any official Sister Cities of the City of Green Bay may be

displayed in conjunction with an event involving the Sister City or

Cities.

3. Ceremonial flags of significance to the City's history may be displayed as designated by City Council by adoption of a resolution

in conjunction with official actions or proclamations of the City Council

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Report to the
Protection and Policy Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # M.14

To deny an appeal by Code 920, Inc. at 805 Klaus St. regarding the 2022-2023 renewal liquor license application (To start no earlier than 7 p.m.)

The Protection and Policy Committee may convene in closed session pursuant to 19.85(a), Wis. Stats., as a quasi-judicial body for the purpose of deliberating the Appeal by Mr. Jason Cowser regarding the 2022-2023 renewal application. The Protection and Policy Committee may thereafter reconvene in open session pursuant to 19.85(2) Wis. Stats. To report the results of the closed session and consider the balance of the agenda.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. CODE 920 APPEAL
2. 805 KLAUS ST COMMUNICATION FROM CLERK'S OFFICE
3. 2022-06-28 804 Klaus Street Decision



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # N.I

To approve the request to install sidewalk on the north side of University Avenue from Peters Street to Clement Street (referred from Traffic, Bicycle, & Pedestrian Commission by former Ald. LeFebvre).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # N.2

To approve the request to install a pedestrian crosswalk crossing the west side of the University Avenue and Clement Street signalized intersection (referred from Traffic, Bicycle, & Pedestrian Commission by former Ald. LeFebvre).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # N.3

To hold the request to consider alternatives to the overnight on-street parking ban ordinance to allow overnight on-street parking. (Ald. Wvery)

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 2022-06-07 Dist 8 to I and S
2. Binder2

Celestine Jeffreys

From: noreply@civicplus.com
Sent: Tuesday, June 7, 2022 12:33 AM
To: Celestine Jeffreys
Subject: Online Form Submittal: Alders' Petitions and Communications

Alders' Petitions and Communications

Name	Chris Wery
Committee Name	Improvement and Services Committee
Text of Communication	Review, with possible action, the overnight on street parking ban ordinance to consider alternatives to allow overnight on street parking.

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Reasons for Maintaining Overnight On-Street Parking Restrictions

1. Efficient/effective street cleaning
2. Efficient/effective snow plowing
3. Identification of vehicles that are not associated with the neighborhood (stolen, abandoned and burglar/hooligan vehicles)
4. Helps Police Department solve crimes by quickly/easily identifying the few vehicles that are on-street on any night of the year
5. Identification of transients sleeping in cars
6. Identification of off-street parking deficiencies at commercial properties, multi-family residences, etcetera
7. Elimination of 'visual clutter' on streets (general quality of life)
8. Allowing overnight on-street parking may work fine in some Green Bay neighborhoods, but not in others. However if changed, the City must maintain a consistent practice throughout the entire City. The current overnight on-street parking variance policy allows variances for anybody with legitimate need.
9. Eliminates long-term on-street storage of trailers, boats, and vehicles
10. Requests for changes to the ordinance are more personal (individualized need) than social (general City-wide need). The existing variance process addresses individual need issues. The ordinance addresses City need issues.
11. Cities that allow overnight on-street parking in various forms (like Milwaukee and Chicago) were not originally designed to accommodate motor vehicles. So they need on-street parking to manage parking needs. Green Bay for the most part was designed and zoned to accommodate off-street vehicle parking. So requested 'need' for on-street overnight parking cannot be compared directly to older communities.

History of City of Green Bay Overnight On-Street Parking Restrictions (September 2019)

Green Bay's overnight on-street parking ban has been in effect for decades. A records search revealed the following ordinance progression:

- 1) Prior to 1980, ordinance 29.20 read, "ALL NIGHT PARKING PROHIBITED. No person shall park a motor vehicle on any street in the City for longer than 30 minutes between 2 a.m. and 6 a.m." This ordinance was subsequently re-numbered as 29.15. Records could not be located that identify exactly when the on-street overnight parking ban was first enacted.
- 2) In 1988, G.O. 44-88 amended Section 29.15(1)(m) relating to overnight parking, changing the ordinance to the restriction of "no overnight parking on any street between the hours of 3:00 and 5:30 a.m."
- 3) In 1990, G.O. 38-90 amended Section 29.15(1)(m) relating to night parking, changing the ordinance to the current restriction of "no overnight parking on any street between the hours of 3:00 and 5:00 a.m." This ordinance was subsequently re-numbered as 29.203.
- 4) In 2004, G.O. 56-04 amended Section 29.203(12) relating to night parking, changing the ordinance to include the current practice of allowing overnight on-street parking variances for up to two (2) weeks under certain conditions. This allowed Parking Division to draft the existing on-street overnight parking variance and enforcement policy that was adopted by Council.

Advantages of (Reasons for) Overnight On-Street Parking	Disadvantages of Overnight On-Street Parking
Supplements off-street parking needs for residents and their visitors	Current parking enforcement policy requires night parking only in front of resident's own house. This restriction may not address parking needs for all residents.
	Current parking enforcement policy does not allow overnight parking in front of apartment buildings and commercial businesses. Zoning code requires these developments to provide adequate off-street parking.
	Increases the cost of City plowing and street sweeping programs. Parking obstructions require subsequent DPW visits to work locations where vehicles are parked.
	Around-the-clock unrestricted on-street parking leads to on-street storage of inoperable vehicles, trailers, etc. Overnight on-street parking eliminates this trend, and assures the curb appeal of properties, maintaining quality of life for neighborhoods.
	Some emergency vehicles could have problems traversing streets parked full of vehicles
	On-street public parking is not intended to be an alternative to adequate off-street parking
Residential parking needs generally peak on weekends, in conjunction with family/friend visits and functions. Overnight on-street parking is only needed on weekends.	Weekend parking introduces another rule for residents. It is challenging to educate the public on what days can and can't be use for on-street overnight parking. It's difficult enough to manage the existing, simple 7-days-per-week rule.
Adjacent property owners pay for reconstruction of the street in front of their property. Residents should be able to park on-street whenever needed, as it is "their" street.	Adjacent property owners are assessed only for about 20% of a street's construction costs. The remainder of the cost is covered by the City's tax levy, paid by all local property owners.
	Parking is not allowed on all streets. So not all property owners can take advantage of their street for parking.
Allows intoxicated individuals to leave their vehicle parked overnight without penalty for OWI or parking violations	Night parking reduces effectiveness of sweeping and plowing operations
	Eliminates Police Department's ability to identify suspicious vehicles, or vehicles that don't belong in a neighborhood
	Causes problems with clearing streets in preparation for special events, like the downtown Farmer's Market
	May lead to intoxicated people and transients sleeping in their cars
Overnight on-street parking will not interfere with pedestrian movements on streets	If on-street parking is allowed at night, then more vehicles will park on-street around-the-clock. This

without sidewalks, because very few pedestrians are present at night	will affect pedestrian movements during daytime hours.
There is a method for seeking approval for on-street overnight parking. Anybody who needs to legitimately park on-street overnight can get permission.	Many residents claim they do not know how to seek approval for overnight on-street parking, and it is difficult to seek approval for beyond six approvals per year when needed

In general, regardless of the time of day, on-street parking:

- 1) Poses sight obstructions at driveway connections and intersections
- 2) Introduces sudden/unexpected intrusions into traffic such as vehicle doors opening, and people exiting vehicles
- 3) Narrows the traveled portion of the roadway
- 4) Creates space conflicts for opposing traffic on narrower streets
- 5) Requires pedestrians and bicyclists to operate in the traveled portion of the roadway

Community Issues to Address If Overnight On-Street Parking is Allowed

- 1) Increased on-street parking, because residents won't have to remove vehicles from street every night
- 2) Resident complaints, because more residents have no problem with the current ordinance than those who are seeking change
- 3) Need to improve snow emergency citation and towing response
- 4) Sight obstructions at driveway connections and intersections
- 5) More on-street parking increases the chance of vehicle/pedestrian/bicycle incidents
- 6) Reduced roadway space, affecting emergency vehicle movement on narrow streets
- 7) Increased chances of blocked mail boxes
- 8) Individuals sleeping in cars
- 9) Excessive vehicle parking at house parties
- 10) Possible abuse by apartment residents, parking in front of adjacent properties
- 11) Confusion on where overnight on-street parking is and isn't allowed
- 12) Residential zones near large employers could see night shift vehicles parking on-street
- 13) Delay in identifying abandoned vehicles
- 14) Elimination of Police Department ability to identify suspicious vehicles parked overnight, because more vehicles will be parked on-street
- 15) More opportunity for theft from vehicles, because they are parked further away from residences
- 16) Increased competition for on-street parking, diminishing peace and good order
- 17) Creates an exception to the 72-hour parking rule for abandoned vehicles
- 18) Increased street sign cost and clutter
- 19) Need to increase public education efforts
- 20) Approximately 13,000 night parking violation citations are issued annually. Of that, approximately 40% of those citations are issued on weekends. At the current citation rate, a night parking citation issuance reduction of 40% equates to approximately \$128,000 (2015) less Parking Division revenue.

Industry-Wide Reasons For Maintaining Overnight On-Street Parking Restrictions

1. Vehicles parked on-street 1) pose sight obstructions for motorists, 2) introduce sudden intrusions into traffic such as opening doors and people exiting vehicles, and 3) increase the potential for conflict among opposing traffic due to narrower travel space. These hazards increase at night.
2. Where sidewalks do not exist on all streets, bicyclists and pedestrians use streets curb lanes for movement. Allowing vehicles to park on-street around the clock requires pedestrians and bicyclists to operate in travel lanes, increasing the potential for conflicts.
3. Overnight on-street parking restrictions eliminate long-term storage of trailers and vehicles. Long-term parking and storage of vehicles on-street affects curb appeal of properties, essentially degrading the quality of neighborhoods.
4. Many cities were planned and developed to provide adequate off-street parking for residents. So on-street parking facilities should not be needed to supplement the City's parking needs.
5. Cities sweep and plow streets at night. Vehicles must be removed from streets to complete these tasks effectively.
6. Emergency vehicles cannot traverse narrower streets if they are parked full of vehicles.
7. Police Departments use nighttime vacant streets as a tool for surveillance and law enforcement. Perpetrators typically park on the street, walk to the crime scene, and return to their vehicle. Having few or no vehicles parked on-street overnight makes it much easier to identify suspicious vehicles.
8. Many cities maintain an ordinance that any vehicle left on-street for longer than XX hours is classified as abandoned. After that time, the vehicle is removed from the roadway. Without an on-street overnight parking ban, it is much more difficult to identify abandoned vehicles.

Green Bay's Reasons For Maintaining Overnight On-Street Parking Restrictions

1. Efficient/effective street cleaning
2. Efficient/effective snow plowing
3. Identification of vehicles that are not associated with the neighborhood (stolen, abandoned and burglar/hooligan vehicles)
4. Helps Police Department solve crimes by quickly/easily identifying the few vehicles that are on-street on any night of the year
5. Identification of transients sleeping in cars
6. Identification of off-street parking deficiencies at commercial properties, multi-family residences, etcetera
7. Elimination of 'visual clutter' on streets (general quality of life)
8. Allowing overnight on-street parking may work fine in some Green Bay neighborhoods, but not in others. However if changed, the City must maintain a consistent practice throughout the entire City. The current overnight on-street parking variance policy allows variances for anybody with legitimate need.
9. Eliminates long-term on-street storage of trailers, boats, and vehicles
10. Requests for changes to the ordinance are more personal (individualized need) than social (general City-wide need). The existing variance process addresses individual need issues. The ordinance addresses City need issues.
11. Cities that allow overnight on-street parking in various forms (like Milwaukee and Chicago) were not originally designed to accommodate motor vehicles. So they need on-street parking to manage parking needs. Green Bay for the most part was designed and zoned to accommodate off-street vehicle parking. So requested 'need' for on-street overnight parking cannot be compared directly to older communities.

Inter-Office Memo

Date: September 24, 2019
To: Improvements and Services Committee
From: Christopher J. Pirlot, P.E.
Parking Manager
RE: Alternate Side On-Street Overnight Parking

Background/History

The intent of this report is to discuss the subject of alternate side (even/odd) overnight on-street parking. This discussion is in response to a request by Ald. Steuer to study the feasibility of adopting an even-odd residential address overnight parking scenario as done in Milwaukee, in order to relieve parking problems at residences with limited parking space.

City of Milwaukee, WI Overnight On-Street Parking Program

The City of Milwaukee maintains an alternate side parking program with rules as follows:

- No parking on city streets between 2 a.m. and 6 a.m. Monday through Saturday
- Parking is permitted for a period *not to exceed* one (1) hour in the same block in which a business establishment licensed by the City is open for business between 2 a.m. and 6 a.m.
- In most residential areas, parking is restricted to one side of the street on an alternating basis WITH a valid (fee paid) overnight parking permit or temporary night parking permission as follows:
 - o On *even*-numbered calendar days (using the date before midnight) a vehicle with a valid overnight permit or temporary permission must be legally parked on the side of the street with *even* house numbers
 - o On *odd*-numbered calendar days (using the date before midnight) a vehicle with a valid overnight permit or temporary permission must be legally parked on the side of the street with *odd* house numbers.
 - o On the following days, an overnight parking permit or temporary overnight parking permission is not needed between 2 a.m. and 6 a.m.:
 - 1) Sunday mornings
 - 2) January 1 and January 2
 - 3) Martin Luther King Day
 - 4) Memorial Day
 - 5) July 4
 - 6) Labor Day
 - 7) Thanksgiving Day
 - 8) Christmas Day

Discussion

Overnight on-street parking restrictions in any community typically progress in the following order:

Stage 1 – Small and low-population communities: Night parking restrictions are typically not imposed because 1) few residents need to park on-street and 2) those that do park on-street do not pose issues to safe and proper community services

Stage 2 – Medium-sized and developing communities: Night parking restrictions may be imposed, depending on population, population density, history of development, zoning/planning rules, and need to regulate parking for safe and proper community services

Stage 3 – Large and high population cities: Night parking restrictions are typically imposed, but overnight on-street parking of some type must be allowed due to the high demand/need for parking; even if it negatively affects safe and proper community services

The City of Green Bay falls under **Stage 2** of the parking development hierarchy discussed above. Green Bay has a moderate population density with relatively few parking issues compared to other cities. With parking issues generally under control, the high parking program is structured for safe and proper community services like street sweeping, snow plowing, and policing. Green Bay also maintains a character as a Midwestern town, which draws a quality-of-life component into the overnight on-street parking discussion. Overnight on-street parking can attract negative appeal.

The City of Green Bay (population 105,000, land area 46 square miles, 2,282 people per square mile) maintains a parking system with a \$3 million budget, 3 City-owned parking ramps, 1 privately-owned parking ramp, 745 parking meters, and generates around \$1 million annually from parking citations.

Comparatively, the City of Milwaukee (population – population 595,000, land area 97 square miles, 6,134 people per square mile) maintains a parking system with a \$48 million budget, 3 City-owned parking ramps, *many* privately-owned parking ramps, 7,000 parking meters, and generates over \$20 million annually from parking citations. Milwaukee's population density is 2.7x higher than Green Bay's, and generates 20x more parking citation revenue. This indicates that Milwaukee has a more significant parking issue than Green Bay, necessitating the need for a different approach to its overnight on-street parking program.

Conclusion/Recommendation

Based on comparison to Milwaukee and other cities throughout the United States, Parking Division does *not* see the need to ease current overnight on-street parking restrictions. The existing overnight on-street parking program is adequate for the current development level of Green Bay. Therefore, it is recommended that Green Bay NOT adopt an alternate side overnight on-street parking program.

Table 1

List of Issues Associated With Allowing Routine Overnight On-Street Parking

- 1) Reduced effectiveness of Green Bay's Federally-mandated Storm Water Pollution Prevention Plan (SWPPP). The City's street sweeping program plays a significant role in achieving pollution reduction requirements of this program. DPW needs to effectively sweep streets both day and night in order to meet its storm water permit requirements.
- 2) Related to item 1 above, Green Bay's streets would not be as clean as they are now. If vehicles are parked on-street when the sweeper goes through, the sweeper cannot come back the next day to sweep where vehicles were parked the day before. DPW must continue systematically through the City to finish a round. Also, during the next round of sweeping, there is no guarantee that vehicles won't be parked again where the sweeping was missed during the last round.
- 3) Increased difficulty and extended time expended to remove snow after winter storms. DPW currently receives a significant volume of complaints related to inadequate snow/ice clearing each winter. With vehicles parking on-street on a year-round basis, complaint volume will increase.
- 4) Police Department will not be as effective with their nighttime policing program
- 5) Using Milwaukee as an indicator, approximately 30% of night parking citations will be issued for wrong side parking if an overnight on-street alternate side parking program was introduced. In 2017, Milwaukee issued 212,473 night parking violation citations *AND* 87,858 wrong side parking citations. This indicates that 30% of people do not understand how to navigate an even-odd side parking program.

Inter-Office Memo

Date: May 2, 2018

To: Improvements and Services Committee

From: Christopher J. Pirlot, P.E.
Parking Manager

RE: On-Street Overnight Parking Restrictions

The intent of this report is to discuss the City of Green Bay's overnight on-street parking restriction that is in effect year-round between the hours of 3:00 and 5:00 a.m. The report is being drafted in response to a request to eliminate this restriction.

History and Background Information

Green Bay's overnight on-street parking restriction has been in effect for decades. Research reveals that the current ordinance developed as follows:

- 1) Records could not be located that identify exactly when the on-street overnight parking ordinance was first enacted
- 2) Prior to 1980, ordinance 29.20 read, "ALL NIGHT PARKING PROHIBITED. No person shall park a motor vehicle on any street in the City for longer than 30 minutes between 2:00 a.m. and 6:00 a.m." This ordinance was subsequently re-numbered 29.15.
- 3) In 1988, G.O. 44-88 amended Section 29.15(1)(m) relating to overnight parking, changing the restriction to "no overnight parking on any street between the hours of 3:00 and 5:30 a.m."
- 4) In 1990, G.O. 38-90 amended Section 29.15(1)(m) relating to night parking, changing the restriction to "no overnight parking on any street between the hours of 3:00 and 5:00 a.m." This ordinance was subsequently re-numbered 29.203.
- 5) In 2004, G.O. 56-04 amended Section 29.203(12) relating to night parking, changing the ordinance to include the current practice of allowing overnight on-street parking variances for up to two (2) weeks under certain conditions, and longer for exceptional situations. This allowed Parking Division to draft the existing on-street overnight parking variance and enforcement policy that was adopted by Council.

Comparison to Other Wisconsin Cities

As part of the report process, Parking Division researched overnight on-street parking restrictions for the ten (10) highest population cities in Wisconsin. A summary of that data is attached to this report. Seven (7) of the top ten Wisconsin cities maintain an overnight on-street parking restriction. Following is a summary of the three (3) exceptions:

- 1) Milwaukee (#1) allows overnight on-street parking, but only with the purchase of a residential permit. Unlike Green Bay, on-street parking in Milwaukee is necessary due to the many properties throughout the City with narrow frontages, lack of driveways, alley-only vehicular access, and multi-unit dwellings near the universities. So they need the on-street parking space. However, overnight on-street parking is prohibited on all bus routes and connecting highways during winter months.

- 2) Madison (#2) has no overnight on-street parking restrictions, but has a paid daytime parking permit system in 24 residential zones. Older areas of Madison have a higher population density due to University of Wisconsin housing needs, and narrow property frontages and no driveways like Milwaukee. So they also need the on-street parking space.
- 3) Janesville (#10) has no overnight on-street parking restrictions. But that City has adequate off-street parking. The majority of Janesville's on-street parking compliance is voluntary. The City of Janesville provides very little parking enforcement activity.

Discussion

Green Bay is one of many municipalities throughout the United States that prohibits overnight on-street parking. Each City establishes overnight parking restrictions for its own reasons. But there are many reasons for overnight parking restrictions. Following is a summary of reasons that cities (including those in the survey) use as a basis to establish overnight on-street parking restrictions:

1. Vehicles parked on-street 1) pose sight obstructions for motorists, 2) introduce sudden intrusions into traffic such as opening doors and people exiting vehicles, and 3) increase the potential for conflict among opposing traffic due to narrower travel space. These hazards increase at night.
2. Where sidewalks do not exist on all streets, bicyclists and pedestrians use streets curb lanes for movement. Allowing vehicles to park on-street around the clock requires pedestrians and bicyclists to operate in travel lanes, increasing the potential for conflicts.
3. Overnight on-street parking restrictions eliminate long-term storage of trailers and vehicles. Long-term parking and storage of vehicles on-street affects curb appeal of properties, essentially degrading the quality of neighborhoods.
4. Many cities were planned and developed to provide adequate off-street parking for residents. So on-street parking facilities should not be needed to supplement the City's parking needs.
5. Cities sweep and plow streets at night. Vehicles must be removed from streets to complete these tasks effectively.
6. Emergency vehicles cannot traverse narrower streets if they are parked full of vehicles
7. Police Departments use nighttime vacant streets as a tool for surveillance and law enforcement. Perpetrators typically park on the street, walk to the crime scene, and return to their vehicle. Having few or no vehicles parked on-street overnight makes it much easier to identify suspicious vehicles.
8. Many cities maintain an ordinance that any vehicle left on-street for longer than XX hours is classified as abandoned. After that time, the vehicle is removed from the roadway. Without an on-street overnight parking ban, it is much more difficult to identify abandoned vehicles.

Elimination of Green Bay's overnight on-street parking ordinance has been discussed many times over the years. Each time the issue has been discussed, it was concluded that the overnight on-street parking prohibition should remain. Maintaining at least a limited duration of on-street parking prohibition each day keeps vehicles from parking on the street around the clock.

The current overnight on-street parking restriction (3:00 to 5:00 a.m. daily) allows residents to have guests late into the night, but eliminates vehicles from sitting on the street 24/7/365.

Green Bay's current overnight on-street parking exception policy allows even more flexibility over the ordinance restrictions under special circumstances. No set of rules can satisfy all parties. However, Parking Division believes that Green Bay's overnight on-street parking rules are flexible enough to satisfy most circumstances.

The current overnight on-street enforcement policy requires residents to park on-street only in front of their own property. If overnight on-street parking is allowed, it would be impossible to maintain this rule. Parking in front of one's own house overnight has been an item of safety/security concern for local residents. Parking Division routinely receives complaints from local residents about unknown vehicles parking in front of their house overnight.

From a practical standpoint, it is easiest to maintain a year-round singular overnight parking rule for all streets every day of the year. Parking Division has learned that an effective rule should include no more than three (3) points so it can be easily understood. The current on-street overnight parking rules contain the following three points:

- 1) No parking on any City street from 3:00 to 5:00 a.m. daily
- 2) Contact Parking Division to seek permission to park on-street overnight
- 3) Variances to the restrictions can be granted under certain conditions

Although Parking Division's primary mission is to spur compliance of the City's parking ordinances through enforcement, revenue generation is a by-product of that activity. Parking rental and enforcement revenue is the sole source of fund for the Parking Division operating budget. Reduction in parking revenue would require financial assistance from another source. If that alternate source is the City tax levy, then property taxes would most likely need to be increased.

Exceptions to the Overnight On-Street Parking Ban

Green Bay's existing ordinance [Chapter 29.203(12)] allows only single-family and duplex residents (R1 zoning) to park their vehicles on-street overnight for up to six (6) occurrences per year. Each occurrence can last up to two (2) weeks. Parking Division also maintains a process for residents to request more than the six occurrences per year under exceptional circumstances.

Final Considerations

There are many factors involved in a decision to modify the overnight on-street parking ordinance. Laws, rules, and policies are established to establish and maintain public health, safety, welfare, peace, and good order. Parking Division is a major stake holder in any parking ordinance, and is obligated to advise policy-makers so they can make informed decisions. Parking Division's advice is based only on professional/objective knowledge and experience.

If Green Bay's overnight on-street parking ordinance is abolished, the City must be prepared to either live with or address the following issues:

- 1) Increased on-street parking volume around the clock
- 2) Businesses and apartment complexes may not provide adequate off-street parking per zoning code, because their guests and residents can park on-street 24/7/365
- 3) Resident complaints regarding elimination of order to the City's on-street parking program
- 4) Need to modify snow removal, citation, and towing processes
- 5) Increased number of sight distance obstructions at driveways and intersections

- 6) Increased number of vehicle/pedestrian/bicycle conflicts
- 7) Reduced roadway traffic movement space, affecting emergency vehicle movement on narrow streets
- 8) Increased chances of blocked mail boxes and driveways
- 9) Homeless and intoxicated people sleeping in cars
- 10) Increased complaints of 'unknown' vehicles parking in front of properties (i.e. – lowered sense of resident safety and security)
- 11) Increased on-street parking volume in residential areas near large employers with night shifts
- 12) Difficulty in identifying abandoned vehicles
- 13) Elimination of Police Department ability to identify suspicious vehicles parked overnight
- 14) Higher opportunity of theft from vehicles
- 15) Increased competition for on-street parking
- 16) Need to increase public parking education
- 17) Parking Division annual revenue reduction of \$287,425 (2017 revenue) that will need to be made up elsewhere in order for Parking Division to remain financially solvent

Conclusion/Recommendation

Parking Division understands the reason for the request to modify the on-street overnight parking ordinance. No set of rules can satisfy all persons. However, Parking Division believes that Green Bay's overnight on-street parking rules are flexible enough to satisfy most circumstances. A process exists for those who need exemptions to the ordinance.

Therefore it is recommended that no changes be made to City of Green Bay Municipal Code Section 29.203(12) relating to overnight on-street parking. Parking Division believes that Green Bay's benefits of its overnight on-street parking restrictions outweigh any benefits associated with abolishing it.

Inter-Office Memo

Date: January 12, 2016

To: Improvements and Services Committee

From: Christopher J. Pirlot, P.E.
Parking Manager

RE: Options for Weekend Overnight On-Street Parking

Background

This report supplements two (2) previous reports drafted for the Improvements and Services Committee in September of 2015. The previous reports (attached) were drafted in response to a request to allow overnight on-street parking on Green Bay streets during weekends. The previous reports outlined the benefits of maintaining Green Bay's existing on-street overnight parking restriction in effect year-round between the hours of 3:00 and 5:00 a.m. The existing ordinance (Chapter 29.203(12)) allows single-family and duplex residents (R1 zoning) to park their vehicles on-street overnight for up to six (6) occurrences per year, with each occurrence lasting up to two (2) weeks. Along with this restriction, Parking Division maintains a process for residents to request more than the six allowed occurrences.

Discussion by the Improvements and Services Committee led to a motion for Parking Division to investigate options to allow overnight on-street parking on weekends in residential areas except during snow emergencies. It was subsequently clarified that the term "weekend" refers to the following two periods covered by existing ordinance language:

1. 3:00 to 5:00 a.m. on Saturday mornings (year-round)
2. 3:00 to 5:00 a.m. on Sunday mornings (year-round)

The reader is reminded that a decision to change overnight on-street parking ordinance cannot be decided by any simple method. It is a policy decision. Policies are established for many reasons, including but not limited to maintaining public health, safety, welfare, peace, and good order. There is no method to calculate if a change is good or bad. Parking Division is a major stakeholder in any parking ordinance. So it is obligated to act conservatively, and advise policy-makers of the advantages and disadvantages of changes based on its parking industry knowledge and experience. Following is discussion on the subject.

Discussion/Option

As noted during previous discussions, maintaining a limited duration (3:00 to 5:00 a.m. daily) for on-street parking prohibition each day lessens the practice of parking vehicles on the street around the clock. The current overnight on-street parking restriction allows residents to park on-street late into each night, while allowing the City to eliminate vehicles from sitting on the street 24/7/365. Parking Division policy for seeking permission and variances allows flexibility over the ordinance restrictions. In effect, Green Bay does not maintain a strict overnight on-street parking prohibition. Rather, it manages the use of overnight on-street parking. Any organization wishing to maintain order must establish and manage laws, rules, and policies.

Although the request was for Parking Division to investigate options to allow overnight on-street parking on weekends in residential areas, this request presents only one option to investigate...to allow overnight on-street parking on weekends. In order to effectuate this option, the following actions must be considered:

- 1) Ideally, City streets should be marked with signs to avoid confusion over the varied days and properties involved in the overnight on-street parking program. This requires extensive effort and expense to install tens of thousands of additional signs throughout the City identifying:

- a. Green Zone – weekend overnight on-street parking allowed (R1 zoned parcels)
 - b. Red Zone – weekend overnight on-street parking not allowed (all other parcels)
- 2) Parking Division would continue to enforce parking violations day and night, seven days a week. However, weekend enforcement would concentrate on violations for blocked driveways and fire hydrants, parking meters, NO STOPPING OR STANDING and NO PARKING zones, etcetera.
- 3) DPW would establish a snow emergency for every snow plowing event, to reduce the chance of plows encountering parked vehicles
- 4) Parking Division would need to increase the City's parking education effort
- 5) Parking Division would need to seek other revenue source(s) to make up an estimated \$128,000 in lost Parking Division revenue

As discussed above, a change to the City's overnight on-street parking ordinance can be made. However, the list of actions required to effectuate the change introduce issues and significant expenses. Also although Parking Division's primary mission is to enforce and spur compliance of the City's parking ordinances, revenue generation is a by-product of that activity. The reader is reminded that Parking Division is a self-revenue generating entity. Any reduction in parking revenue will require financial assistance from another source such as the City tax levy. Parking Division has never received tax levy assistance. If tax levy assistance is required to operate Parking Division, then property taxes will increase.

Other Considerations/Obstacles

As discussed above, in previous reports, and during numerous committee discussions on this issue dating back decades, every action has a consequence. The reader is reminded that if overnight on-street parking is allowed, the City must also be prepared to address the following issues:

- 1) Increased on-street parking, because residents won't have to remove vehicles from street every night
- 2) Resident complaints, because more residents have no problem with the current ordinance than those who are seeking change
- 3) Need to improve snow emergency citation and towing response
- 4) Sight obstructions at driveway connections and intersections
- 5) More on-street parking increases the chance of vehicle/pedestrian/bicycle incidents
- 6) Reduced roadway space, affecting emergency vehicle movement on narrow streets
- 7) Increased chances of blocked mail boxes
- 8) Individuals sleeping in cars
- 9) Excessive vehicle parking at house parties
- 10) Possible abuse by apartment residents, parking in front of adjacent properties
- 11) Confusion on where overnight on-street parking is and isn't allowed
- 12) Residential zones near large employers could see night shift vehicles parking on-street
- 13) Delay in identifying abandoned vehicles
- 14) Elimination of Police Department ability to identify suspicious vehicles parked overnight, because more vehicles will be parked on-street
- 15) More opportunity for theft from vehicles, because they are parked further away from residences
- 16) Increased competition for on-street parking, diminishing peace and good order
- 17) Creates an exception to the 72-hour parking rule for abandoned vehicles
- 18) Increased street sign cost and clutter
- 19) Need to increase public education efforts
- 20) Approximately 13,000 night parking violation citations are issued annually. Of that, approximately 40% of those citations are issued on weekends. At the current citation rate, a night parking citation issuance reduction of 40% equates to approximately \$128,000 less Parking Division revenue.

Recommendation

Considering all discussion and debate that has occurred throughout the history of Green Bay's overnight on-street parking ordinance, Parking Division maintains a recommendation that no change be made to City of Green Bay Municipal Code Section 29.203(12) relating to overnight on-street parking restrictions. Parking Division believes that the benefit to the few who want overnight on-street parking does not outweigh the additional efforts and cost to the City and other property owners.

No set of rules can satisfy all parties. However, Parking Division believes that Green Bay's overnight on-street parking rules are flexible enough to satisfy most circumstances. Administration of current parking ordinance is already challenging for Parking Division. Additional rules can only serve to confuse residents, complicate enforcement, and negatively impact other City services. A process exists for residents who need exemptions to the overnight on-street parking ordinance.



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # N.4

To approve the request by Teri Johnson, 1350 Holiday Avenue, to have sidewalks removed from the Holiday Avenue frontage of the following properties: 1344 Holiday, 1345 Holiday, 1350 Holiday, 1351 Holiday, 1354 Holiday, 1355 Holiday, 1700-1702 Briquetet, and 1714 Briquetet Street (held at the May 11, 2022 Improvement and Services Committee meeting). (Ald. Wery)

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Holiday Avenue
2. Sidewalks Ald. Wery

Sent: Monday, May 2, 2022 5:27 PM

To: Steven Grenier <Steven.Grenier@greenbaywi.gov>; Chris Wery <chriswery@att.net>

Subject: RE: Holiday Avenue

How May thus be brought in front of Improvements & Services. Yes Holiday has a consistently low volume of pedestrians, and most walk on the street due to not having sidewalks on the other half of the block. Is there a law or precedent that states I have to have a sidewalk. And who does the sidewalk belong to. If it is my property, I should be allowed to remove the sidewalk. If the sidewalk belongs to the city, any and all repair should be the city's responsibility.

Teri Johnson

Sent from my Galaxy

----- Original message -----

From: Steven Grenier <Steven.Grenier@greenbaywi.gov>

Date: 5/2/22 4:45 PM (GMT-06:00)

To: teri; Chris Wery <chriswery@att.net>

Subject: RE: Holiday Avenue

Ald. Wery,

Thanks for your patience on this. Last week was one meeting after another!

When I wear my "City" hat, I can't endorse removing sidewalks. Historically, in situations like this, the request has most often been to install the walks on the properties that don't currently have them to complete the sidewalk network. That would be more consistent with the adopted Bike and Ped Plan as well.

I understand that Holiday is very likely a low volume street and that residents may feel comfortable walking without sidewalks there. It looks like Briquet Street has walk, but Locust does not.

This would be something that would have to come forward to Improvement & Services. It's not an area where traffic volumes or destinations would cause me to have a very strong opinion, like if the street fed a school or was Oneida Street. However, as a general rule, we don't support removing sidewalk once it has been installed.

If you have any other questions, please let me know.

Thanks,
Steve

Steven M. Grenier, P.E.

Director of Public Works

City of Green Bay
Department of Public Works
920.448.3097

steven.grenier@greenbaywi.gov
greenbaywi.gov

From: teri

Sent: Tuesday, April 26, 2022 6:14 AM

To: Chris Wery <chriswery@att.net>; Steven Grenier <Steven.Grenier@greenbaywi.gov>

Subject: RE: Holiday Avenue

Sidewalks are rarely used, as most individuals use the street to walk on. With the exception of home Packer games this street does not have a great deal of traffic. Thank you for your prompt response.
Teri Johnson

Sent from my Galaxy

----- Original message -----

From: Chris Wery <chriswery@att.net>

Date: 4/25/22 10:44 PM (GMT-06:00)

To: Teri Johnson, Steven Grenier <steven.grenier@greenbaywi.gov>

Subject: Holiday Avenue

Hi Teri and Steve,

Thanks for reaching out. I am going to have Director Grenier speak to the repair/replacement item. Also, Director Grenier what do you think about the sidewalk removal idea? It looks like half the block has sidewalks and the other half does not.

Alderman Chris Wery
920-490-9282

chriswery@att.net

Facebook: Alderman Chris Wery, District 8 City of Green Bay

On Thursday, April 21, 2022, 04:07:08 PM CDT, Teri Johnson wrote:

Hello Chris Wery. I live on Holiday Avenue in your district. Last year it appears that the City of Green Bay sent out what appeared to be summer help to assess or sidewalks. They were marked with either a C for City responsibility or x for residents responsibility to fix the sidewalks. There was no explanation as to how the fixed the c's and x's. I do not want my sidewalk at all, I would prefer to just have grass. The

sidewalks are on only half the block. The same for the next block and Regal street has none. Are the residents able to have the sidewalk removed/eliminated altogether rather than having them fixed. Please look into this. Teri Johnson
Thank you

Signatures of residents who oppose having sidewalks on Holiday Ave.

1. Patricia Draves
1344 Holiday Ave G.B

10. _____

19. _____

2. Cassandra Polansky
1345 Holiday Ave

11. _____

20. _____

3. Jeri Johnson
1350 Holiday Ave
Green Bay WI

12. _____

21. _____

4. Julie Lamare
1714 Briquet Street
Green Bay, WI

13. _____

22. _____

5. M.D. Ma
1714 Briquet St.

14. _____

23. _____

6. Ben Robinson
1355 Holiday Ave.

15. _____

24. _____

7. Kurt A. Schmidt
1354 Holiday Ave

16. _____

25. _____

8. _____

17. _____

26. _____

9. _____

18. _____

27. _____

Corner House



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # N.5

To approve the proposed curb cuts for the ICAP Development project on S. Military Avenue in Green Bay.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Agenda Item Site Plan



Z:\PROJECTS\2021\2686.00\CONCEPT\2022-05-31 V6.1 - COLORED SITE PLAN.DWG 5/31/2022 2:29 PM



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # N.6

To approve the request by Department of Public Works to award a contract for Topographic Surveying Services – 2023 Capital Improvement Program to Ayres Associates, Inc. in the amount of \$85,525.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Westwood Infrastructure
2. Ayres Associates Inc
3. Coleman Engineering Company
4. Quote Summary



Public Works Department

Administration
920.448.3100
Fax 920.448.3102

Engineering Division
920.448.3100
Fax 920.448.3102

Operations Division
920.448.3535
Fax 920.448.3536

Parking Division
920.448.3431
Fax 920.448.3370

Traffic Division
920.448.3100
Fax 920.448.3102

QUOTATION REQUEST
TOPOGRAPHIC SURVEYING SERVICES
CAPITAL IMPROVEMENT PROGRAM

Due Date: June 13, 2022 @ 2:00 P.M.

Date: May 27, 2022

From: Jennifer McCartney, City of Green Bay Construction Manager

Email: Jennifer.mccartney@greenbaywi.gov

Phone: 920-448-3093

Please quote **INSIDE DELIVERED** prices for materials listed below.

DESCRIPTION	UNIT PRICE	TOTAL
Brosig Street – Manitowoc Rd to Pecan St	\$5775	\$5775
Suydam St – Eliza St to S. City Limits	\$5950	\$5950
Mason Way – Heyrman St to Victoria St	\$3150	\$3150
Victoria Street – Amy St to Mason Way E Mason Street	\$3920	\$3920
Victoria Court - Mason Way to West Cul De Sac	\$1750	\$1750
Eliza Street – Goodell St to Suydam St	\$2695	\$2695
Emilie Street – Suydam St to 120' E of Suydam St	\$1120	\$1120
Heyrman Street – Mason Way to Kimball St	\$1890	\$1890
Heyrman Street – Cass St to E Mason St	\$3010	\$3010
Edison Street – Bellevue St to Heyrman St	\$4025	\$4025
George Street – Cass St to S Mason St	\$3430	\$3430
Smith Street – West Termini to Elizabeth St	\$2415	\$2415
Barker Street – Farlin Ave to Smith St	\$2205	\$2205
Hudson Street – Western Ave to Shawano Ave	\$6909	\$6909
Denis Place – 13 th Ave to Oak St	\$4836	\$4836
Nicolet Avenue – W Mason St to St Paul St	\$4836	\$4836
San Lorenz Drive – Sorento Dr to Hobart Dr	\$3524	\$3524

Sumac Place – West Cul De Sac to Seminole Ln	\$921	\$921
Sumac Drive – 385' East of Seminole Ln to S Trillium Circle	\$5527	\$5527
Hickory Hill – S Oneida St to 12 th Street	\$13818	\$13818
Shag Bark Lane – Sequoia Ln to Seminole Ln	\$4145	\$4145
Seneca Court – Sequoia Ln to Cul De Sac East	\$3685	\$3685
S Trillium Circle – Seminole Ln to E Trillium Circle	\$3685	\$3685
E Trillium Circle – S Trillium Circle to N Trillium Circle	\$1842	\$1842
N Trillium Circle – Indian Hill Dr to E Trillium Circle	\$2303	\$2303
Sequoia Lane – Indian Hill Dr to Seminole Ln	\$6449	\$6449
Seminole Lane – Sequoia Ln to Indian Hill Dr	\$3915	\$3915
Redwood Drive – Hickory Hill Dr to 9 th Street	\$6218	\$6218
Newtols Street – Basten St to Van Deuren St	\$3850	\$3850
Berner Street – N Irwin St to N Webster Ave	\$9380	\$9380
TOTAL PROJECT COST		\$127,178

Westwood Infrastructure

VENDOR

One Systems Drive

ADDRESS

Appleton WI 54914
CITY STATE ZIPCODE

920-830-6100

FAX



AUTHORIZED SIGNATURE

Phillip T. Roberts, Engineering Services Manager

PRINT NAME AND TITLE

June 13, 2022

DATE

920-830-6178

PHONE

Utility Note - Westwood will contact Digger's Hotline two times (one locate ticket, one "no-show" or locate ticket) to request the utilities get marked. If we are unsuccessful with getting the utilities marked, we will provide copies of the utility provided system maps to the City in lieu of providing actual locates.

I:\Deptdata\Pubworks\Engl\Professional Engineering Services\Survey Services\2021\Resurfacing

100 North Jefferson Street ❖ Room 300 ❖ Green Bay, WI 54301-5026
www.greenbaywi.gov/publicworks



Ingenuity, Integrity,
and Intelligence.

June 13, 2022

Jennifer McCartney, Jennifer.McCartney@greenbaywi.gov
City of Green Bay

Re: City of Green Bay 2023 Capital Improvement Program

Dear Ms. McCartney:

Accurately completing the survey services required for any City of Green Bay project will require a commitment from a team of professionals who can work together well and provide the City with a quality product on time and within budget. Ayres is prepared to immediately begin work on this important project and do just that.

We believe we offer you these key advantages:

- **Experience:** Ayres has worked with the City of Green Bay on many projects over the past years. We understand the process and the resources required to make your projects a success.
- **Capacity and Availability:** As a full-service geospatial and engineering firm, we have the experience and resources to quickly deploy and hit the ground running on your project.
- **High-Tech Equipment:** To complete work on projects of this size, our company has made investments to give survey crews the necessary equipment to get the job done right. Most of our equipment can be operated by one person, leading to efficiencies in the field.

We look forward to working with you on this important project and are prepared to begin work immediately after receiving the notice to proceed. If you have any technical questions about our survey services, please contact me at the information below.

Sincerely,

Ayres Associates Inc

A handwritten signature in blue ink, appearing to read "Ryan Beltrand".

Ryan M. Beltrand, PLS
Project Manager/Manager – Northern Midwest Survey
Direct: 920.327.7848
Cell: 920.366.7036
BeltrandR@AyresAssociates.com



Project Understanding and Approach

Project Description

The project consists of topographic survey for numerous streets throughout the City of Green Bay to support your resurfacing and traffic signal program.

Scope of Services

Ayres will safely perform the services outlined below, based on the RFP dated May 23, 2022.

- Topographic Surveying:
 - Complete topographic survey of the project areas using the City of Green Bay's feature codes and line commands.
 - Survey will extend 100 feet on side roads and at intersections.
 - Coordinate with Diggers Hotline to have utilities marked throughout the project areas. Ayres is not responsible for incomplete, incorrect, or delays caused by utility locators. We will remain in contact with locators throughout the project to get locates completed in a timely and accurate manner.
 - Ayres will create 360-degree tours in lieu of project photos. See project approach for example tour.
 - Complete manhole inventory sheets as outlined in the RFP.

Project Approach

For quality and consistency, Ayres will keep the project staff consistent to ensure familiarity and uniformity throughout the project. The staffing numbers will be adequate to the project size and schedule requirements. Our project management team regularly manages large projects with multiple crews and understands the coordination requirements needed for project success. Our project manager will be in communication with the City of Green Bay throughout the duration of the project to provide updates and make staffing/resource adjustments to meet the City's project needs.

Upon award and coordination with the City of Green Bay's project management team, Ayres will begin survey activities and coordination outlined above with the City's team. Using multiple field crews, we will use the latest survey technology to accurately collect topographic and contour data along the proposed route. City-provided benchmarks will be verified, and supplemental benchmarks and control will be set for use during the construction phase of this project. Our intention is to use Wisconsin County Coordinates referenced to NAD83 horizontal datum, Brown County Zone, and the City of Green Bay vertical datum for all data collection.



Ayres' history of road reconstruction work has conditioned our field staff to fully understand and appreciate the impact our activities may represent to landowners. We strive to be courteous to landowners and their property as a consultant representing the City of Green Bay while also getting the job done in a timely manner.

Busy road intersections and other identified critical feature items may be scanned using high-definition lidar to create an accurate representation of the existing conditions. This is a method we employ to gather data accurately and safely in high-traffic areas.

A 360-degree virtual tour will be created, which can be easily shared with the project team. We've found the tours to be very useful, and they are a great resource for the design team to use throughout the design process. The 360-degree tour will replace the still photo requirement in the RFP. An example tour can be viewed by clicking the link below.

<https://siteview.ayresassociates.com/downtown-area-roadway-utility-improvements/>

Project Familiarity

Ayres is familiar with the City of Green Bay's design processes, having done many projects for the City. Ayres also completed a large overhead to underground utility project in the Schmidt Park area and has extensive right-of-way and property boundary information in our archives.

Project Team Organization

Ayres employs approximately 30 land surveyors/survey technicians in the Upper Midwest. Ryan Beltrand will serve as project manager and will be the single point of contact for this project. Ryan has direct responsibility and authority for the staffing and scheduling of the project team. Our intention is to use a core team of individuals to maintain consistency and draw on additional resources, if necessary, to meet the project milestones.

Resources

Our field staff will be fully equipped with Trimble RTK GPS and robotic total stations and laptops with access to the internet and our company servers. Additional equipment/software capabilities are:

- 360-degree cameras.
- Trimble X7 and MX8 HD scanners.
- GeoCue True View 620 lidar system with Riegl sensor.

Project Delivery

Ayres proposes to provide the City of Green Bay with a phased delivery of project areas, which will allow the City to begin design tasks before the September 30 delivery deadline. We expect a notice to proceed will be given by July 5, 2022.



Responsibilities of the Owner and Others

- Provide information and assistance as needed in a timely fashion.
- Provide existing utility maps and benchmark information.
- Creation of CADD drawings using the survey data provided in the deliverables.
- Provide as-built information and traffic control for crews to dip manholes at busy road intersections. Anticipated intersections are: Shawano Avenue, Mason Street, Webster Avenue.

Delays

Ayres cannot be responsible for delays caused by activities or factors beyond our control, including but not limited to delays caused by inclement weather that would hinder our ability to perform fieldwork, other acts of nature, failure of the client to timely furnish information or approve or disapprove surveyors' work, and failure to obtain access to property. Minor weather delays are anticipated in our scope and fee.

Fees

Our fees are broken out in the attached bid document.



Public Works Department

Administration
920.448.3100
Fax 920.448.3102

Engineering Division
920.448.3100
Fax 920.448.3102

Operations Division
920.448.3535
Fax 920.448.3536

Parking Division
920.448.3431
Fax 920.448.3370

Traffic Division
920.448.3100
Fax 920.448.3102

QUOTATION REQUEST **TOPOGRAPHIC SURVEYING SERVICES** **CAPITAL IMPROVEMENT PROGRAM**

Due Date: June 13, 2022 @ 2:00 P.M.

Date: May 27, 2022

From: Jennifer McCartney, City of Green Bay Construction Manager

Email: Jennifer.mccartney@greenbaywi.gov

Phone: 920-448-3093

Please quote **INSIDE DELIVERED** prices for materials listed below.

DESCRIPTION	UNIT PRICE	TOTAL
Brosig Street – Manitowoc Rd to Pecan St	\$3,400	\$3,400
Suydam St – Eliza St to S. City Limits	\$3,000	\$3,000
Mason Way – Heyrman St to Victoria St	\$2,600	\$2,600
Victoria Street – Amy St to Mason Way E Mason Street	\$3,000	\$3,000
Victoria Court - Mason Way to West Cul De Sac	\$1,900	\$1,900
Eliza Street – Goodell St to Suydam St	\$3,000	\$3,000
Emilie Street – Suydam St to 120' E of Suydam St	\$1,300	\$1,300
Heyrman Street – Mason Way to Kimball St	\$2,200	\$2,200
Heyrman Street – Cass St to E Mason St	\$2,200	\$2,200
Edison Street – Bellevue St to Heyrman St	\$2,700	\$2,700
George Street – Cass St to S Mason St	\$2,500	\$2,500
Smith Street – West Termini to Elizabeth St	\$1,800	\$1,800
Barker Street – Farlin Ave to Smith St	\$2,200	\$2,200
Hudson Street – Western Ave to Shawano Ave	\$3,900	\$3,900
Denis Place – 13 th Ave to Oak St	\$2,900	\$2,900
Nicolet Avenue – W Mason St to St Paul St	\$3,000	\$3,000
San Lorenz Drive – Sorento Dr to Hobart Dr	\$2,600	\$2,600

Sumac Place – West Cul De Sac to Seminole Ln	\$1,500	\$1,500
Sumac Drive – 385' East of Seminole Ln to S Trillium Circle	\$2,100	\$2,100
Hickory Hill – S Oneida St to 12 th Street	\$9,600	\$9,600
Shag Bark Lane – Sequoia Ln to Seminole Ln	\$2,200	\$2,200
Seneca Court – Sequoia Ln to Cul De Sac East	\$1,900	\$1,900
S Trillium Circle – Seminole Ln to E Trillium Circle	\$1,600	\$1,600
E Trillium Circle – S Trillium Circle to N Trillium Circle	\$1,250	\$1,250
N Trillium Circle – Indian Hill Dr to E Trillium Circle	\$1,600	\$1,600
Sequoia Lane – Indian Hill Dr to Seminole Ln	\$3,075	\$3,075
Seminole Lane – Sequoia Ln to Indian Hill Dr	\$3,400	\$3,400
Redwood Drive – Hickory Hill Dr to 9 th Street	\$3,050	\$3,050
Newtols Street – Basten St to Van Deuren St	\$2,900	\$2,900
Berner Street – N Irwin St to N Webster Ave	\$7,150	\$7,150
TOTAL PROJECT COST	\$85,525	\$85,525

Ayres Associates Inc

VENDOR

3376 Packerland Drive

ADDRESS

Ashwaubenon, WI 54115

CITY STATE ZIPCODE

FAX



AUTHORIZED SIGNATURE

Ryan Beltrand - Manager

PRINT NAME AND TITLE

June 13, 2022

DATE

920.366.7036

PHONE

I:\Deptdata\Pubworks\Eng\Professional Engineering Services\Survey Services\2021\Resurfacing

100 North Jefferson Street ❖ Room 300 ❖ Green Bay, WI 54301-5026
www.greenbaywi.gov/publicworks

**PROPOSAL
FOR
THE CITY OF GREEN BAY**



**CAPITAL IMPROVEMENT
PROGRAM 2023**

JUNE 10, 2022

COLEMAN ENGINEERING COMPANY

CIVIL ENGINEERING • ENVIRONMENTAL ENGINEERING
GEOTECHNICAL ENGINEERING • SURVEYING





COLEMAN ENGINEERING COMPANY

CIVIL ENGINEERING • ENVIRONMENTAL ENGINEERING • GEOTECHNICAL ENGINEERING • SURVEYING

790 MARVELLE LANE, UNIT 3 • GREEN BAY, WI 54304 • PHONE: 920-264-9404

June 10, 2022

Jennifer McCartney
City of Green Bay
100 North Jefferson Street
Green Bay, WI 54301

Re: Survey Request for Topographic Survey Services – Capital Improvement Program-2023 –
City of Green Bay

Dear Ms. McCartney:

In accordance with your request on May 27, 2022 and June 7, 2022, Coleman Engineering Company (CEC) is pleased to submit this proposal to complete a survey for the above-referenced project.

Scope of Services

CEC will provide topographic survey services for the Capital Improvement Program-2023 Project in the City of Green Bay, encompassing the following areas:

- Brosig Street – Manitowoc Rd to Pecan St
- Suydam St – Eliza St to S. City Limits
- Mason Way – Heyrman St to Victoria St
- Victoria Street – Amy St to E Mason Street
- Victoria Court - Mason Way to West Cul De Sac
- Eliza Street – Goodell St to Suydam St
- Emilie Street – Suydam St to 120' E of Suydam St
- Heyrman Street – Mason Way to Kimball St
- Heyrman Street – Cass St to E Mason St
- Edison Street – Bellevue St to Heyrman St
- George Street – Cass St to S Mason St
- Smith Street – West Termini to Elizabeth St
- Barker Street – Farlin Ave to Smith St
- Hudson Street – Western Ave to Shawano Ave

- Denis Place – 13th Ave to Oak St
- Nicolet Avenue – W Mason St to St Paul St
- San Lorenz Drive – Sorento Dr to Hobart Dr
- Sumac Place – West Cul De Sac to Seminole Ln
- Sumac Drive – 385' East of Seminole Ln to S Trillium Circle
- Hickory Hill – S Oneida St to 12th Street
- Shag Bark Lane – Sequoia Ln to Seminole Ln
- Seneca Court – Sequoia Ln to Cul De Sac East
- S Trillium Circle – Seminole Ln to E Trillium Circle
- E Trillium Circle – S Trillium Circle to N Trillium Circle
- N Trillium Circle – Indian Hill Dr to E Trillium Circle
- Sequoia Lane – Indian Hill Dr to Seminole Ln
- Seminole Lane – Sequoia Ln to Indian Hill Dr
- Redwood Drive – Hickory Hill Dr to 9th Street
- Newtols Street – Basten St to Van Deuren St
- Berner Street – N Irwin St to N Webster Ave

The limits of the topographic survey area will be 100 feet beyond the intersection using centerline/centerline to measure from for the distance beyond and will include one additional manhole location outside the project limits.

See Attachment A – for survey breakdown per location.

Services to be provided by CEC include:

A. Topographic Survey

1. Perform survey work to Third Order, Class II degree of accuracy.
2. Survey work will use the City of Green Bay vertical datum.
3. Survey work will use the Brown County coordinate system.
4. Take shots in the survey limits and as shown on the provided map.
5. Use standard city field point codes as shown in the Survey Point Code List.pdf file provided.
6. The following survey shots will be taken at a minimum:
 - a. Ground shots every 50' on tangent at centerline, pavement grade breaks, medians – face of curb/island and top of curb/island, pavement edge or curb edge, flow line of curb, flange of curb, top/back of curb and both edges of the sidewalk, and along back of curb. Ground shots from B.O.C. to approximately 10 feet outside of Right of Way equally spaced on both sides of roadway.

- b. A minimum of three locations of shots will be taken around the radius of a corner (both ends of radius and midpoint.) At each location take shots at the pavement edge or curb edge, flow line of curb, and top/back of curb. Additional shots will be taken between the midpoint and end of radius if the length is greater than 20' between those two locations.
- 7. The following survey shots will be taken from the roadway centerline to approximately 10 feet outside of Right of Way on both sides of the roadway:
 - a. Any change in ground surface material (sand, grass, concrete, asphalt, gravel, etc.)
 - i. For driveway and pedestrian ramps CEC will follow provided specification details.
 - b. All driveways, parking lot entrances, private curb and gutter, ditches, pedestrian ramps, and walking paths.
 - c. All utilities – public utilities (water, storm, sanitary) inlets, manholes, fire hydrants, and utility lines including laterals; and private utilities (electric, cable, gas, etc.) including laterals.
 - i. One additional manhole (storm and sanitary) location outside project limits.
 - ii. Provide inverts, size, and direction of all pipes at each manhole (storm and sanitary).
 - iii. For structure ID numbers CEC will use maps provided by the City of Green Bay.
 - d. All property pins that are found. A list of pins found will be compiled and submitted. *CEC is anticipating surveying only visible pins and is not anticipating searching for or surveying any buried pins.
 - e. All landscaping features – planters, trees, shrubs, fences, etc.
 - f. All retaining walls, fences, bollards, building corners and faces, steps, etc.
 - g. All poles and signs – power, light, private signs, etc.
 - h. All traffic control items – control boxes, signal poles, pull boxes, traffic signs, etc.
- 8. Set control points that can easily be re-established. Establish permanent ties to control points.
- 9. Verify existing benchmarks, and provide all additional benchmarks established during survey.
- 10. Provide hard copy of all survey control points, ties and benchmark data.
- 11. Provide photos of entire project within the limits provided on map of reconstruction area.

B. AutoCAD Civil 3d File

- 1. A digital file will be delivered in a .txt format file from field survey.

Fees

Services will be invoiced on a time and materials basis for an estimated amount of \$119,500. Please understand that any estimate of cost for the above-described services is based on our current understanding of the project requirements and the level of effort needed to complete the various work tasks. An estimate should not be interpreted as a not to exceed cost. We will make every effort to not exceed our estimate and, in the event, that we do, an explanation will be provided. Please also understand that because this is a time and materials based project we will be invoicing all expenses associated with this project.

Assumptions

- The City of Green Bay will furnish, without cost to CEC, to the extent available the following:
 - Existing benchmark data and control point locations and tie sheets throughout project to be used for topographic survey.
 - Existing information pertaining to locations, sizes, and elevations of existing sanitary and storm sewers along each street listed above.
- Site will be ready for surveying when CEC arrives on-site. Delay due to improper scheduling or waiting for work to be completed will be considered out of scope and charged as such.
- Work will be completed during a Monday through Friday workweek. Work requested on weekends and/or holidays will be considered out of scope and invoiced at premium overtime rates. CEC cannot guarantee the availability of personnel on weekends and/or holidays.
- CEC will make every attempt possible to have all of the utilities located as part of our Diggers Hotline Tickets for this project. If all of our attempts do not result in complete utility markings then at this point CEC will reach out to the City of Green Bay to discuss how to proceed. Private utilities are not considered as part of this scope of work. Should the City of Green Bay require additional "Private Utility Locates" to be conducted in order to find any private utilities that are not owned and marked by the utilities responding to the Diggers Hotline Ticket, CEC can hire a private utility locating company to locate any other utilities, on a Time and Materials basis, at the City of Green Bay request. Any "Private Utility Locate" costs will be in addition to the estimate noted in the "Fees" section of this proposal.
- If any additional services are required, CEC will prepare an estimate prior to the commencement of work.
- The work described in this proposal must be authorized within 60 days for the terms to be binding.

Redistribution of Survey Data

CEC authorizes the City of Green Bay at their discretion to redistribute information provided and data compiled in conjunction with the Resurfacing Program and Traffic Signals project.

Cancellation

CEC understands the City of Green Bay reserves the right to cancel the survey of a street at any time if they see fit. *Any expenses incurred prior to cancellation will be invoiced.

Performance Schedule

CEC anticipates starting work after receiving authorization to proceed. CEC will complete the topographic survey and submit deliverables on a street-by-street basis. CEC will have all submittals to the City by September 30, 2022 as long as the authorization to proceed is provided by the end of the day July 1, 2022.

Acceptance

Should you find this proposal to be acceptable, please contact CEC and we will execute the appropriate contractual documents.

We appreciate the opportunity to submit this proposal and if you have any questions or comments, please call.

Sincerely,

COLEMAN ENGINEERING COMPANY



Casey J. Pries, PLS
Survey Manager

CJP/kk

Enclosure(s)

Attachment A

Survey Breakdown Per Location

**Survey Breakdown Per Location
Capital Improvement Program 2023
City of Green Bay**

Location	Approximate Distance for Topographic Survey (FT)	Approximate # of Manholes/Catch Basins	Total Estimated Cost
Brosig Street – Manitowoc Rd to Pecan St	1,850	34	\$5,700
Suydam St – Eliza St to S. City Limits	1,800	30	\$5,600
Mason Way – Heyrman St to Victoria St	1,200	24	\$3,700
Victoria Street – Amy St to E Mason Street	1,350	26	\$4,200
Victoria Court - Mason Way to West Cul De Sac	300	6	\$900
Eliza Street – Goodell St to Suydam St	1,100	27	\$3,400
Emilie Street – Suydam St to 120' E of Suydam St	100	Already counted	\$300
Heyrman Street – Mason Way to Kimball St	700	12	\$2,200
Heyrman Street – Cass St to E Mason St	1,000	18	\$3,100
Edison Street – Bellevue St to Heyrman St	1,400	27	\$4,300
George Street – Cass St to S Mason St	1,200	24	\$3,700
Smith Street – West Termini to Elizabeth St	850	17	\$2,600
Barker Street – Farlin Ave to Smith St	850	18	\$2,600
Hudson Street – Western Ave to Shawano Ave	2,000	34	\$6,200
Denis Place – 13th Ave to Oak St	1,500	19	\$4,600
Nicolet Avenue – W Mason St to St Paul St	1,500	21	\$4,600
San Lorenz Drive – Sorento Dr to Hobart Dr	1,300	17	\$4,000
Sumac Place – West Cul De Sac to Seminole Ln	500	18	\$1,500
Sumac Drive – 385' East of Seminole Ln to S Trillium Circle	1,100	16	\$3,400
Hickory Hill – S Oneida St to 12th Street	5,100	102	\$15,800
Shag Bark Lane – Sequoia Ln to Seminole Ln	1,300	23	\$4,000
Seneca Court – Sequoia Ln to Cul De Sac East	800	14	\$2,500
S Trillium Circle – Seminole Ln to E Trillium Circle	550	9	\$1,700
E Trillium Circle – S Trillium Circle to N Trillium Circle	650	8	\$2,000
N Trillium Circle – Indian Hill Dr to E Trillium Circle	600	10	\$1,800
Sequoia Lane – Indian Hill Dr to Seminole Ln	1,450	21	\$4,500
Seminole Lane – Sequoia Ln to Indian Hill Dr	550	10	\$1,700
Redwood Drive – Hickory Hill Dr to 9th Street	1,700	17	\$5,300
Newtols Street – Basten St to Van Deuren St	1,300	24	\$4,000
Berner Street – N Irwin St to N Webster Ave	3,100	57	\$9,600
TOTAL	38,700	683	\$119,500
Approx. 7.33 Miles			



Public Works Department

Administration
920.448.3100
Fax 920.448.3102

Engineering Division
920.448.3100
Fax 920.448.3102

Operations Division
920.448.3535
Fax 920.448.3536

Parking Division
920.448.3431
Fax 920.448.3370

Traffic Division
920.448.3100
Fax 920.448.3102

QUOTATION REQUEST
TOPOGRAPHIC SURVEYING SERVICES
CAPITAL IMPROVEMENT PROGRAM

Due Date: June 13, 2022 @ 2:00 P.M.

Date: May 27, 2022

From: Jennifer McCartney, City of Green Bay Construction Manager

Email: Jennifer.mccartney@greenbaywi.gov

Phone: 920-448-3093

Please quote **INSIDE DELIVERED** prices for materials listed below.

DESCRIPTION	UNIT PRICE	TOTAL
Brosig Street – Manitowoc Rd to Pecan St		\$5,700
Suydam St – Eliza St to S. City Limits		\$5,600
Mason Way – Heyrman St to Victoria St		\$3,700
Victoria Street – Amy St to Mason Way E Mason Street		\$4,200
Victoria Court - Mason Way to West Cul De Sac		\$900
Eliza Street – Goodell St to Suydam St		\$3,400
Emilie Street – Suydam St to 120' E of Suydam St		\$300
Heyrman Street – Mason Way to Kimball St		\$2,200
Heyrman Street – Cass St to E Mason St		\$3,100
Edison Street – Bellevue St to Heyrman St		\$4,300
George Street – Cass St to S Mason St		\$3,700
Smith Street – West Termini to Elizabeth St		\$2,600
Barker Street – Farlin Ave to Smith St		\$2,600
Hudson Street – Western Ave to Shawano Ave		\$6,200
Denis Place – 13 th Ave to Oak St		\$4,600
Nicolet Avenue – W Mason St to St Paul St		\$4,600

San Lorenz Drive – Sorento Dr to Hobart Dr		\$4,000
Sumac Place – West Cul De Sac to Seminole Ln		\$1,500
Sumac Drive – 385' East of Seminole Ln to S Trillium Circle		\$3,400
Hickory Hill – S Oneida St to 12 th Street		\$15,800
Shag Bark Lane – Sequoia Ln to Seminole Ln		\$4,000
Seneca Court – Sequoia Ln to Cul De Sac East		\$2,500
S Trillium Circle – Seminole Ln to E Trillium Circle		\$1,700
E Trillium Circle – S Trillium Circle to N Trillium Circle		\$2,000
N Trillium Circle – Indian Hill Dr to E Trillium Circle		\$1,800
Sequoia Lane – Indian Hill Dr to Seminole Ln		\$4,500
Seminole Lane – Sequoia Ln to Indian Hill Dr		\$1,700
Redwood Drive – Hickory Hill Dr to 9 th Street		\$5,300
Newtols Street – Basten St to Van Deuren St		\$4,000
Berner Street – N Irwin St to N Webster Ave		\$9,600
TOTAL PROJECT COST		\$119,500

Coleman Engineering Company

VENDOR

790 Marvelle Lane

ADDRESS

Green Bay, WI 54304

CITY STATE ZIPCODE

906-774-7776

FAX

Casey J. Pries

AUTHORIZED SIGNATURE

Casey J Pries, Survey Manager

PRINT NAME AND TITLE

June 10, 2022

DATE

920-264-9404

PHONE

I:\Deptdata\Pubworks\Eng\Professional Engineering Services\Survey Services\2021\Resurfacing

100 North Jefferson Street



Room 300



Green Bay, WI 54301-5026

www.greenbaywi.gov/publicworks

**2023 RESURFACING PROGRAM
SURVEY QUOTE SUMMARY**

2023 RESURFACING SURVEY		Ayres Associates	Coleman Engineering	Westwood Infrastructure
Brosig Street	Manitowoc Road to Pecan Street	\$ 3,400.00	\$ 5,700.00	\$ 5,775.00
Suydam Street	Eliza Street to S City Limits	\$ 3,000.00	\$ 5,600.00	\$ 5,950.00
Mason Way	Heyrman Street to Victoria Street	\$ 2,600.00	\$ 3,700.00	\$ 3,150.00
Victoria Street	Amy Street to E Mason Street	\$ 3,000.00	\$ 4,200.00	\$ 3,920.00
Victoria Court	Mason Way to West Cul de Sac	\$ 1,900.00	\$ 900.00	\$ 1,750.00
Eliza Street	Goodell Street to Suydam Street	\$ 3,000.00	\$ 3,400.00	\$ 2,695.00
Emilie Street	Suydam Street to 120' E of Suydam Street	\$ 1,300.00	\$ 300.00	\$ 1,120.00
Heyrman Street	Mason Way to Kimball Street	\$ 2,200.00	\$ 2,200.00	\$ 1,890.00
Heyrman Street	Cass Street to E Mason Street	\$ 2,200.00	\$ 3,100.00	\$ 3,010.00
Edison Street	Bellevue Street to Heyrman Street	\$ 2,700.00	\$ 4,300.00	\$ 4,025.00
George Street	Cass Street to S Mason Street	\$ 2,500.00	\$ 3,700.00	\$ 3,430.00
Smith Street	West Termini to Elizabeth Street	\$ 1,800.00	\$ 2,600.00	\$ 2,415.00
Barker Street	Farlin Avenue to Smith Street	\$ 2,200.00	\$ 2,600.00	\$ 2,205.00
Hudson Street	Western Avenue to Shawano Avenue	\$ 3,900.00	\$ 6,200.00	\$ 6,909.00
Denis Place	13th Avenue to Oak Street	\$ 2,900.00	\$ 4,600.00	\$ 4,836.00
Nicolet Avenue	W Mason Street to St Paul Street	\$ 3,000.00	\$ 4,600.00	\$ 4,836.00
San Lorenz Drive	Sorento Drive to Hobart Drive	\$ 2,600.00	\$ 4,000.00	\$ 3,524.00
Sumac Place	West Cul de Sac to Seminole Lane	\$ 1,500.00	\$ 1,500.00	\$ 921.00
Sumac Drive	385' E of Seminole Lane to S Trillium Circle	\$ 2,100.00	\$ 3,400.00	\$ 5,527.00
Hickory Hill	S Oneida Street to 12th Street	\$ 9,600.00	\$ 15,800.00	\$ 13,818.00
Shag Bark Lane	Sequoia Lane to Seminole Lane	\$ 2,200.00	\$ 4,000.00	\$ 4,145.00
Seneca Court	Sequoia Lane to Cul de Sac East	\$ 1,900.00	\$ 2,500.00	\$ 3,685.00
S Trillium Circle	Seminole Lane to E Trillium Circle	\$ 1,600.00	\$ 1,700.00	\$ 3,685.00
E Trillium Circle	S Trillium Circle to N Trillium Circle	\$ 1,250.00	\$ 2,000.00	\$ 1,842.00
N Trillium Circle	Indian Hill Drive to E Trillium Circle	\$ 1,600.00	\$ 1,800.00	\$ 2,303.00
Sequoia Lane	Indian Hill Drive to Seminole Lane	\$ 3,075.00	\$ 4,500.00	\$ 6,449.00
Seminole Lane	Sequoia Lane to Indian Hill Drive	\$ 3,400.00	\$ 1,700.00	\$ 3,915.00
Redwood Drive	Hickory Hill Drive to 9th Street	\$ 3,050.00	\$ 5,300.00	\$ 6,218.00
Newtols Street	Basten Street to Van Deuren Street	\$ 2,900.00	\$ 4,000.00	\$ 3,850.00
Berner Street	N Irwin Street to N Webster Avenue	\$ 7,150.00	\$ 9,600.00	\$ 9,380.00
		\$ 85,525.00	\$ 119,500.00	\$ 127,178.00



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # N.7

To receive and place on file the Department of Public Works report on enforcement of proper use of City yard waste centers.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2022 Report on yard waste center monitoring

Inter-Office Memo

Date: June 13, 2022

To: Improvements and Services Committee

From: Christopher J. Pirlot, P.E.
Operations Director

RE: City of Green Bay Yard Waste Center Monitoring Alternatives

Introduction

The intent of this report is to document alternatives for DPW-Operations Division to improve user compliance with the rules for use of City of Green Bay yard waste centers. Following is information, discussion, and a recommendation on this issue.

History

DPW has maintained two (2) City yard waste centers since the early 1990's when Wisconsin passed the Waste Reduction and Recycling Bill into law. Prior to that time, yard waste was allowed in landfills. Since then yard waste has been required to be properly recycled, which prompted the City to develop its yard waste centers for use by City residents.

Since the yard waste centers were developed, yard waste center monitoring has been performed to maintain compliance with City policies and rules. The first several years after development of the yard waste centers, DPW employed full-time seasonal employees who served exclusively as yard waste center monitors during all open hours. Unfortunately that program ended due to budgetary constraints. Since then yard waste center monitoring has been conducted by DPW-Operations Division full-time and seasonal/summer employees. Monitoring continues today, but only 1) during summer months between the hours of 7:00 AM and 3:00 PM, and 2) on a sporadic basis as workload and staffing allows. So enforcement is random and occurs during daytime business hours only.

On May 11, 2022 Improvements and Services Committee meeting discussed a request by Ald. Steuer to review staffing of yard waste centers to ensure that contractors do not use them. *City yard waste centers are for use only when all three (3) of the following criteria are met:*

- 1) By owners of properties located within the corporate limits of the City of Green Bay. Other Green Bay Metropolitan Area communities are excluded from use of the yard waste centers.*
- 2) For yard waste generated on the City of Green Bay property*
- 3) When the property owner or occupant performs the property clean-up work by themselves. Another party cannot perform the work for a fee.*

Contractor-generated yard waste is not allowed at City of Green Bay yard waste centers because contractors generate revenue from that service. The cost of contractor-generated yard waste disposal is imposed on the contractor's business expenses, not on the City of Green Bay.

Since Green Bay's yard waste centers were first developed, contractors have attempted to dump yard waste at a City yard waste center instead of pay to dispose of it properly at a commercial site. Contractor activity has increased over the past several years, which led to this review and report.

Alternatives/Discussion

City yard waste centers see the majority of annual use between the months of April and October. During those months, the sites are open from sunrise to sunset seven (7) days per week. City residents visit the sites at all times during open hours. Contractors and non-Green Bay residents attempt to use the sites after 3:00 PM on weekdays, and on weekends when DPW staff is not on-site.

If the City wishes to deter contractors from using the sites, they must be monitored until closed at night. DPW has considered numerous methods of monitoring yard waste centers for proper use. Those methods include:

- 1) Regular full-time staff
- 2) Seasonal staff
- 3) Security contractor
- 4) Surveillance cameras

From April 1 to October 31 (214 days) when yard waste centers see the majority of their use there are an average of 13.7 hours of sunlight per day. This equates to 2,932 hours of monitoring *per site* needed to assure 100% yard waste center usage compliance. With two (2) yard waste centers, that equates to 2.8 full-time equivalent (FTE) employees. Following is a discussion of each monitoring alternative:

Alternative 1 – Regular full-time staff

This alternative would include the following items and costs:

- Gate building at entrance – 2 x \$15,000 = \$30,000
- Electrical service for buildings – 2 x \$10,000 = \$20,000
- Employees – 2.8 FTE (5,864 hours)
- Estimated hourly wage - \$21
- Fringe benefit cost – 49.6% of wages

Using the above costs, **this alternative equates to \$50,000 for start-up plus \$184,224 annually for labor.** This alternative could work, but adds significant cost to the City budget.

Alternative 2 – Seasonal staff

This alternative would include the following items and costs:

- Gate building at entrance – $2 \times \$15,000 = \$30,000$
- Electrical service for buildings – $2 \times \$10,000 = \$20,000$
- Employees – 2.8 FTE (5,864 hours)
- Estimated hourly wage - \$15
- Fringe benefit cost – \$0

Using the above costs, **this alternative equates to \$50,000 for start-up plus \$87,960 annually for labor.** This alternative is easier on the City budget. However DPW has experienced *significant* problems over past years recruiting seasonal employees. For the summer of 2022, Operations Division has not found *any* seasonal employees. It is expected that recruiting for yard waste monitors would yield similar results. Consequently this is not a realistic alternative in the job market at this time.

Alternative 3 – Security Contractor

This alternative would include the following items and costs:

- Gate building at entrance – $2 \times \$15,000 = \$30,000$
- Electrical service for buildings – $2 \times \$10,000 = \$20,000$
- Employees – 2.8 FTE (5,864 hours)
- Estimated hourly wage - \$29
- Fringe benefit cost – included in contractor rate

Using the above numbers, **this alternative equates to \$50,000 for start-up cost plus a \$170,056 annually cost for labor.** This alternative is easier on the City budget than adding DPW employees. However, current trends show security contractor costs escalating 5% annually. This alternative will continue to be less and less cost-effective as contractor pricing increases.

Alternative 4 – Surveillance Camera System

This alternative would include the following items and costs:

- Electrical power installation (one-time cost) – $2 \times \$11,000 = \$22,000$
- Camera system – $2 \times \$6,000 = \$12,000$
- Annual operating cost = $2 \times \$1,400 = \$2,800$

Using the above numbers, **this alternative equates to \$34,000 for start-up cost plus an annual operating cost of \$2,800.** It will also require equipment upgrade and repair as necessary, and an existing staff member to review recorded video data to identify, contact, and cite violators.



Report to the
Improvement and Service Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # N.8

To approve the annual Compliance Maintenance Annual Report (CMAR) and resolution for Wisconsin Department of Natural Resources (WDNR) sanitary sewer collection permit to be executed by the Mayor and the City Clerk and authorize the Director of Public Works to submit the CMAR to the WDNR.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. CGB DRAFT 2021 eCMAR 6/4/2022
2. 2021 CMAR Resolution-6/4/2022
3. 2021 eCMAR I-S Summary 6/4/2022

Compliance Maintenance Annual Report

Green Bay Sewage Collection System

Last Updated: Reporting For:
6/14/2022 **2021**

Financial Management

1. Provider of Financial Information

Name:

Matthew Heckenlaible

Telephone:

9204483100

(XXX) XXX-XXXX

E-Mail Address
(optional):

Matt.Heckenlaible@greenbaywi.gov

2. Treatment Works Operating Revenues

2.1 Are User Charges or other revenues sufficient to cover O&M expenses for your wastewater treatment plant AND/OR collection system ?

● Yes (0 points) ☐

○ No (40 points)

If No, please explain:

2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised?
Year:

2021

● 0-2 years ago (0 points) ☐

○ 3 or more years ago (20 points) ☐

○ N/A (private facility)

2.3 Did you have a special account (e.g., CWP required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?

● Yes (0 points)

○ No (40 points)

0

REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]

3. Equipment Replacement Funds

3.1 When was the Equipment Replacement Fund last reviewed and/or revised?

Year:

2021

● 1-2 years ago (0 points) ☐

○ 3 or more years ago (20 points) ☐

○ N/A

If N/A, please explain:

3.2 Equipment Replacement Fund Activity

3.2.1 Ending Balance Reported on Last Year's CMAR

\$ 2,844,707.88

3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)

\$ 96,621.24

3.2.3 Adjusted January 1st Beginning Balance

\$ 2,748,086.64

3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)

+ \$ 421,980.00

Compliance Maintenance Annual Report

Green Bay Sewage Collection System

Last Updated: Reporting For:

6/14/2022

2021

3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*)

- \$ 169,589.43

3.2.6 Ending Balance as of December 31st for CMAR Reporting Year

\$ 3,000,477.21

All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.

3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above.

Replacement of jetter truck with smaller jetter/vacuum combination truck; purchase of off-road UTV to aid in accessing remote sanitary sewer facilities for cleaning and inspection; replacement of a smaller utility van.

3.3 What amount should be in your Replacement Fund? \$ 3,000,477.21

Please note: If you had a CWWP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the SectionInstructions link under Info header in the left-side menu.

3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)?

● Yes

○ No

If No, please explain.

4. Future Planning

4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system?

● Yes - If Yes, please provide major project information, if not already listed below. ☐ ☐

○ No

Project #	Project Description	Estimated Cost	Approximate Construction Year
1	Hinkle Steet Reconstruction (Larsen to W Mason)	250000	2013
2	Harvey Street Reconstruction (Jackson to Webster)	150000	2014
3	Grandview Estates Subdivision Collection System - Phase I	500000	2020
4	Superior Heights Sub'd	260000	2020
5	Annual Rehabilitation and Reconstruction Contracts	1100000	2022
6	Annual Repair, Reconstruction and Rehabilitation Contracts	850000	2022
7	Country Club Road Reconstruction	500000	2023
8	Roosevelt Reconstruction - Main Street to Stuart Street	800000	2022
9	S. Van Buren Street - E Mason Street to Stuart Street	400000	2022
10	Elmore Street Reconstruction - Gray Street to Fairview Court	800000	2022
11	Finger Road - Superior Road to Challenger Drive Reconstruction	800,000	2023
12	Howard Street - S. Ashland Avenue to Oakland Avenue Reconstruction	1200000	2023
13	School Place - S. Ashland Avenue to west cul-de-sac Reconstruction	1000000	2023

5. Financial Management General Comments

N/C

ENERGY EFFICIENCY AND USE

6. Collection System

Compliance Maintenance Annual Report

Green Bay Sewage Collection System

Last Updated: Reporting For:
6/14/2022 2021

6.1 Energy Usage

6.1.1 Enter the monthly energy usage from the different energy sources:

COLLECTION SYSTEM PUMPAGE: Total Power Consumed

Number of Municipally Owned Pump/Lift Stations:

	Electricity Consumed (kWh)	Natural Gas Consumed (therms)
January	5,537	0
February	4,948	0
March	6,456	0
April	7,107	0
May	5,267	0
June	3,288	0
July	5,074	0
August	5,743	0
September	6,435	0
October	5,510	0
November	5,923	0
December	5,806	0
Total	67,094	0
Average	5,591	0

6.1.2 Comments:

Reviewing the monthly costs associated with each of the 13 sanitary stations, it was noted that there are varying 'Fixed Charges' associated with each of the stations. Discuss with the local Electric Utility why these fixed charges are not consistent amongst all the stations.

6.2 Energy Related Processes and Equipment

6.2.1 Indicate equipment and practices utilized at your pump/lift stations (Check all that apply):

- ☐ Comminution or Screening
- ☒ Extended Shaft Pumps
- ☐ Flow Metering and Recording
- ☐ Pneumatic Pumping
- ☒ SCADA System
- ☒ Self-Priming Pumps
- ☒ Submersible Pumps
- ☒ Variable Speed Drives
- ☐ Other:

6.2.2 Comments:

N/C

6.3 Has an Energy Study been performed for your pump/lift stations?

- ☒ No
- ☐ Yes

Year:

Compliance Maintenance Annual Report

Green Bay Sewage Collection System

Last Updated: Reporting For:
6/14/2022 **2021**

By Whom:

Describe and Comment:

6.4 Future Energy Related Equipment

6.4.1 What energy efficient equipment or practices do you have planned for the future for your pump/lift stations?

Attempt to locate, detect and reduce I/I which will reduce the amount of pumping in select areas during wet weather events / periods.

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Compliance Maintenance Annual Report

Green Bay Sewage Collection System

Last Updated: Reporting For:
6/14/2022 2021

Sanitary Sewer Collection Systems

1. Capacity, Management, Operation, and Maintenance (CMOM) Program

1.1 Do you have a CMOM program that is being implemented?

- ☒ Yes
- ☐ No

If No, explain:

1.2 Do you have a CMOM program that contains all the applicable components and items according to Wisc. Adm Code NR 210.23 (4)?

- ☒ Yes
- ☐ No (30 points)
- ☐ N/A

If No or N/A, explain:

1.3 Does your CMOM program contain the following components and items? (check the components and items that apply)

- ☒ Goals [NR 210.23 (4)(a)]

Describe the major goals you had for your collection system last year:

1. Review, modify and continue implementation of the current CMOM (2021 version)
2. Continue with the development of written operating procedures (SOPs) primarily within DPW-Engineering and Sewer Operations Sections.
3. Review and modify existing SOPs that during implementation and training need to be changed.
4. Continue to fill vacant Utility Section positions due to retirements, advancement by staff and staff opting to take other positions elsewhere, and/or newly created positions.
5. Continue to strive for zero (0) basement back-up complaints that originated from the City's sewer system.
6. Determine significant sources of Inflow & Infiltration (I/I).
7. Create a Fat, Oil, Grease detection and elimination program.
8. Development of a City wide sewer system capacity model
8. Work on obtaining American Public Works Association Accreditation in the by 2025.

Did you accomplish them?

- ☐ Yes
- ☒ No

If No, explain:

1. The City views the implementation of the CMOM as an on-going task with continued review and modifications.
2. The City continues to develop, review, modify, train and implement SOPs. This in an on-going goal/task.
3. The City continues to go through normal recruitment practices when vacancies arise within the DPW-Utility Section (Engineering & Sewers-Operations)
4. The City continues to see a relatively low number of basement back-ups and is for the most part keeping them in check with regular maintenance.

- ☒ Organization [NR 210.23 (4) (b)] ☐ ☐

Does this chapter of your CMOM include:

- ☒ Organizational structure and positions (eg. organizational chart and position descriptions)
- ☒ Internal and external lines of communication responsibilities
- ☒ Person(s) responsible for reporting overflow events to the department and the public
- ☒ Legal Authority [NR 210.23 (4) (c)]

Compliance Maintenance Annual Report

Green Bay Sewage Collection System

Last Updated: Reporting For:

6/14/2022

2021

What is the legally binding document that regulates the use of your sewer system?

Chapter 42-Utilities; Chapter 8 - Building & Construction (Plumbing)

If you have a Sewer Use Ordinance or other similar document, when was it last reviewed and revised? (MM/DD/YYYY) 2021-12-21

Does your sewer use ordinance or other legally binding document address the following:

- ☒ Private property inflow and infiltration
 - ☒ New sewer and building sewer design, construction, installation, testing and inspection
 - ☒ Rehabilitated sewer and lift station installation, testing and inspection
 - ☒ Sewage flows satellite system and large private users are monitored and controlled, as necessary
 - ☒ Fat, oil and grease control
 - ☒ Enforcement procedures for sewer use non-compliance
 - ☒ Operation and Maintenance [NR 210.23 (4) (d)]
- Does your operation and maintenance program and equipment include the following:
- ☒ Equipment and replacement part inventories
 - ☒ Up-to-date sewer system map
 - ☒ A management system (computer database and/or file system) for collection system information for O&M activities, investigation and rehabilitation
 - ☒ A description of routine operation and maintenance activities (see question 2 below)
 - ☐ Capacity assessment program
 - ☒ Basement back assessment and correction
 - ☒ Regular O&M training
 - ☒ Design and Performance Provisions [NR 210.23 (4) (e)] ☐ ☐

What standards and procedures are established for the design, construction, and inspection of the sewer collection system, including building sewers and interceptor sewers on private property?

- ☒ State Plumbing Code, DNR NR 110 Standards and/or local Municipal Code Requirements
- ☒ Construction, Inspection, and Testing
- ☐ Others:

- ☒ Overflow Emergency Response Plan [NR 210.23 (4) (f)] ☐ ☐

Does your emergency response capability include:

- ☒ Responsible personnel communication procedures
- ☒ Response order, timing and clean-up
- ☒ Public notification protocols
- ☒ Training
- ☐ Emergency operation protocols and implementation procedures
- ☒ Annual Self-Auditing of your CMOM Program [NR 210.23 (5)] ☐ ☐
- ☐ Special Studies Last Year (check only those that apply):
 - ☐ Infiltration/Inflow (I/I) Analysis
 - ☐ Sewer System Evaluation Survey (SSES)
 - ☐ Sewer Evaluation and Capacity Management Plan (SECAP)
 - ☐ Lift Station Evaluation Report
 - ☐ Others:

2. Operation and Maintenance

2.1 Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained.

Cleaning 40.94 % of system/year

Compliance Maintenance Annual Report

Green Bay Sewage Collection System

Last Updated: Reporting For:
6/14/2022 **2021**

Root removal	0	% of system/year
Flow monitoring	0	% of system/year
Smoke testing	0	% of system/year
Sewer line televising	21	% of system/year
Manhole inspections	18.2	% of system/year
Lift station O&M	4	# per L.S./year
Manhole rehabilitation	.62	% of manholes rehabbed
Mainline rehabilitation	.90	% of sewer lines rehabbed
Private sewer inspections	0	% of system/year
Private sewer I/I removal	0	% of private services
River or water crossings	0	% of pipe crossings evaluated or maintained

Please include additional comments about your sanitary sewer collection system below:

The City continuously monitors with SmartCovers, and at a minimum, bi-annually cleans a pair of inverted siphons that cross under the East River. All other river/waterway crossings are inspected or maintained on a rotating basis.

3. Performance Indicators

3.1 Provide the following collection system and flow information for the past year.

29.56	Total actual amount of precipitation last year in inches
29.52	Annual average precipitation (for your location)
467.01	Miles of sanitary sewer
13	Number of lift stations
0	Number of lift station failures
0	Number of sewer pipe failures
12	Number of basement backup occurrences
160	Number of complaints
13.66	Average daily flow in MGD (if available)
639.64	Peak monthly flow in MGD (if available)
0	Peak hourly flow in MGD (if available)

3.2 Performance ratios for the past year:

0.00	Lift station failures (failures/year)
0.00	Sewer pipe failures (pipe failures/sewer mile/yr)
0.00	Sanitary sewer overflows (number/sewer mile/yr)
0.03	Basement backups (number/sewer mile)
0.34	Complaints (number/sewer mile)
46.8	Peaking factor ratio (Peak Monthly:Annual Daily Avg)
0.0	Peaking factor ratio (Peak Hourly:Annual Daily Avg)

Compliance Maintenance Annual Report

Green Bay Sewage Collection System

Last Updated: Reporting For:
6/14/2022 **2021**

4. Overflows

LIST OF SANITARY SEWER (SSO) AND TREATMENT FACILITY (TFO) OVERFLOWS REPORTED **

Date	Location	Cause	Estimated Volume
None reported			

** If there were any SSOs or TFOs that are not listed above, please contact the DNR and stop work on this section until corrected.

5. Infiltration / Inflow (I/I)

5.1 Was infiltration/inflow (I/I) significant in your community last year?

☒ Yes

☐ No

If Yes, please describe:

The City is cognizant of inflow and infiltration (I/I) due to past years when basement back-up complaints were received during or shortly after significant and/or sustained precipitation events. The City purchased modeling software to review capacity and I/I impacts.

5.2 Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?

☒ Yes

☐ No

If Yes, please describe:

The City is cognizant of inflow and infiltration (I/I) due to past years when basement back-up complaints were received during or shortly after significant and/or sustained precipitation events. The City purchased modeling software to review capacity and I/I impacts.

5.3 Explain any infiltration/inflow (I/I) changes this year from previous years:

The City is cognizant of inflow and infiltration (I/I) due to past years when basement back-up complaints were received during or shortly after significant and/or sustained precipitation events. There were no documented I/I performance related instances in 2021 due to normal precipitation events.

5.4 What is being done to address infiltration/inflow in your collection system?

The City has been installing cured in place pipe (CIPP) liners and inject chemical grout into mainline and manhole joints to aid in the reduction of I/I. In late 2016, the City acquired SmartCovers to monitor flow elevations within portions of our sanitary sewer system and track any indication of increased flows during and after precipitation events. The City has budgeted in the past to acquire additional SmartCovers to continue to narrow down suspected areas that may contribute to I/I within our sanitary sewer system.

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Compliance Maintenance Annual Report

Green Bay Sewage Collection System

Last Updated: Reporting For:
6/14/2022 2021

Grading Summary

WPDES No: 0047341

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Financial	A	4	1	4
Collection	A	4	3	12
TOTALS			4	16
GRADE POINT AVERAGE (GPA) = 4.00				

Notes:

A = Voluntary Range (Response Optional)

B = Voluntary Range (Response Optional)

C = Recommendation Range (Response Required)

D = Action Range (Response Required)

F = Action Range (Response Required)

Compliance Maintenance Annual Report

Green Bay Sewage Collection System

Last Updated: Reporting For:
6/14/2022 2021

Resolution or Owner's Statement

Name of Governing
Body or Owner:

City of Green Bay

Date of Resolution or
Action Taken:

2022-06-13

Resolution Number:

WDNR

Date of Submittal:

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):

Financial Management: Grade = A

The City will continue to review and implement written policies, procedures and CMOM documents to aid in better understanding financial constraints that exist in order to better operate, manage and maintain the City's sanitary sewer system.

Review the Energy Usage within the sanitary sewer system and better determine if there are additional cost savings that can be considered in years to come like I/I reduction.

Collection Systems: Grade = A

(Regardless of grade, response required for Collection Systems if SSOs were reported)

The City will continue to audit and implement our CMOM program on an annual basis. Within the CMOM, tasks, goals will be continually created, reviewed and up-dated to continue the CMOM to evolve to be the important resource to effectively manage and maintain the City's sanitary sewer collection system.

To continue to implement our Fat, Oil, Grease (FOG) program that will assist in reducing FOG from entering the sanitary sewer collection system which will reduce unnecessary preventative maintenance.

The City has augmented its portable by-pass pumping arsenal by acquiring an 8-inch pump that will aid in dealing with storm water flooding conditions as well as IF larger diameter sanitary sewers should happen to plug or fail again similar to September of 2019.

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS

(Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00)

G.P.A. = 4.00

The City will continue to audit and implement our CMOM program as required by EPA and WDNR. The goal is to better manage and maintain the City's sanitary sewer infrastructure in the most economical fashion possible while providing a high quality of service and minimize infrastructure back-ups.

**RESOLUTION APPROVING THE
WISCONSIN DEPARTMENT OF NATURAL RESOURCES
NR 208 – COMPLIANCE MAINTENANCE ANNUAL REPORT
June 28, 2022**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades (of "C" or less) and/or an overall grade point average (<3.00); and

WHEREAS the City of Green Bay (City) scored an "A" in Financial Management; and

WHEREAS the City scored an "A" in Collection System Management; and

WHEREAS the City scored an "A" as an overall grade.

NOW, THEREFORE, BE IT RESOLVED that the following voluntary actions will be taken by the City in 2022:

1. Continue to review and update policies and procedures pertaining to the financial management of the City's Sanitary Sewer District;
2. Continue to review and update written policies and procedures as it relates to the management, operation and maintenance of the City's sanitary sewer collection system;
3. Continue the development of a Capacity, Management, Operation and Maintenance (CMOM) program;
4. Continue the implementation of the CMOM program for improved management and maintenance of the City's sanitary sewer collection system.

Adopted _____, 2022

Approved _____, 2022

Eric Genrich, Mayor

ATTEST:

Celestine Jeffreys, City Clerk



DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

100 N. Jefferson Street, Room 300
Green Bay, WI 54301
Tel (920) 448-3100
Fax (920) 448-3102

INTER-OFFICE
MEMO

TO: Improvement & Services Committee
Steven Grenier – Director of Public Works

FROM: Matthew Heckenlaible – Utility Manager

SUBJECT: Compliance Maintenance Annual Report
Executive Summary

DATE: June 14, 2022

C: James Brunette – Assistant Director of Public Works

Sanitary Sewer System Background

Each year the Department of Public Works is required to submit a report to the Wisconsin Department of Natural Resources (WDNR) as to the status of the City's sanitary sewer collection system. This is done through the Compliance Maintenance Annual Report (eCMAR).

The CMAR is broken into two (2) sections to be evaluated, Financial Management and the Sanitary Sewer Collection Systems.

The Financial Management section is inquiring whether or not we have ample revenue to meet expenditures and if we are planning for capital projects / costs. In 2017, the Wisconsin Office of Energy Innovation in conjunction with the WDNR, added a subsection pertaining to Energy Efficiency and Use. The Office of Energy has been obtaining energy usage data from potable water systems for years and are somewhat aware that in a time of energy needs what it would take to keep potable water systems operational, but they have very little appreciable data on what energy needs are associated with waste water treatment plants and collection systems. The Office of Energy and WDNR will be requesting this information to also aid entities to track their own energy usage and determine if there are any deficiencies to lift stations or similar mechanisms could be improved thereby saving municipalities money. In 2021, the City again was in favorable standing receiving an "A" rating for this section.

The Sanitary Sewer Collection System section inquires about the various components of a CMOM (Capacity, Management, Operations & Maintenance) program along with the maintenance performed within our collection system and the number of sanitary sewer related complaints and back-ups. The City had an EPA mandate to develop and implement a CMOM in July of 2013. The WDNR mandated that all collection and treatment facilities of a CMOM in place and begin implementing by August 1, 2016 as was noted in the CMAR presentation at the June 2016 Improvement and Service Committee meeting. In 2014, the City submitted a draft copy of the CMOM to EPA for review and consideration. EPA submitted comments back to the City and revisions were made to the initial draft document. In 2015, the City began formalizing a CMOM and began implementing various components that were ready. The CMOM program is a living document that is reviewed, revised, trained upon and



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**INTER-OFFICE
MEMO**

implemented on an annual basis. With existing programs that are in place, we were able to achieve a favorable standing in 2021 receiving an “A” rating for this section.

Year	Financial Rating	Sewer System Rating	Overall Rating	% System Cleaning	% System Televised	Total No. of Sewer Complaints	Back-ups from City Main	SSOs
2006	A	A	A	33.53*	3.19	323	207	0
2007	A	A	A	30.6*	3.2	332	249	0
2008	A	A	A	29.3*	2.9	364	239	0
2009	A	C	C+	8.85	3.5	359	267	2
2010	A	A	A	11.37	2.4	317	238	0
2011	A	A	A	24.75	10.59	299	72	0
2012	A	A	A	19.5	9.7	281	57	0
2013	A	A	A	43	19.4	272	43	0
2014	A	A	A	31.2	34.9	321	25	0
2015	A	A	A	31.03	16.04	248	42	0
2016	A	A	A	38.06	16.44	178	13	0
2017	A	A	A	61.9	16.1	174	11	0
2018	A	A	A	71.6	25.9	214	6**	0
2019	A	A	A	58.1	25.0	182	7**	1
2020	A	A	A	55.4	19.6	192	6**	0
2021	A	A	A	40.94	21	160	12	0

* Double counting of footages

** Excluded complaints due to flooding, contractor damage, water main break (2021)
2 – Due to surcharging of sanitary mains due to excessive rain events

Action Necessary

The Department of Public Works is requesting the Improvement & Service Committee and Common Council to adopt the Resolution Approving the Wisconsin Department of Natural Resources NR-208 Compliance Maintenance Annual Report and authorize the Mayor and City Clerk to execute the resolution and allow the Director of Public Works to forward these document to WDNR.

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

June 28, 2022

The Protection and Policy 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

Allie, Mariah C
Baird, Winter C
Bakke, Katelyn
Basten, Madison C
Berger, Jayden A
Bhatta, Lok R
Borowitz, Alisha A
Brown III, Darnell A
Burkart, Tina M
Casanova, Alexis R
Chaney, Argentina J
Ciurro, Jesse J
Conley, Amy M
Contreras, Eliceli
Cortright, Julene A
Cortright, Leo A
Diring, Gregory L
Doman, Kira D
Doughty, Tonnesha D
Douglas, Renee L
Dufek, Violetta L
Dunbar, Nicholas J
Duval, Sabrina M
Finley, Mikeala S
Foote, Kaitlyn M
Gillis, Lillian R
Hacker III, Walter L
Hamilton, Abigail J
Junion, Kelsey A
Klug, Matthew S
Koeller, Jared M

Koeller, Robin L
Koepke, Gertrudes C
Kwasny, Julie A
Lance, Catherine A
LeComte, Katie M
Leder, Paul M
Leo, Kenneth C
Leonhard, Timothy J
Loch, Ashley A
Long, Timothy T
Love, Briana D
McFarlane, Dawn M
Mommaerts, Nicole L
Mosher, James R
Muller, Gregory P
Nennig, Amanda L
Payne, Dennis W
Schneider, Katherine J
Sommers, Gabrielle L
Van Ermen, Debra J
Vega, Noreata A
Voelker, Megan K
Welty, Bobbi Jo
Wood, Seth J
Zaidel, Jason J.
Zaleski, Aaron J
Ziepke, Julia M



Report to the
**Redevelopment Authority
of the City of Green Bay**

MEETING DATE

June 28, 2022

PREPARED BY

Cheryl Renier-Wigg, Staff

AGENDA ITEM # P.I

To amend the Tax Increment District Affordable Housing Fund Policy to include a period of affordability for units created to assist low-to-moderate income individuals.

BACKGROUND

The Tax Increment District Affordable Housing Policy (TIDAH) was approved by the RDA and City Council on April 20, 2021. This funding was set up to provide additional resources to create housing products, primarily for low-to-moderate income individuals. The RDA also has HOME funding available for this type of development. With the HOME funding, however, there are requirements for how long a unit should stay affordable after creation. This requirement was not added to the TIDAH policy. Staff recommends that the TIDAH funds model the HOME fund requirements, whereas, units need to remain affordable for a period of time that coincides with the funding request. The TIDAH Policy is included in this report with the proposed affordability periods highlighted.

Staff recommends approving the revised TIDAH Fund Policy.

RECOMMENDATION

To amend the Tax Increment District Affordable Housing Fund Policy to include a period of affordability for units created to assist low-to-moderate income individuals.

FISCAL IMPACT

ATTACHMENTS

- I. TIDAH - Policy -FINAL approved by RDA and Council - revised 6.7.22



City of Green Bay
Department of Community and Economic Development

**TAX INCREMENT DISTRICT AFFORDABLE HOUSING (TIDAH)
FUND POLICY**

Approved by City Council April 20, 2021

Program Overview

Housing is an integral element of a strong healthy neighborhood. As outlined by the Housing Market Study completed in October 2020, the City of Green Bay will need to create a variety of additional housing units to meet the projected housing demand by 2040. Wis. Stats. §66.1105(6) (g) permits the City of Green Bay to extend the life of a Tax Increment District (TID) that is required to close for one additional year, so long as all incremental property taxes from such additional year are used to improve housing stock within the City, and no less than seventy-five percent (75%) of the incremental property taxes from the additional year are allocated to affordable housing projects. The City Council approved the affordable housing extensions of TID 7 and 8 in 2021. The City shall establish a Tax Increment District Affordable Housing (TIDAH) Fund segregated account, from which all incremental property taxes collected shall be placed.

The Redevelopment Authority of the City of Green Bay (RDA) shall be responsible for management and administration of this TIDAH Fund. No later than October 31 of each year, the RDA will approve and submit to the Common Council for approval a plan that includes:

- A summary of revenues and expenditures for the current calendar year.
- Proposed allocations for program expenditures for the subsequent calendar year.
- Proposed adjustments to this policy to account for changes in inflation, cost of living, median income limits, and other market fluctuations.
- Priority neighborhoods or projects in which funds should be focused.

Program Purpose, Priorities and Allocations

The TIDAH Fund shall be used to create and improve housing stock within the City limits, with emphasis on increasing the quantity and quality of affordable housing units.

Affordable housing shall be defined as both:

- Housing units that cost no more than thirty percent (30%) of the gross monthly income of a household; and
- Housing units targeted towards households earning less than or equal to eighty percent (80%) of the Brown County median income, as defined by the U.S. Department of Housing and Urban Development (HUD).

Priority will be given to Projects/locations that are on or within:

1. Properties owned by the RDA or City, especially those owned for long periods of time.
2. Community Development Block Grant (CDBG)-eligible census tracts.
3. Places accessible to pedestrians and bicyclists, and/or serviced by public transit and places of employment.
4. Neighborhoods and properties designated for redevelopment purposes.

TIDAH Funds may be allocated to:

1. Larger multi-unit (rental or owner-occupied) development projects located outside of a TID.
2. Conversion of underutilized space to housing space.
3. RDA-led construction of new (rental or owner-occupied) single or multi-unit structures.
4. Home Improvement Loans for income qualified applicants.

Projects

Priority will be given to Projects that:

1. Create a higher per-acre property value than adjacent properties and the City average.
2. Generate property taxes greater than the cost of providing infrastructure and services when feasible.
3. Rehabilitate and/or build new structures for individuals of all ages and abilities.
4. Offer transitional housing with supportive on-site services.
5. Acquire, rehabilitate or remove structures due to blight and neglect and/or with high complaint and/or police call volumes.
6. Rehabilitate and/or build new structures using sustainability guidelines that result in high-performance designs, energy efficient systems, and finishes.
7. Convert underutilized spaces above businesses for housing purposes.
8. Are proposed by a developer who has experience and has completed successful affordable housing projects, especially in partnership with WHEDA and HUD.
9. Remediate environmental contamination and/or enhance the physical landscape.
10. Create and/or enhance unique public spaces, amenities, and art.

Developer Requirements

Developer shall have in place and shall provide RDA proof of:

1. Equity in the form of the value of the Property, less any mortgages thereon, or any other equity acceptable to the RDA, not less than twenty percent (20%) equity available for injection into the Project.
2. Financing, which after injection of the Developer equity into the Project, will be sufficient in the determination of the RDA, to complete the Project according to the plans and specifications.
3. For projects over five hundred thousand dollars (\$500,000.00), a line item of not less than one percent (1%) of the estimated aggregate assessed value of the Property, which shall be specifically dedicated towards Public Art, in accordance with RDA Resolution 19-03 Regarding Percent for Art.
4. In circumstances where the developer is unable to meet the 20% equity requirement, supplemental equity may be provided through this program at no more than 10% of the project's value. The terms of this equity position will be negotiated by staff, approved by the RDA and City Council and may include ownership, gap financing, or other types of uncommitted collateral. Supplemental equity is not a project grant.
5. Developer is required to maintain a period of affordability for units receiving TIDAH funds as determined by the funding amount described below:

Affordability Periods

- For homebuyer and rental projects, the length of the affordability period depends on the amount of the TIDAH investment in the property and the nature of the activity funded. The table below provides the affordability periods.

TIDAH Funding per Unit	Length of the Affordability Period
Less than \$15,000	5 years
\$15,000 - \$40,000	10 years
More than \$40,000	15 years
New construction of rental housing	20 years
Refinancing of rental housing	15 years

Project Limitations

A Project shall be limited by the following criteria:

With the exception of Home Improvement Loans for applicants who are not eligible under the HOME program, the TIDAH Incentive shall be less than or equal to all of the following:

- The amount of Developer equity in the Project.
- Twenty percent (20%) of the Project budget.
- Five hundred thousand dollars (\$500,000.00).
- Under certain circumstances, project incentives in excess of \$500,000 for large-scale multi-family developments that add additional qualifying units above and beyond the scope of a standard project may be considered and will need RDA and City Council approval.



Report to the
**Redevelopment Authority
of the City of Green Bay**

MEETING DATE

June 28, 2022

PREPARED BY

Krista Cisneroz, Staff

AGENDA ITEM # P.2

To approve and recommend to the Common Council the City of Green Bay's 2022 Annual Action Plan for Community Development Block Grant Program (CDBG) and HOME Investment Partnerships Program (HOME) entitlement programs.

BACKGROUND

The City of Green Bay is an entitlement jurisdiction that receives federal funds from the U.S. Department of Housing and Urban Development (HUD) to invest in the City of Green Bay. The funds are provided under the Community Development Block Grant Program (CDBG) and HOME Investment Partnerships Program (HOME) entitlement programs.

These programs provide funding for municipalities and other units of government around the country to develop viable urban communities. This is accomplished by providing affordable, decent housing, a suitable living environment and expanding economic opportunities principally for low and moderate income persons. Each local unit of government develops its own programs and funding priorities through a five-year Consolidated Plan required by the U.S. Department of Housing and Urban Development (HUD).

Public input was received through public hearings and the objectives and outcomes identified in this plan are the results of needs identified by the public, local organizations and government departments.

The 2022 Annual Action Plan is attached and identifies how the CDBG and HOME Entitlement Allocations will be spent on activities that support the Five-Year (2020-2024) Consolidated Plan goals.

RECOMMENDATION

Approve and recommend to the Common Council the City of Green Bay's 2022 Annual Action Plan for Community Development Block Grant Program (CDBG) and HOME Investment Partnerships Program (HOME) entitlement programs.

FISCAL IMPACT

ATTACHMENTS

1. 2022 RDA Funding Recommendation
2. 2022 Annual Action Plan project descriptions

2022 Community Development Block Grant Allocations

Potential Projects	Staff Recommendations	Program Income	TOTAL
Public Service Programs			
Fair Housing Services	\$20,000.00	\$0.00	\$20,000.00
Community Gardens	\$17,000.00	\$0.00	\$17,000.00
Arts Coordinator	\$52,915.00	\$0.00	\$52,915.00
Neighborhood Stabilization Services	\$60,000.00	\$0.00	\$60,000.00
Subtotal for Public Service	\$149,915.00	\$0.00	\$149,915.00
Home Improvement Loan Program (includes emergency rehabilitation)	\$150,000.00	\$50,000.00	\$200,000.00
Infrastructure and Park Improvements in CDBG Eligible Areas	\$192,985.00	\$0.00	\$192,985.00
Beautification/Art Projects in CDBG Eligible Areas	\$50,000.00	\$0.00	\$50,000.00
Economic Development Revolving Loan	\$120,000.00	\$260,000.00	\$380,000.00
* CDBG Administration	\$243,000.00	\$0.00	\$243,000.00
TOTALS	\$905,900.00	\$310,000.00	\$1,215,900.00

2022 CDBG Allocation - \$905,900

2022 Estimated Program Income \$310,000 (\$260,000.00 is restricted to Economic Revolving Loan fund)

Public Services-limited to a max of 15% total Entitlement + prior year PI

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

2022 HOME Allocations

Potential Projects	Staff Recommendations	Program Income	TOTAL
Single Family Rehabilitation Loans	\$100,000.00	\$180,000.00	\$280,000.00
Housing Development Advancement Projects	\$332,449.00	\$0.00	\$332,449.00
Community Housing Development Organizations (CHDO) Set Aside	\$87,000.00	\$0.00	\$87,000.00
*HOME Administration	\$57,716.00	\$20,000.00	\$77,716.00
TOTALS	\$577,165.00	\$200,000.00	\$777,165.00

2022 HOME Allocation \$577,165

2022 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% (\$) of total Entitlement amount; Eligible activities include:

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

2022 Annual Action Plan Project Descriptions

Fair Housing Services: As both a HUD mandate and an important component to affirmatively furthering fair housing choice, an allocation of CDBG funds will be utilized to ensure fair housing practices. Proposed activities under this project include educational services through presentations and direct assistance, managing fair housing complaints, and distribution of information of fair housing laws and illegal discrimination.

Community Gardens: Community Gardens in Green Bay will work to increase food security and decrease hunger through providing garden plots and educational opportunities to residents of Green Bay.

Arts Coordinator: Provide CDBG funding to assist with an Arts Coordinator for beautification activities in CDBG eligible neighborhoods in Green Bay.

Neighborhood Stabilization Services: Provide CDBG funds for public service activity or activities that address public safety and neighborhood social cohesion.

Home Improvement Loan Program (including emergency rehabilitation): Activities in the project will focus on the continuation of residential real estate activities such as assisting low-to-moderate income (LMI) homeowners with home improvement and emergency repairs of their property.

Infrastructure and Park Improvements in CDBG Eligible Areas: Activities in this project will focus on infrastructure improvements and park improvements in the Olde North Neighborhood. Activities such as alley resurfacing, eliminating trip hazards on sidewalks caused by tree roots and making improvements to ensure sidewalks are ADA accessible, streetscape improvements, and infrastructure replacement designed to improve the overall quality of living in the LMI impact neighborhoods will be examined and implemented.

Beautification/Art Projects in CDBG Eligible Areas: Activities in this project will focus on beautification and art in the Olde North Neighborhood.

Economic Development Revolving Loans: Economic Development projects will consist of programs that provide low-interest rate loans, which serve as gap financing, as long as business owners commit to creating full-time equivalent positions for LMI individuals.

Administration: 20% which is allowed under the program rules, used for staff salaries.

Single Family Rehabilitation Loans: This program is designed to improve the housing stock in LMI area neighborhoods. LMI households apply for deferred interest loans. The rehab loans help low-income homeowners pay for necessary maintenance for their properties, thus increasing the attractiveness and value of the entire neighborhood.

Housing Development Advancement Projects: The City has allocated HOME funding to project(s) that will create additional opportunities for quality affordable housing units in Green Bay. Housing Development Advancement Projects will be used as a development subsidy for new affordable housing units, rehabilitation of blighted housing, and new affordable rental units.

Community Housing Development Organizations Set Aside (CHDO): The City has allocated HOME funding to project(s) that will be carried out by a local Community Housing Development Organization (CHDO). These projects will involve the construction or rehabilitation of homes for permanent, single-family housing or rental housing for LMI families. Staff will work with the CHDO staff in order to identify projects and follow the existing CHDO application process.

Admin: 10% which is allowed under the program rules, used for staff salaries.



Report to the Green Bay Plan Commission

MEETING DATE

June 28, 2022

PREPARED BY

David Buck, Staff

AGENDA ITEM # Q.1

To amend Zoning Ordinance No. 09-15, a Planned Unit Development (PUD), to permit a drive-through restaurant at 1567 E. Mason Street, subject to:

- A site plan and applicable permit applications are submitted to the Community and Economic Development Department (CEDD) for review and approval.
- Approval of the Traffic Impact Analysis (TIA) by the City Traffic Engineer.
- Approval of the draft Planned Unit Development (PUD).
- No less than one (1) tree and three (3) shrubs be included for each 60 ft. of John Street frontage.

BACKGROUND

This item was held by the Plan Commission at their March 21, 2022, meeting to allow analysis and comments regarding traffic and circulation associated with the proposed PUD amendment and subsequent drive-through restaurant development, as well as providing the petitioner time to consider alternate screening of the project from John Street as this is the location of the order board and drive-through window.

Screening from John Street. Discussion regarding screening of the drive-through lane from John Street was a point of discussion left unresolved. The draft PUD requires a 4-6' ft. tall fence impervious to sight, as well as "additional landscaping" that is not defined. Staff is comfortable with the fencing requirement as written but suggests that additional landscape material inclusion be better defined as to truly function as a buffer to the residential uses to the west. Staff recommends that no less than 1 tree and three shrubs be included for each 60 ft. of John Street frontage, equating to 5 trees and 15 shrubs.

Traffic. A traffic analysis was completed in January 2022, and review comments were provided in March. An update to the traffic analysis was submitted at the end of May. The Department of Public Works (DPW) will be providing comments prior to or at the Plan Commission meeting. That being said, the largest concerns from the original study were the location of the proposed driveway on John Street, potential traffic delays at the intersection of E. Mason and John Street, and the potential available gaps in traffic after development occurs. The petitioner has modified their site plan to set the driveway back from the E. Mason Street right-of-way from the original location of 75 ft. to code required distance of 250 ft. These items will be addressed at the Plan Commission meeting.

Original staff report below:

Primary Address: 1567 E. Mason Street

Alderson/District: Ald. Bill Galvin / District 4

Reason for Request: The applicant would like to develop the subject parcel for a drive-through restaurant.

Surrounding Zoning and Land Uses:

SUBJECT: Low Density Residential (RI) - Vacant

NORTH: Low Density Residential (RI) - Single Family

SOUTH: Low Density Residential (RI) - Single & Two Family Dwellings

EAST: Planned Unit Development (CI) - Gas Station/Convenience Store/restaurant

WEST: Low Density Residential (RI) - Single & Two Family Dwellings

Comprehensive Plan: The 2022 Smart Growth Plan designates this area as Commercial, updated in 2015.

Report: This request is to facilitate the construction of a Starbucks drive-through restaurant. The vacant site is the western counterpart to the Grand Central Station Convenience Store and restaurant developments to the east on the adjoining site. The current site was the former location of six (6) residential parcels that have since been consolidated into one tax parcel. The total square footage of the vacant lot is approximately 37,858 sq. ft. or roughly 0.87 acres in size. A previous alley vacation, under AV 22-01, was reviewed and recommended for approval at the March 7, 2022, Plan Commission meeting.

It was a condition of approval under CPA 15-03 that the development of the subject site be included in the existing Planned Unit Development (PUD) for the convenience store, fuel station and car wash. The properties along Kimball Street, north of the subject area, and properties along the west side of John Street are comprised of single and two-family homes zoned RI. South along E. Mason Street, are single-family homes zoned RI.

A Planned Unit Development (PUD) was initially created under ZP 15-08, for the convenience store and adjoining restaurants, Zoning Ordinance 06-15. An amendment was made to Zoning Ordinance 06-15, later under ZP 15-08A, Zoning Ordinance 09-15 to permit the expansion of the car wash.

A copy of the draft PUD and Exhibits are attached within this agenda packet. It includes an extension of the landscape buffer along Kimball Street and a smaller setback of 8 ft. along John Street which includes the same screening requirements. The PUD also includes the latest drive-through requirements referenced in the Zoning Code.

Access is provided through a shared drive along E. Mason Street and one driveway off of John Street. The City's Traffic Engineer has been working with the applicant on traffic concerns and, as a result, the applicant has provided a Traffic Impact Analysis (TIA) for review by the Department of Public Works-Engineering.

Based on the proposed request, staff feels the expansion of the commercial land use designation would be compliant with the previously approved Comprehensive Plan Amendment and would serve as a neighborhood commercial node. The expanded commercial land use would be an extension of the commercial corridor south of E. Mason Street and an expansion of the existing commercial land use east of the subject area. The amendment is also compatible with highway commercial zoning on the south side of E. Mason Street.

Ald. Bill Galvin and adjacent property owners within 200 ft. of the site have been notified of the request. As of the drafting of this report, staff has received no objections and one call regarding this request.

RECOMMENDATION

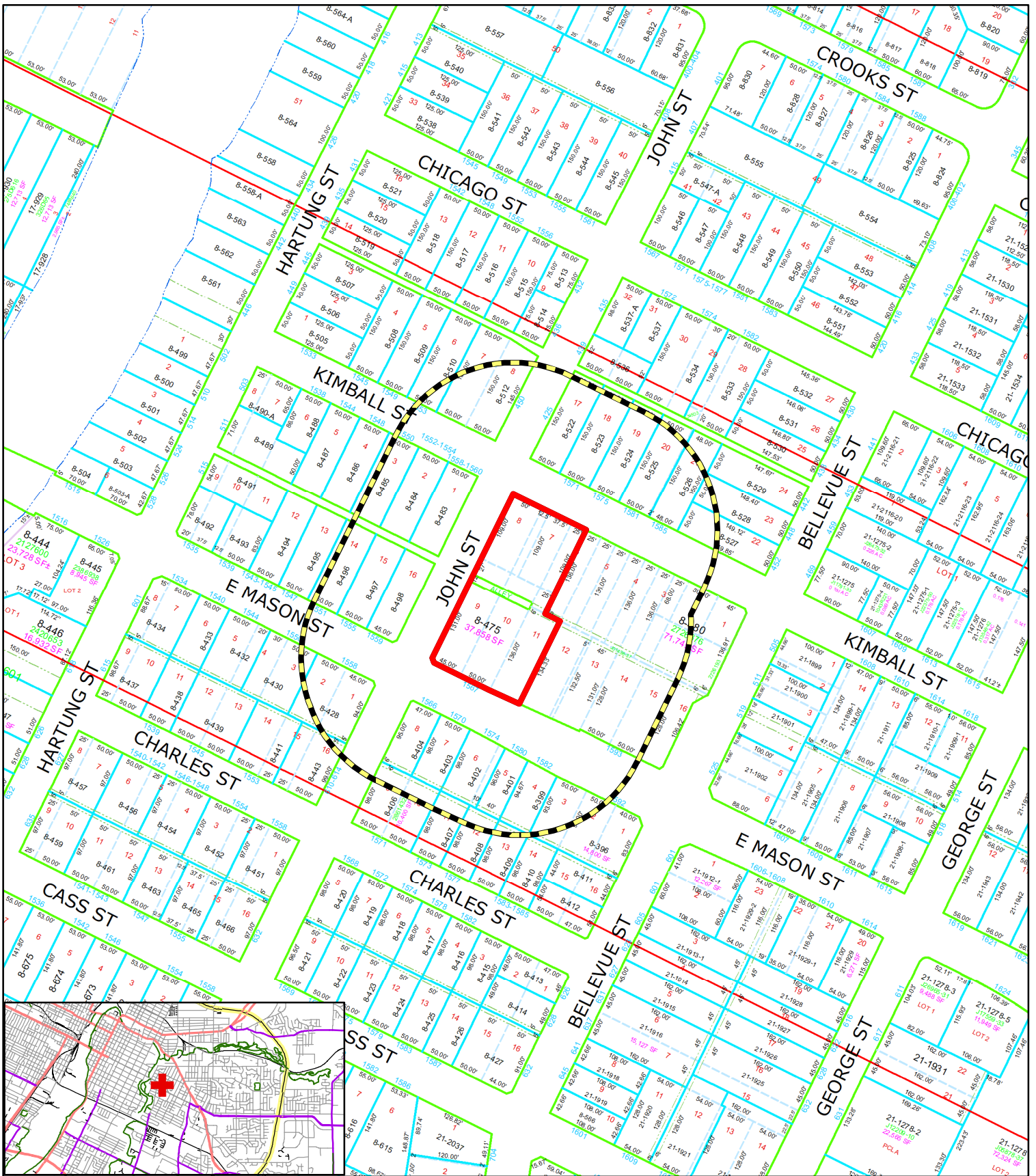
Approval of the request, subject to:

- a. A site plan and applicable permit applications are submitted to the Community and Economic Development Department (CEDD) for review and approval.
- b. Approval of the Traffic Impact Analysis (TIA) by the City Traffic Engineer.
- c. Approval of the draft Planned Unit Development (PUD)

FISCAL IMPACT

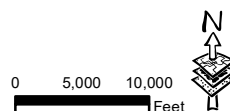
ATTACHMENTS

1. ZP 22-07 B-W
2. Request for City Action
3. ZP 22-07 Plan Commission - Project Narrative- Starbucks E. Mason St.
4. ZP 22-07 Original Site Plan
5. ZP 22-07 REVISED SITE PLAN
6. ZP 22-7 Original Landscape Plan
7. ZP 22-07 REVISED LANDSCAPE PLAN
8. Colored Building Elevations
9. Draft ZO 04-22 - Amend ZO 9-15 PUD 1567 East Mason St



Zoning Petition (ZP 22-07)
Planned Unit Development (PUD) Amendment
1567 East Mason Street

- Subject Area
- 200' Property Owner Notice



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



REQUEST FOR CITY ACTION PLAN COMMISSION

Department of Community
and Economic Development
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3400 - phone
(920) 448-3426 - fax

Petitioner(s): Midwest Expansion, LLP Date: 1-31-22
Email: swe@midwestexpansion.com Phone Number: 920-434-7707-302
Address: 2300 Lineville Road City: Green Bay State: WI Zip Code: 54141
Property Owner: Grand Central LLC - DAN PAMPERIN Phone Number: 920-371-8983
Parcel Numbers (required): 8-475
Location of Property: NE Corner of E. Mason St. & John St.

Attach maps and legal descriptions (required) and submit to the Dept. of Community and Economic Development, Room 608, City Hall

To: Honorable Mayor and Common Council, c/o City Clerk

I, Stephen Wesoloski, respectfully request that the City of Green Bay take the following action:

Attach Zoning Petition Form with first three items.

- ☒ Rezone Property (\$300.00 Review Fee)
- ☐ Conditional Use and CUP Amendment, including Single Lot Duplexes (\$300.00 Review Fee)
- ☐ PUD and PUD Amendments (\$350.00 Review Fee)
- ☐ Approve Preliminary City/Extraterritorial Subdivision Plat (\$150.00 plus \$35.00 per Lot/Outlot Review Fee)
- ☐ Approve Preliminary City/Extraterritorial Certified Survey Map (\$150.00 Review Fee)
- ☐ Approve Final City/Extraterritorial Subdivision Plat (\$100.00 Review Fee)
- ☐ Grant a City/Extraterritorial Subdivision/CSM Variance (\$150.00 Review Fee)
- ☐ Grant a Postponement of Development Fees (\$100.00 Review Fee) [Review by I&S and/or Park Committees]
- ☐ Development District Map Amendment (\$200.00 Administration Fee)
- ☐ Official Map Amendment (\$200.00 Administration Fee)
- ☐ Plat of Right-of-Way (\$200.00 Administration Fee)
- ☐ Discontinue a Public Utility Easement (\$200.00 Administration Fee)
- ☐ Street Name Change (\$200.00 Administration Fee)
- ☐ Declare City Property "City Surplus" (\$200.00 Administration Fee)
- ☒ Vacate a Street/Alley/Pedestrian Way (\$200.00 Administration Fee)
- ☐ Other (\$200.00 Administration Fee): _____

Petitioner Signature(s): [Signature]
Review Fee: \$500.00 Receipt No.: 2760269-7 Zoning Petition No.: 22-07/AV 22-01

Briefly describe action desired, noting the property affected and all other pertinent information.

Attach maps and legal descriptions (required).

Development of existing vacant lands into dirve through national chain coffee establishment with associated parking and necessary ammenitiès. Need to Rezone parcel for commerical development as well as vacate existing alley way for development.

Please contact the Dept. of Community and Economic Development, Room 608, City Hall,
(920) 448-3400, if you have any questions.



City Of GreenBay > Parcel Data

Find a Parcel

Current Parcel: 8-475

1567 E MASON ST

GRAND CENTRAL LLC

1275 GLORY RD GREEN BAY WI 54304

Street View Map • Green Bay Parcel Map • Google Map

Assessment Records

Zoning and Districts

Brown County Parcel Data

Inspection Records

Special Assessments

Requests For Service

Police Calls

Zoning and Districts

Zoning and Districts

Opportunity Zone: N/A	Business Improvement District: N/A	Community Development Block Grant Area: CDBG
Zoning: R1 (Low Density Residential-New Lots)	Wellhead Zoning: N/A	Archeological: N/A
Conditional Use Zoning: N/A	Central Business District: N/A	Historic District: N/A
Planned Unit Development Zoning: N/A	Development Districts: N/A	Liquor Moratorium Area: N/A
Industrial: N/A	Tax Increment Finance District: N/A	Neighborhood Association: Oak Grove

Flood

FIRM Panel: 55009C0276F	Floodway: N/A	Static Base Flood Elevation: N/A
Floodplain: AE	LOMA: N/A	

Voting

	2021	2011
Ward	13	14
Aldersperson	4	4
County Supervisor		3

City Service Districts

Forest District: E9	Residential Snow Route: 13A	Fire District: GN5A
Assessment District: 140	Police District: D2	Inspection Area: 4
Sanitation Route: 401 (Thursday)		

Schools

Elementary School: Anne Sullivan
Middle School: Washington
High School: East

Census

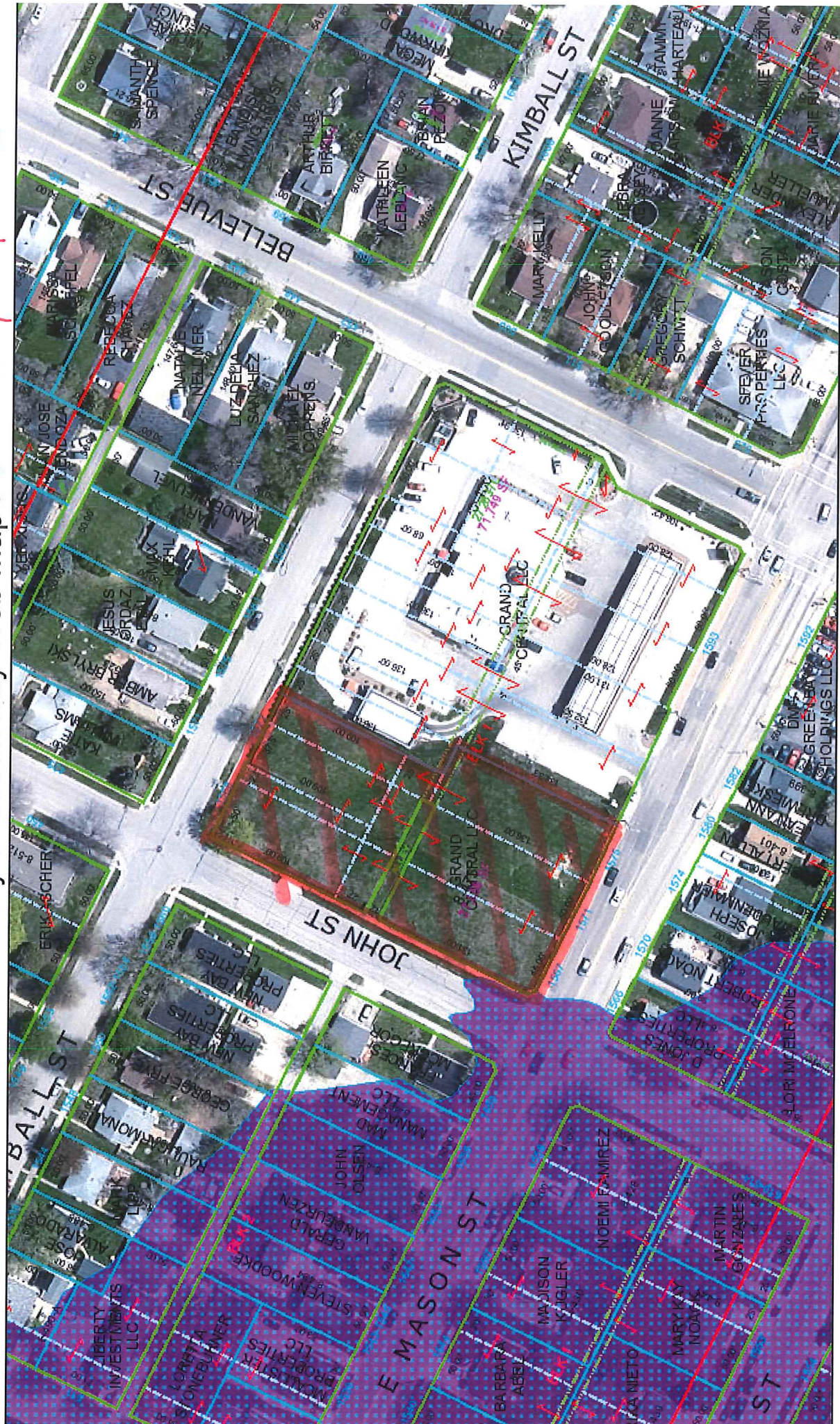
Census Block Group: Block Group 1
Census Tract Number: 14
Census Block Number: Block 1011

Location

Location Zip Code: 54302	Latitude: 44.498395133
Side Of City: EAST	Longitude: -87.991698944

CURRENT ZONING: R-1
NEW ZONING: C-1 or C-2

City of Green Bay Web Map



3/21/2021, 2:21:26 PM

parcels

Right of Way line

Parcel line

PLSS line

Parcel Lines

Plat boundary

Lines between deeds or lots (20pdashed)

Note

<all other values>

Block boundary

Meander line

Historic Parcel Line (20under)

Undetermined

Lot boundary

Hydrography

Vacated Right of Way

0 0.01 0.02 0.03 0.04 mi

0 0.01 0.03 0.06 km

1:1,757

County of Brown, Esri Canada, Esri, HERE, Garmin, INCREMENT P, US EPA, USDA, Brown County, Mike Hronek

Proposed Development for:



**1567 E. Mason Street
Green Bay, Wisconsin**

MIDWEST
E X P A N S I O N
— companies —

2300 Lineville Rd. Suite 200 - Green Bay, WI. 54313 - (920) 434-7707

Midwest Expansion, LLP is proud and excited to present to you the development of the vacant lands adjoining the Grand Central Station at the corner of Bellevue St and East Mason St. in Green Bay. The development of this site will consist of a new building for Starbucks Coffee with associated parking as well as the required infrastructure for a drive through operation.

➤ **Proposed Site Calculations**

Size: 39,026 square feet / .895 acres

Stormwater management facilities: Aboveground/Underground-See Civil Plans

Buildings:	2,460 sq. ft.	(6.4%)
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Asphalt Paving:	20,088 sq. ft.	(51.4%)
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Greenspace:	14,944 sq. ft.	(38.3%)
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Site Concrete:	1,535 sq. ft.	(3.9%)
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❖ See Site Plan (1)

➤ **Construction Timing**

- The construction of this project is slotted to begin summer of 2022 with the related site work items. The building shell will be constructed/start as soon as the site pad is ready. The building shell shall be completed by January 1, 2023 with the interior fit out to be over winter months. No official opening date determined.

➤ **Building materials:**

The proposed structure will be constructed utilizing many different construction materials. The materials will be a mixture of Face Brick, EIFS in several colors and textures per the material specifications provided. We also propose to incorporate a composite wood grain product in horizontal applications to meet client prototypical designs. Several color metal flashings and trims will also highlight different areas of the building to complete the overall design. The building at the highest point (screening of HVAC) will be approx. 22'6" above grade which meets 44-1919 ordinance.

❖ See Colored Elevations and 3d Colored Rendering for more accurate description and representation of the materials used.

➤ **Building Setbacks:**

The proposed building will meet or exceed all required setbacks per the proposed PUD ordinance. The setback along E. Mason St. is 35'-6", John St is 33' to the closest point and finally we have 167' from the building to Kimball St. All of these setbacks are over double the amount. The Setbacks to the paved areas are also equal to or more than what is required per the proposed PUD.

❖ See Site Plan (2)

➤ **Parking:**

The site is proposed to have 26 onsite parking stalls. This amount is adequate for the proposed business operations and projected traffic for this particular site/location. The proposed drive through operation has a total of 14 vehicles stacking. This meets the operational requirements for Starbucks as well as ordinance section 44-1584(1) of the Green Bay Municipal Code. There will also be a ADA compliant concrete paved pedestrian walk from the existing sidewalk along East Mason St. connecting the proposed development for easy access for the general public, see site plan for location.

❖ See Site Plan (3)(4)

➤ **Lighting:**

Lighting for the parking areas will be accomplished with steel poles and concrete bases with 175w (equivalent) LED light fixtures. Please see the provided site photometric design and cut sheets for more information and locations. The site will safely not project light onto neighboring properties by the use of full cut off shields. The poles are 20' tall with 3' high concrete bases.

❖ See Site Photometric Plan

➤ **Landscaping:**

Site landscaping will be provided in accordance to the provided plans. Please see plans below for more detail. The recyclable enclosure will also be part of this plan. See attachment for plan and details/plantings surrounding the enclosure. Along Kimball St. we proposed to match the landscaping style to that of the adjoining property to keep synergy along the roadway and screening. Along John Street, we proposed to heavily landscape the site to create a bountiful buffer between the roadway and building/drive lane to effectively shield the traffic and related equipment for a much softer presence in the neighborhood. Please see the optional landscape buffer for details. We believe this option will be better suited for this area than the use of hard line fencing. We are offering both however again believe the use of plantings and such will be a better fit to shield the development from the neighboring properties as well as provide a more inviting feel.

❖ See Landscape Plan

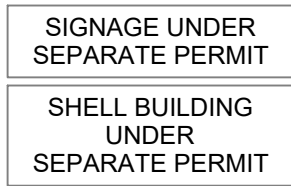
➤ **Municipal Services:**

The proposed project will utilize municipal services for the operation of the building. This includes sanitary sewer & water. The site will also be serviced by the local electrical, gas, telecommunications etc. providers.

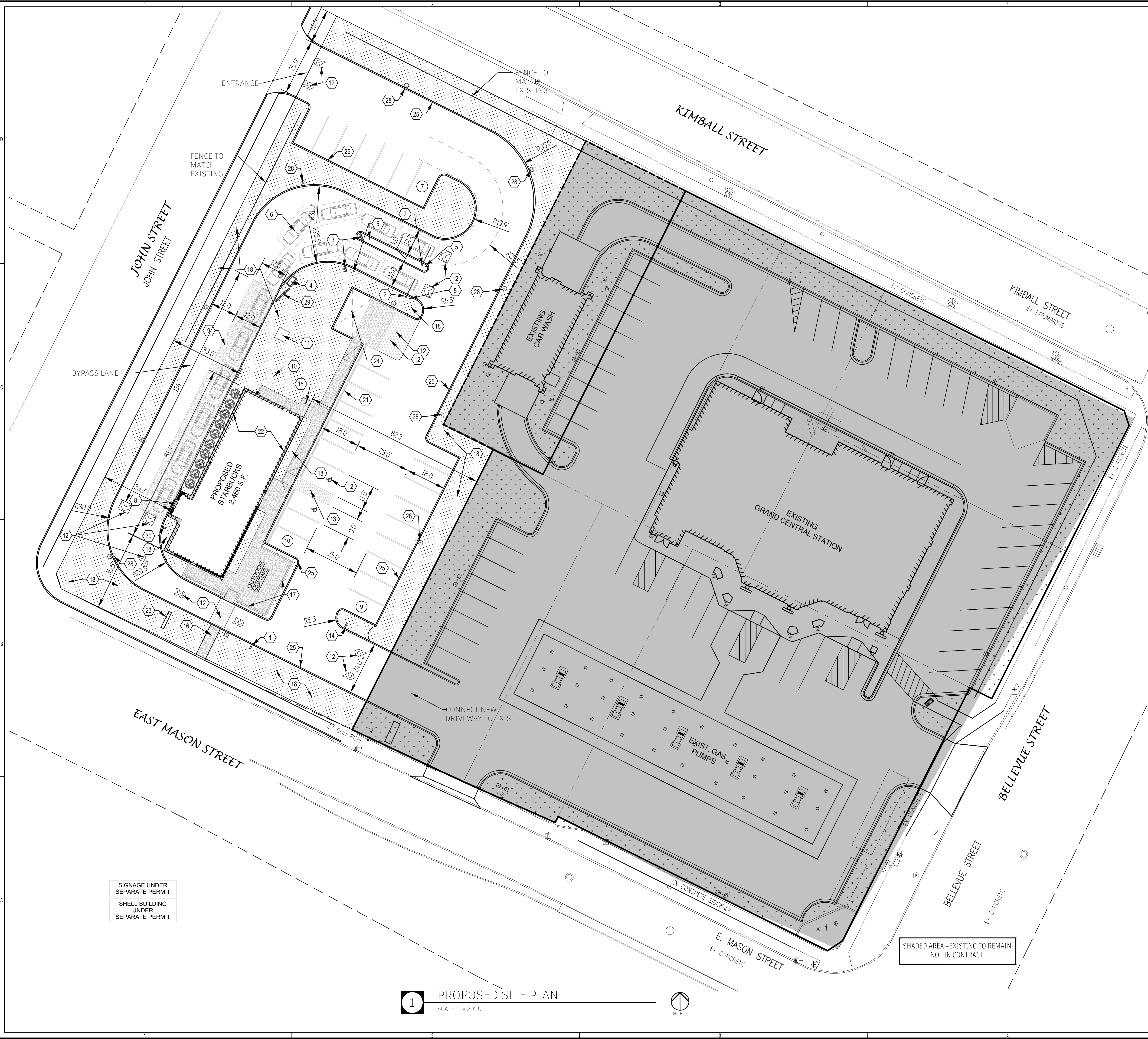
There will be one trash and recycle collection location on the site. See provided details and drawings for the overall design. This will be serviced on a multi-day rotation for removal by a private consultant contracted by Starbucks.

➤ **Utilities:**

- There is a sanitary sewer line that will connect the proposed structure to the existing services located in Kimball Street.
- Storm sewer will be private facilities provided by Midwest Expansion to the local storm water system. See civil site plans for underground storage (if req.) and onsite conveyance system.
- The water service is proposed with a 1 1/2" diameter main connected to the public facility located in Kimball Street or E. Mason St. (To be determined)
- Electrical, Gas and Telecommunication services will as well be run to the proposed building from any existing easements and by local service providers.



SHADED AREA = EXISTING TO REMAIN
NOT IN CONTRACT



CODED SITE NOTES

1. DIRECTIONAL SIGN ("THANK YOU" / "EXIT ONLY") - FOOTING AND CONDUIT (BY LL), SIGN (BY SB).
2. DTE CLEARANCE BAR - FOOTING (BY LL), SIGN (BY SB).
3. DTE PRE-MENU BOARD - FOOTING AND CONDUIT (BY LL).
4. DTE DIGITAL ORDER SCREEN W/ CANOPY, 5-PANEL MENU BOARD (BY LL) - FOOTING AND CONDUIT (BY LL), SIGN (BY SB).
5. NEW BOLLARDS (BY LL).
6. (MODIFIED) 14-CAR STACK FROM CENTER OF DT WINDOW TO OVERHEAD CLEARANCE BARS
7. LL TO PROVIDE 25'-0" MIN. INSIDE AND 28'-0" MIN. OUTSIDE TURNING RADIUS AT DRIVE-THRU LANE.
8. DT WINDOW, AIR CURTAIN, SHELF, DETECTOR LOOP AND BOLLARD PER STARBUCKS' SPECIFICATIONS (BY LL).
9. 12'-0" MIN. WIDE DRIVE-THRU LANE W/ REINFORCED CONCRETE (BY LL), LANE TO START 10'-0" MIN. AFTER THE CENTERLINE OF THE DRIVE THRU WINDOW AND END PER PLAN DIMENSION.
10. GREASE INTERCEPTOR TO BE FURNISHED AND INSTALLED PER WORK LETTER (BY LL). FINAL LOCATION TO BE DETERMINED BY PLUMBING CODE & LATERAL PLACEMENT.
11. ELECTRICAL TRANSFORMER LOCATION (IF REQUIRED)
12. ALL PAVEMENT MARKINGS AND DIRECTIONAL ARROWS (BY LL).
13. ADA PARKING LOCATION AND RAMP (BY LL).
14. DIRECTIONAL SIGN - FOOTING AND CONDUIT (BY LL), SIGN (BY SB).
15. BIKE RACK LOCATION PER STARBUCKS' SPECIFICATIONS.
16. CONCRETE WALK TO EXISTING CITY WALK.
17. OUTDOOR SEATING AREA AND CONCRETE SCREENING WALL PER STARBUCKS' SPECIFICATIONS.
18. LANDSCAPE AREA (BY LL). SEE LANDSCAPE PLAN FOR DETAIL.
19. NOT USED
20. NOT USED
21. WHEEL STOP (BY LL).
22. SHELL BUILDING (BY LL).
23. PROPOSED MONUMENT SIGN - NEW SIGN PANELS (BY SB). DESIGN TO BE SUBMITTED FOR APPROVAL AT LATER DATE- PRIOR TO CONSTRUCTION.
24. DUMPSTER ENCLOSURE WITH GATES AND CONCRETE PAD (BY LL). SEE DETAILS
25. CONCRETE CURB.
26. NOT USED
27. CONCRETE ACCESS PATH FROM REAR DOOR TO DUMPSTER ENCLOSURE.
28. SITE LIGHT POLE- FINAL LOCATIONS AND DESIGN TO BE DETERMINED & MEET LOCAL ORDINANCE.
29. 5 PANEL DIGITAL MENU BOARD. LOCATE ADJACENT TO THE DOS.
30. "DO NOT ENTER" & STOP SIGNS AT EACH LANE.

GENERAL SITE NOTES

- A. REFER TO EXTERIOR ELEVATIONS ON SHEET A201 FOR BUILDING SIGNAGE LOCATION AND DESIGN ID. REFER TO ELECTRICAL PLANS FOR ELECTRICAL REQUIREMENTS.
- B. LANDSCAPING TO BE PROVIDED PER ZONING CODE AND SUSTAINABILITY REQUIREMENTS. SEE PLAN FOR DETAILS AND INFORMATION.
- C. DRIVE-THRU EQUIPMENT INCLUDING VEHICLE DETECTION LOOP, WIRELESS COMMUNICATION AND MONITORS SHALL BE COORDINATED BY STARBUCKS CONSTRUCTION MANAGER. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL REQUIREMENTS.
- D. PROVIDE 6" (150MM) THICK CONCRETE PAVING THE LENGTH OF THE DRIVE-THRU LANE. EXTENT TO INCLUDE DRIVE-THRU ENTRY POINT THROUGH WINDOW STANDING PAD.
- E. GENERAL CONTRACTOR TO APPLY CONCRETE SEALER TO ALL EXTERIOR CONCRETE PATIO AND WALKWAY SURFACES.
- F. GENERAL CONTRACTOR TO VERIFY ALL EXISTING ELEVATIONS AND BUILDING CONDITIONS IN FIELD PRIOR TO START OF CONSTRUCTION.
- G. PROVIDE DETECTABLE WARNING (IF APPLICABLE PER LOCAL CODE) AT TRANSITION FROM SIDEWALK TO DRIVE AISLE.
- H. ACCESSIBLE PARKING SPACES AND ACCESS AISLES SHALL HAVE SURFACE SLOPE NOT TO EXCEED 2% IN ALL DIRECTIONS.
- I. REFER TO ELECTRICAL DRAWINGS FOR SITE RELATED ELECTRICAL WORK.
- J. PROVIDE PROTECTIVE BOLLARDS ON BOTH SIDES OF EXTERIOR ELECTRICAL/UTILITY SERVICE ADJACENT TO VEHICULAR TRAFFIC. EXAMPLES INCLUDE FIRE TAND PIPE, GAS AND ELECTRICAL METERS, SITE TRANSFORMERS, ETC.

REVISIONS:	NO.	DATE	DESCRIPTION

PROJECT: **PROPOSED BUILDING FOR:
STARBUCKS**
EAST MASON STREET
GREEN BAY, WISCONSIN

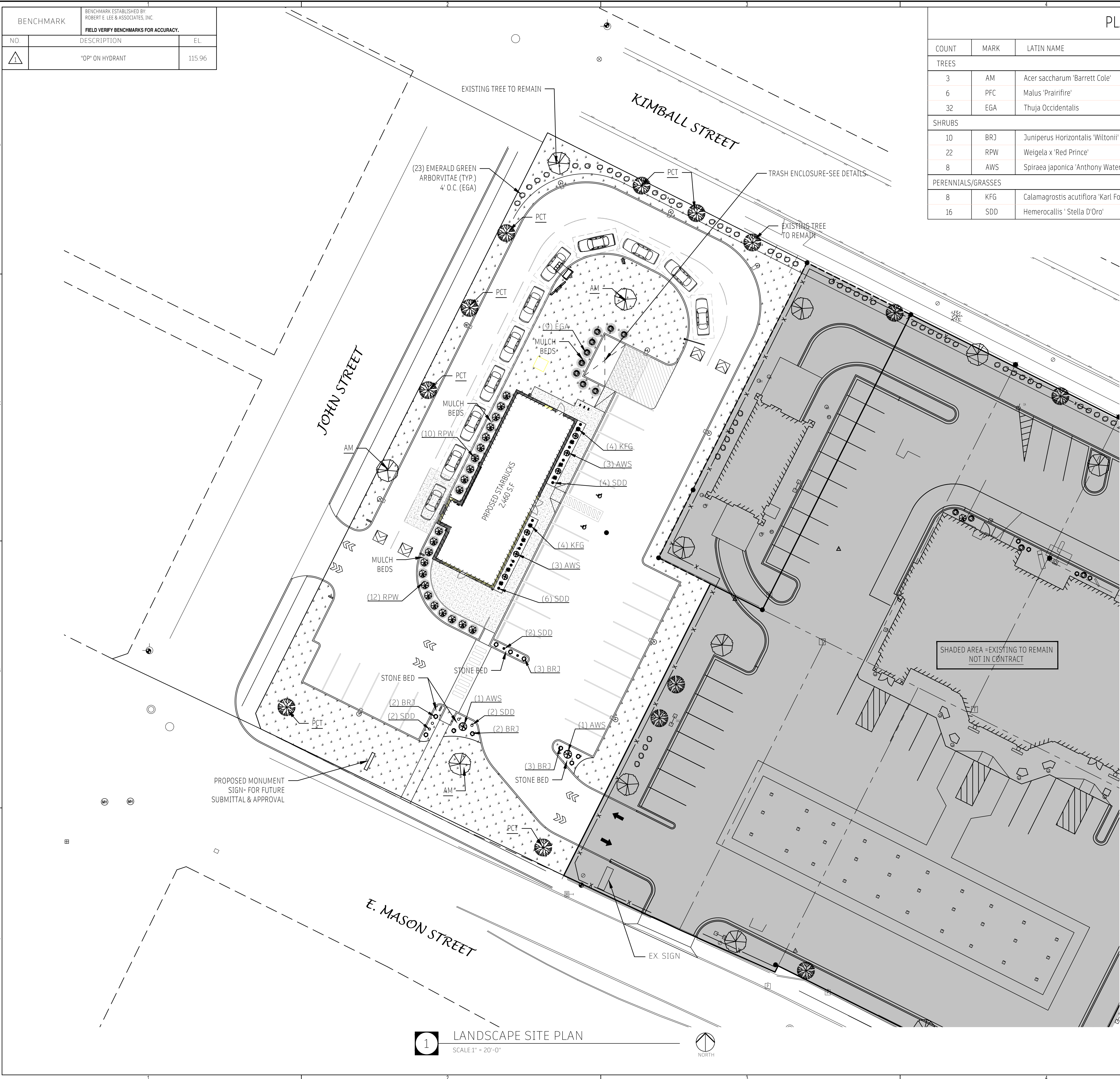
PROJECT NUMBER:
DRAWN BY:
CHECKED BY:

ISSUED DATE: 5-13-22

SHEET TITLE:
**PROPOSED
SITE PLAN**

SHEET NUMBER:
C101

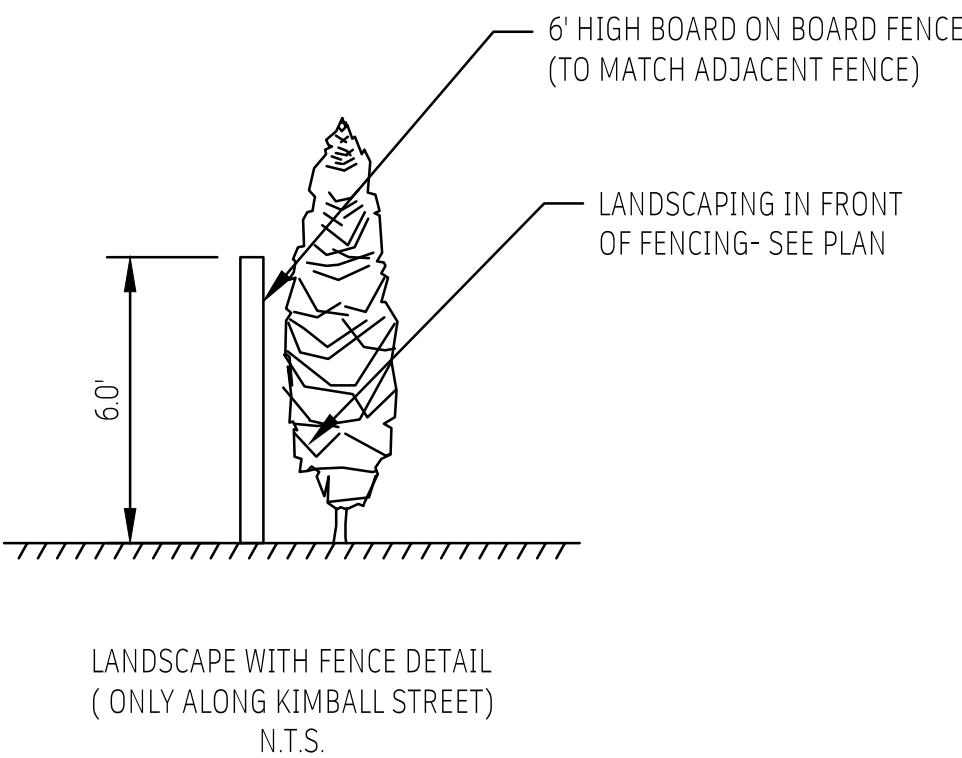
BENCHMARK		
BENCHMARK ESTABLISHED BY: ROBERT E. LEE & ASSOCIATES, INC. FIELD VERIFY BENCHMARKS FOR ACCURACY.		
NO.	DESCRIPTION	EL.
△	"OP" ON HYDRANT	115.96



PLANT MATERIAL SCHEDULE						
COUNT	MARK	LATIN NAME	COMMON NAME	SIZE	ROOT	MATURE SIZE
TREES						
3	AM	Acer saccharum 'Barrett Cole'	Apollo Maple	2" CAL	BB	2" CAL
6	PFC	Malus 'Prairifire'	Prairifire Crab Tree	2" CAL 7'	BB	2" CAL 7'
32	EGA	Thuja Occidentalis	Emerald Green Arborvitae	3'-5'	BB	6'-8'
SHRUBS						
10	BRJ	Juniperus Horizontalis 'Wiltonii'	Blue Rug Juniper	5 GAL	POT	1'-2'
22	RPW	Weigela x 'Red Prince'	Red Prince Weigela	2'-3'	POT	4'-5'
8	AWS	Spiraea japonica 'Anthony Waterer'	Anthony Waterer Spirea	2'-3'	POT	3'-5'
PERENNIALS/GRASSES						
8	KFG	Calamagrostis acutiflora 'Karl Foerster'	Karl Foetster Reed Grass	#2	POT	4'-5'
16	SDD	Hemerocallis 'Stella D'Oro'	Stella D'Oro Daylily	#1	POT	2'

GENERAL NOTES

- CONTACT DIGGER'S HOTLINE 5 WORKING DAYS PRIOR TO THE START OF DEMOLITION / CONSTRUCTION.
- ALL PLANTINGS SHALL MEET THE NURSERYMEN'S ASSOCIATION STANDARDS
- ALL AREAS SHOWN AS GREEN SPACE TO BE TOPSOILED TO A DEPTH OF 6 INCHES. RAKE FREE OF STONES AND CLUMPS. ALL AREAS NOT SHOWN WITH LANDSCAPE BEDS TO BE SEEDED AND MULCHED FOR LAWN. MULCH SHALL BE HELD IN PLACE BY CRIMPING OR BY USE OF A TACKIFIER.
- ALL TREES TO BE STAKED WITH A MINIMUM OF 3 STAKES.
- COORDINATE LANDSCAPE WORK WITH ALL TRADES (EXAMPLE: GAS, ELECTRIC, CABLE AND TELEPHONE).
- PLANTING BEDS SHALL BE MULCHED WITH SHREDDED HARDWOOD MULCH WITH WEED FABRIC BELOW AND EDGING WHERE NEEDED. OR 1" BROKEN RIP RAP TYPE WITH FABRIC BELOW. SEE PLAN



MIDWEST

EXPANSION

companies

2300 Lineville Road Suite 200
Green Bay, Wisconsin 54313
920.434.7707 / ph 920.434.7717 fax
www.midwestexpansion.com

REVISIONS:		NO.	DATE	DESCRIPTION

PROJECT: PROPOSED BUILDING FOR:
STARBUCKS
EAST MASON STREET
GREEN BAY, WISCONSIN

PROJECT NUMBER:	.
DRAWN BY:	.
CHECKED BY:	.

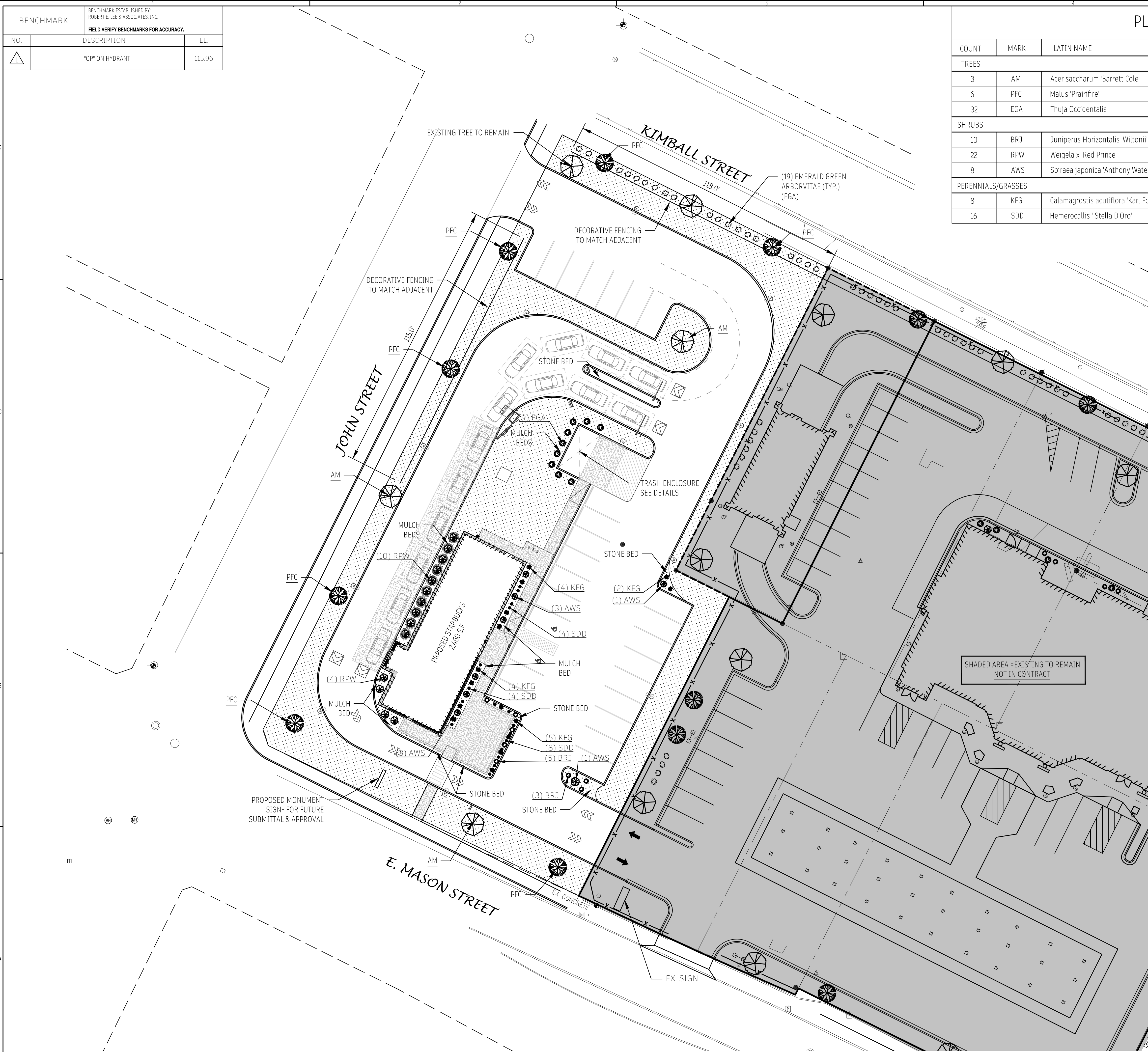
ISSUED DATE:	2-14-22
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SHEET TITLE:
LANDSCAPE SITE PLAN

SHEET NUMBER:
LSP101

PRELIMINARY - FOR APPROVAL ONLY

BENCHMARK		
BENCHMARK ESTABLISHED BY: ROBERT E. LEE & ASSOCIATES, INC. FIELD VERIFY BENCHMARKS FOR ACCURACY.		
NO.	DESCRIPTION	EL.
△	*OP* ON HYDRANT	115.96



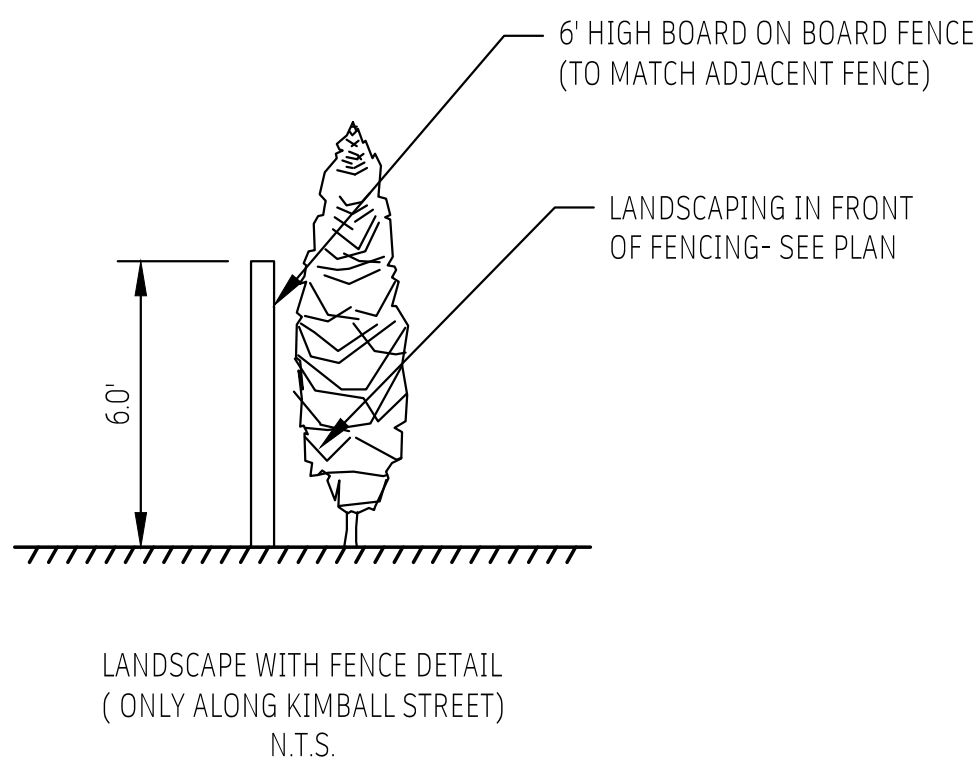
PLANT MATERIAL SCHEDULE

COUNT	MARK	LATIN NAME	COMMON NAME	SIZE	ROOT	MATURE SIZE
TREES						
3	AM	Acer saccharum 'Barrett Cole'	Apollo Maple	2" CAL	BB	2" CAL
6	PFC	Malus 'Prairifire'	Prairifire Crab Tree	2" CAL 7'	BB	2" CAL 7'
32	EGA	Thuja Occidentalis	Emerald Green Arborvitae	3'-5'	BB	6'-8'
SHRUBS						
10	BRJ	Juniperus Horizontalis 'Wiltonii'	Blue Rug Juniper	5 GAL	POT	1'-2'
22	RPW	Weigela x 'Red Prince'	Red Prince Weigela	2'-3'	POT	4'-5'
8	AWS	Spiraea japonica 'Anthony Waterer'	Anthony Waterer Spirea	2'-3'	POT	3'-5'
PERENNIALS/GRASSES						
8	KFG	Calamagrostis acutiflora 'Karl Foerster'	Karl Foetster Reed Grass	#2	POT	4'-5'
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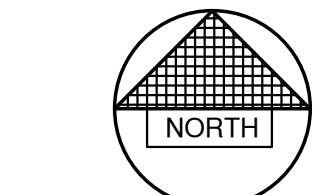
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1 LANDSCAPE SITE PLAN
SCALE: 1" = 20'-0"



0' 20' 40'
SCALE IN FEET

MIDWEST
EXPANSION
companies
2300 Lineville Road Suite 200
Green Bay, Wisconsin 54313
920.434.7707 ph 920.434.7717 fax
www.midwestexpansion.com

REVISIONS:	NO.	DATE	DESCRIPTION:

PROJECT: PROPOSED BUILDING FOR:
STARBUCKS
EAST MASON STREET
GREEN BAY, WISCONSIN

PROJECT NUMBER:
DRAWN BY:
CHECKED BY:

ISSUED DATE: 5-13-22

SHEET TITLE:
LANDSCAPE
SITE PLAN

SHEET NUMBER:

LSP101

REGIONAL CRITERIA

TYPICAL SINGLE
TENANT BUILDING
ELEVATIONS -

PALETTE A

- 1 RUNNING BOND BRICK, NO
DECORATIVE SOLDIER
COURSES
- 2 MODERN EXTERIOR WALL
SCONCES PER STARBUCKS
DESIGNER
- 3 LIGHT NEUTRAL TEXTURED
BRICK
- 4 WARM VERTICAL WOOD
PLANKS
- 5 LIGHT GRAY PAINTED EIFS



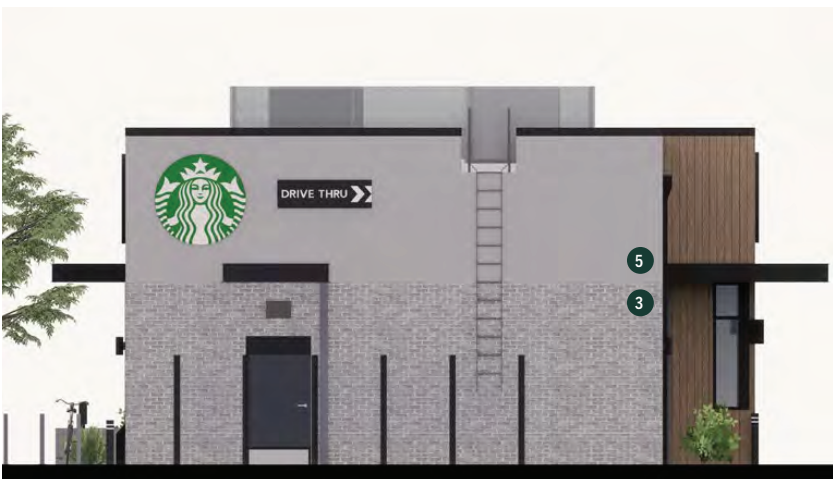
Main Entrance Elevation



Patio Elevation



Drive Thru Elevation



Rear Elevation

ZONING ORDINANCE NO. 04-22

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 9-15
FOR THE PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
1567 EAST MASON STREET
(ZP 22-07)

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

SECTION 1. Pursuant to Section 44-29, Green Bay Municipal Code, together with the zoning map referred to therein, the Planned Unit Development Overlay District for 1567 East Mason Street is hereby amended on the following described property:

GUESNIERS 4TH ADDN LOT 9 & S 27 FT OF LOT 8 EX ST IN 1038 R 239 BLK 1,
8,155 SQ FT

Tax Parcel: 8-475

SECTION 2. Pursuant to Chapter 44, Article XX, Green Bay Municipal Code, as applicable, the following conditions are imposed:

- A. Purpose and Intent. To permit the construction of a free-standing drive-through restaurant compatible with existing commercial development on the adjoining site. The proposed uses shall be consistent with both Exhibits A & B attached.
- B. Permitted Uses. The land uses which may be established and/or maintained on the subject property are as follows:
 1. Drive-through restaurant
 2. Other uses as permitted within the General Commercial (C1) District.
 3. Accessory uses and structures as allowed in Chapter 44, Article VIII, Division 3, Green Bay Municipal Code.
- C. Dimensional and Area Requirements. Dimensional and area requirements for principle and accessory structures on the subject property shall be as follows:
 1. Front yard setback (East Mason Street): Fifteen (15) feet.
 2. Corner Side yard setback (John Street): Eight (8) feet.
 3. Interior side yard: Zero (0) feet.
 4. Rear yard setback (Kimball Street): Fifteen (15) feet.
 5. The height of all structures shall not exceed twenty-five (25) feet.
 6. Floor Area Ratio (F.A.R) shall not be less than 0.06 for drive-through facilities.
 7. The site impervious coverage shall not exceed 70%.
 8. Setback areas shall exclude paving and buildings.

- D. Lighting. All lighting on the subject property shall be regulated as set forth in Chapter 44, Article V, Division 8, Green Bay Municipal Code. All canopy lighting shall be recessed.
- E. Signage. All signage for the current project shall be regulated as required in Section 30-36, Green Bay Municipal Code, for the Highway Commercial (C2) district. No signage shall face north to Kimball Street and west to John Street except for direction signage approved by staff.
- F. Site Plan Review & Standards
1. A site plan shall be submitted for review in accordance with Section 44-1889, Green Bay Municipal Code.
 2. Any ground-mounted and/or roof-mounted mechanicals shall be screened in accordance with Section 44-1919, Green Bay Municipal Code.
 3. Service, loading and storage areas shall comply with Section 44-1917, Green Bay Municipal Code.
 4. The site shall be complaint with the drive-through requirements found in Section 44-1584(l), Green Bay Municipal Code.
 5. An all-weather ADA compliant pedestrian connection shall be provided from the East Mason Street right-of-way to the entrance of the restaurant.
- G. Landscaping/Transitional Yard
1. A detailed landscape plan shall be submitted identifying the type and placement of all plant materials.
 2. An impervious fence that is minimum 4' high but not to exceed 6' high is required within the setback along Kimball Street, excluding the vision triangle. A 4' to 6' high impervious fence is required along John Street and shall taper to no higher than 3 feet at the entrance of the proposed drive. The fence shall be consistent in material and design for all street frontages.
 3. Additional landscaping shall be placed between the Kimball Street and John Street rights-of-way and the proposed fence. Such landscaping shall include shrubs and plant material to soften the fence edge.
 4. All street terrace areas shall be vegetated and/or covered with a natural material.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held hereon as provided by Section 44-82, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2022.

APPROVED:

Mayor Eric Genrich

ATTEST:

Clerk

Attachments:

Exhibit A – Site Plan

Exhibit B – Building Elevations

DRAFT



Report to the Green Bay Plan Commission

MEETING DATE

June 28, 2022

PREPARED BY

Madison Smith

AGENDA ITEM # Q.2

To authorize a Conditional Use Permit (CUP) for a carwash facility in a Community Center Commercial (C3) District located at 1555 W. Mason Street, subject to the following conditions:

- CSM submission to create a lot as described in the legal.
- Standard site plan review and approval.
- The applicant continues to work with City Staff to address traffic safety and circulation.

BACKGROUND

This agenda item was recommended for approval with conditions by the Plan Commission on May 9, 2022, and was sent back to the Plan Commission by the Common Council on June 7, 2022.

Primary Address: 1555 West Mason Street

Aldersperson/District: Ald. Melinda Eck / District 11

Reason for Request: To permit a carwash business in the C3 District

Surrounding Zoning and Land Uses:

SUBJECT: Community Center Commercial (C3) - Commercial/Business

NORTH: General Commercial (C1) - Commercial/Business

SOUTH: Highway Commercial (C2) - Commercial/Business; General Commercial (C1) - Commercial/Business

EAST: Community Center Commercial (C3) - Commercial/Business

WEST: General Commercial (C1) - Commercial/Business

Comprehensive Plan: The 2022 Smart Growth Plan designates this area for Commercial uses.

Consistency Analysis: While Ch. 66.1001 Wis. Stats. does not specifically require conditional uses to meet the consistency requirement, the proposed conditional use permit is consistent with the comprehensive plan. The proposed use of the subject property is compliant with the future land use map.

Report: The subject property, 1555 W. Mason Street, is currently being rezoned to Community Center Commercial (C3) from General Commercial (C1). The applicant is requesting a Conditional Use Permit (CUP) to permit the development of a future carwash on the corner of S. Military Ave and Sixth Street in Green Bay.

A drive-through facility is part of this development and requires a CUP in the C3 zoning district, particularly for the intended use as a carwash. This building will have both a drive-through and circulation internally. The

proposed site plan for Club Car Wash has a footprint of 1.381 acres with access to the business on S. Military Ave and Sixth Street through Green Bay Plaza.

In the review of the CUP, the Zoning Ordinance Section 44-83(e) establishes seven standards for the Plan Commission to consider when reviewing a CUP:

- (1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*
- (2) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
- (3) The conditional use, its exterior architectural design, and functional plan of any proposed structure will not be injurious to the use of other property in the immediate vicinity nor substantially diminish or impair property values within the surrounding neighborhood.*
- (4) Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.*
- (5) Adequate measures have been or will be taken to provide ingress and egress and so designed as to minimize traffic congestion.*
- (6) Adequate parking facilities as specified in Article XVIII of this chapter.*
- (7) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located and all other applicable City ordinances.*

Planning staff feels approval of this request meets the standards above as it keeps with surrounding land uses and is an adequate use for the area. The W. Mason and S. Military Corridors are auto-oriented, making a drive-through an appropriate addition. Staff is additionally supportive of this development because the applicant has taken proper steps to ensure traffic safety through completing a traffic analysis report and working with the city traffic engineer to meet the code. Staff would like to see land use that fits with adjacent developments and hope a CUP to construct a carwash in a C3 district will provide convenience to the public and help revitalize Green Bay Plaza.

Ald. Melinda Eck and property owners within 200 ft. have been notified of the request. As of the drafting of this report, staff has not received an inquiry or objection to the request. The Department of Public Works objects to the turn-in turn-out on Military Avenue. As recommended by the Common Council, staff met with the Military Avenue Business District to discuss the long-range plan. Staff have had internal departmental and external meetings to discuss traffic and safety. The Department of Public Works does not recommend the addition of any new driveway cuts along any block of S. Military Avenue that do not conform to the Military Avenue Street Design Plan.

RECOMMENDATION

Recommendation: Approval of the request, subject to the following conditions:

1. Compliance with all other regulations of the Green Bay Municipal Code and Standard site plan review and approval. Including conditions listed by the City Traffic Engineer.
2. CSM submission to create a lot as described in the legal description.

FISCAL IMPACT

ATTACHMENTS

1. ZP 22-13, Renders
2. ZP 22-13 Color Map
3. M response comments IR gb plaza redev.djah

4. Military 6th Signal Timings DPW
5. 2022-06-13 V6.2 - COLORED SITE PLAN
6. Letter of Support 1555 W Mason



Coil Construction
Building a Better Community

1201 Winneconne Ave
Neenah, WI 54956

Date: 12/03/2021

Issued For: PERMIT S

REVISION

[illegible]

REGISTRATION



PROJECT TEAM

ARCHITECT	FINKLE+WILLIAMS ARCHITECTURE
CIVIL	ROBERT E. LEE & ASSOCIATES, INC.
LANDSCAPE	ROBERT E. LEE & ASSOCIATES, INC.
STRUCTURAL	CROCKETT ENGINEERING
PLUMBING	TIMBERLAKE ENGINEERING
MECHANICAL	TIMBERLAKE ENGINEERING
ELECTRICAL	TIMBERLAKE ENGINEERING
FIRE PROTECTION	N/A
CONTRACTOR	COIL CONSTRUCTION

FINKLE + WILLIAMS
ARCHITECTURE

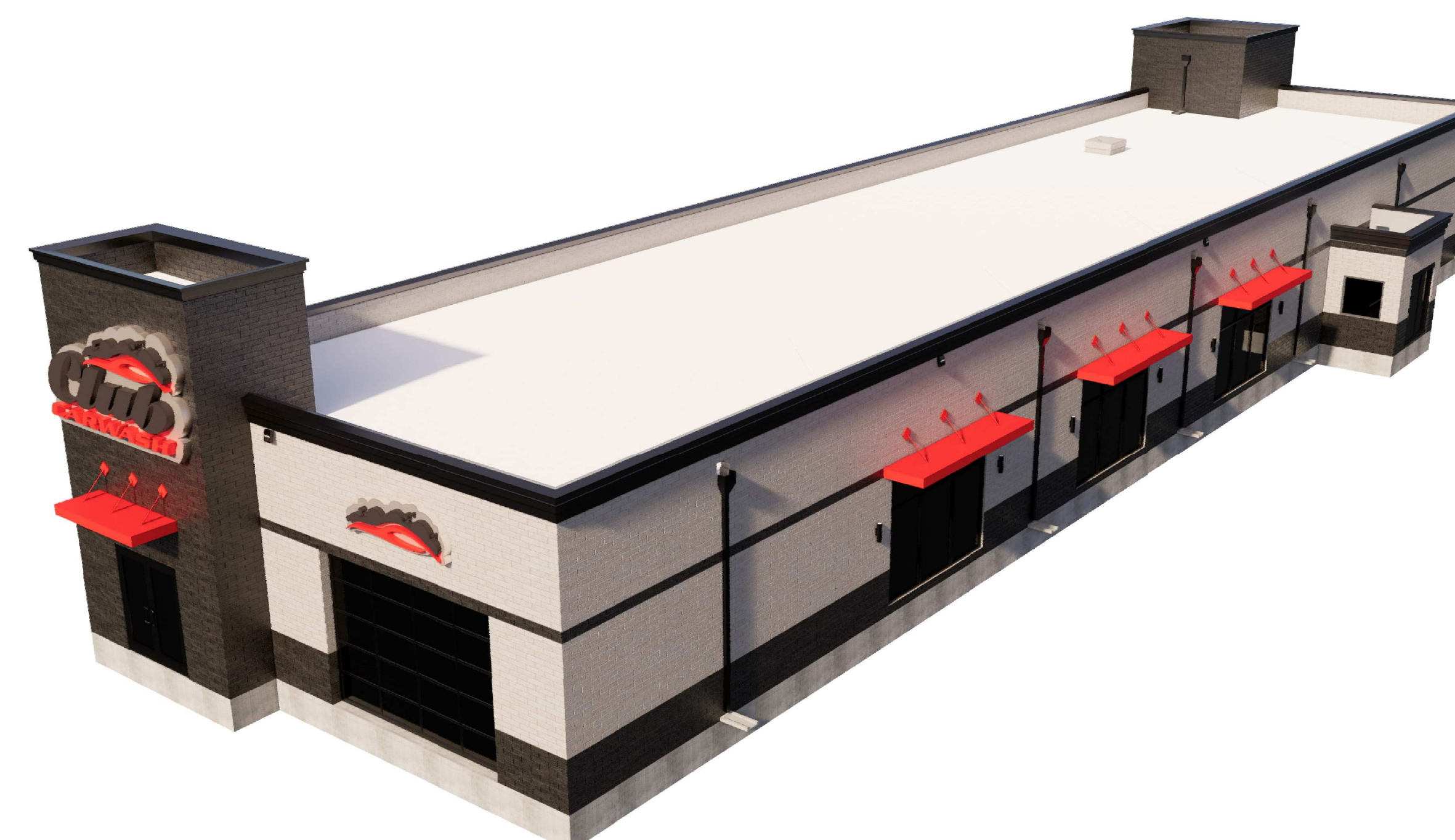
7007 College Blvd, Suite 415
Overland Park, Kansas 66211
913+498-1550

SHEET TITLE

3D VIEWS

SHEET NUMBER

A10.01





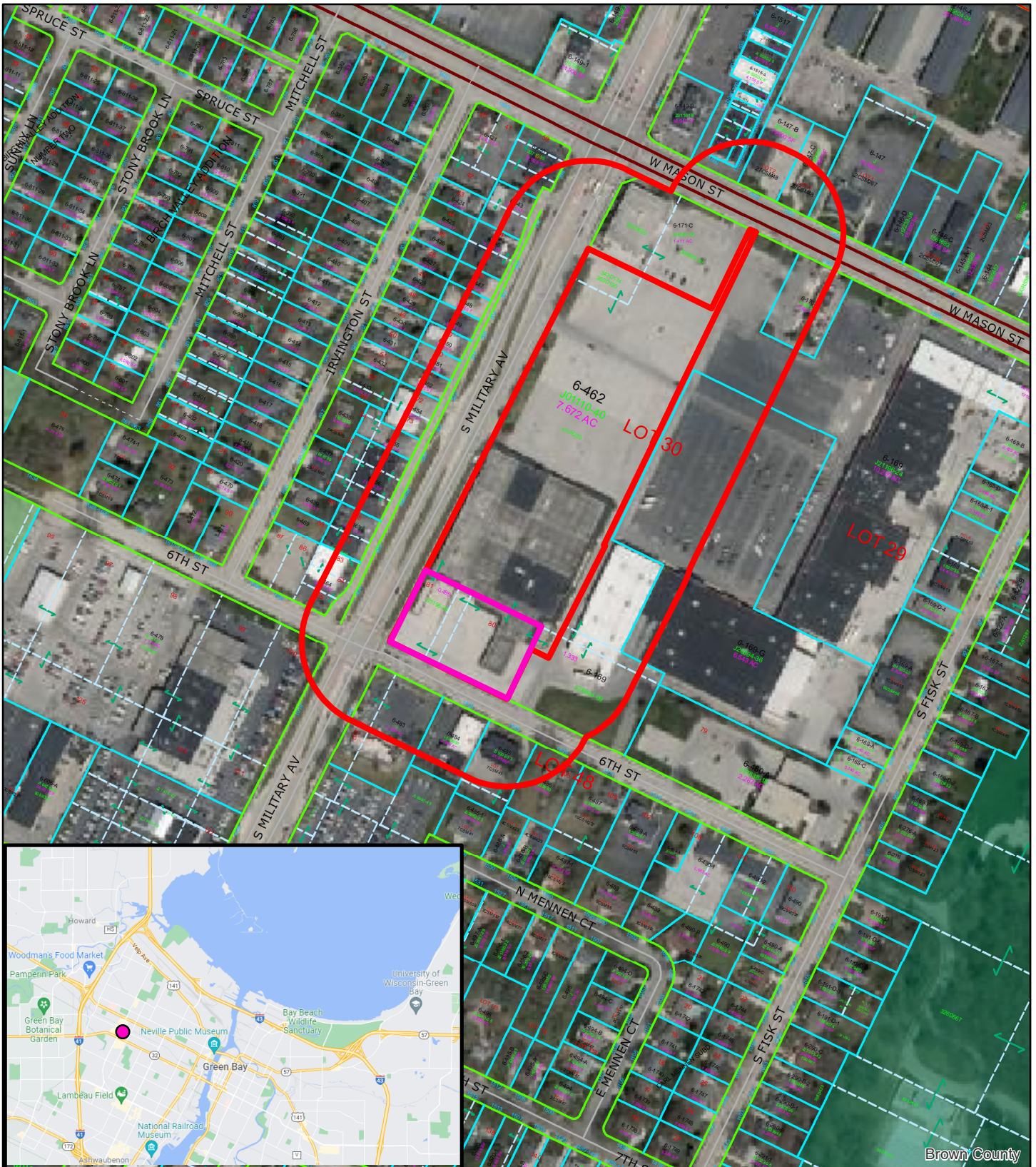






Davenport Alt layout





(ZP 22-13) Conditional Use Permit
CUP Portion of 1555 W Mason Street Carwash in a C3
Green Bay, WI, 54313

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

Parcel Numbers:
6-142



0 87.5 175 350 Feet

- Parcel
- Portion of Parcel
- Notification Area 200'



Public Works Department
100 North Jefferson Street - Room 300
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

Administration | Engineering | Traffic 920.448.3100
Operations 920.448.3535
Parking 920.448.3431
Fax 920.448.3102

MEMORANDUM

To: Michael May, P.E., PTOE, Traffic Analysis & Design, Inc.
John Bieberitz, P.E., PTOE, Traffic Analysis & Design, Inc.
J.J. Alaily, Partner, ICAP Development

From: Traffic Engineer David J.A. Hansen, P.E., PTOE

Re: Review Comments
Green Bay Plaza Redevelopment Initial Review (IR), S Military Avenue at W Mason Street

Date: Thursday, May 5, 2022

This memorandum serves as review comments to the Initial Review document submitted on April 8, 2022.

1. Page 1, PART B, B2 Study Area

- a. The Military Avenue corridor has its own access management plan which was approved by Common Council in 2009 when they adopted the Military Avenue (Biemeret St to Dousman St) project design and construction. In general, driveways that exist today are the driveways to remain with no other access points created. To be compliant with that corridor plan, Driveways A and C would be the only driveways allowed onto S Military Ave.
- b. Mason Street was not part of the Military Ave corridor approval, nor does it have its own corridor plan. Therefore, driveway locations must be compliant with Sec. 44-1698 (Access distance from intersections) and Sec 44-1773 (Multifamily residential, mixed-use, institutional, commercial, and industrial use driveways). Only Driveway D is reviewed for compliance as the other driveways are not included in the proposal. Driveway D is located about 260 ft from the Military Ave intersection. Although this driveway is 45 ft less than the required 305 ft per Sec. 44-1773, parcel size at Driveway D and proximity to Military Ave limits its location onto W Mason St. Therefore, Driveway D would be "grandfathered in" *unless future redevelopment is proposed to the Green Bay Plaza parcels east of the subject redevelopment.*

2. Pages 3-5, PARTS C and D – Trip generation and the additional assumptions are acceptable but will need to be updated based on the revisions needed per Item 1.
3. Page 5, PART E, Driveway Spacing – Given the Military Ave corridor plan supersedes Sec. 44-1698 and Sec. 44-1773, no response comment on DPW's interpretation of these ordinances is being provided.
4. Provided all Items are addressed, the IR is approved. Preparation of the TIA can begin.



Public Works Department
100 North Jefferson Street - Room 300
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

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Operations 920.448.3535
Parking 920.448.3431
Fax 920.448.3102

MEMORANDUM

To: Michael May, P.E., PTOE

From: Traffic Engineer David J.A. Hansen, P.E., PTOE

Re: Traffic Signal Timings
Military-Sixth
Mason-Military
Mason-Fisk

Date: Thursday, June 9, 2022

This memorandum serves as my response to the request for traffic signal timings at the noted intersections. Detection at all intersections is via video cameras. Any vehicle timings not shown are set to default controller values.

Signal Timings (Military Avenue & Sixth Street)

Phase 1 is NBL
Phase 2 is SBT
Phase 3 is n/a
Phase 4 is EBT

Phase 5 is SBL
Phase 6 is NBT
Phase 7 is n/a
Phase 8 is WBT

Figure 1 – Vehicle Basic Timings (Military Avenue & Sixth Street)

	Vehicle Basic Timing		Vehicle Density Timing		Pedestrian Timing		General Control	
Phase	1	2	3	4	5	6	7	8
Min. Green	0	17	0	6	0	17	0	6
Passage	0.0	2.0	0.0	2.0	0.0	2.0	0.0	2.0
Maximum 1	0	45	0	30	0	45	0	30
Maximum 2	0	60	0	30	0	60	0	30
Yellow Change	3.0	4.3	3.0	3.4	3.0	4.3	3.0	3.4
Red Clearance	0.0	1.7	0.0	2.6	0.0	1.7	0.0	2.6
Green Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Yellow Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Figure 2 – Pedestrian Timing (Military Avenue & Sixth Street)

	Vehicle Basic Timing		Vehicle Density Timing		Pedestrian Timing		General Control		Miscellaneous	Special Sequence	Vehicle Detector
Phase	1	2	3	4	5	6	7	8			
Walk	0	4	0	4	0	4	0	4			
Pedestrian Clear	0	16	0	20	0	16	0	20			
Flashing Walk	☐	☐	☐	☐	☐	☐	☐	☐			
Extended Pedestrian Clear	0 - Normal	2 - Ext (Y)	0 - Normal	2 - Ext (Y)	0 - Normal	2 - Ext (Y)	0 - Normal	2 - Ext (Y)			
Actuated Rest In Walk	☐	☐	☐	☐	☐	☐	☐	☐			
Walk Offset Time	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
Walk Offset Mode	0 - Adv W	0 - Adv W	0 - Adv W	0 - Adv W	0 - Adv W	0 - Adv W	0 - Adv W	0 - Adv W			

Figure 3 – General Control (Military Avenue & Sixth Street)

	Vehicle Basic Timing		Vehicle Density Timing		Pedestrian Timing		General Control		Miscellaneous	Special Sequence	Vehicle Detector	Ped Detector	Special Detector
Phase	1	2	3	4	5	6	7	8					
Initial	0 - None	4 - Green	0 - None	1 - Inactive	0 - None	4 - Green	0 - None	1 - Inactive					
Non-Actuated Response	0 - None	0 - None	0 - None	0 - None	0 - None	0 - None	0 - None	0 - None					
Vehicle Recalls	0 - None	2 - Min	0 - None	0 - None	0 - None	2 - Min	0 - None	0 - None					
Veh Recall Delay	0	0	0	0	0	0	0	0					
Ped Recalls	0 - None	0 - None	0 - None	0 - None	0 - None	0 - None	0 - None	0 - None					

Figure 4 – Miscellaneous (Military Avenue & Sixth Street)

Vehicle Basic Timing		Vehicle Density Timing					Ped	
Phase	1	2	3	4	5	6	7	8
Non-Locking Memory	☐	☒	☐	☒	☐	☒	☐	☒
Dual Entry	☐	☒	☐	☒	☐	☒	☐	☒
Last Car Passage	☐	☐	☐	☐	☐	☐	☐	☐
Conditional Service	☐	☐	☐	☐	☐	☐	☐	☐
No Simultaneous Gap Out	☐	☐	☐	☐	☐	☐	☐	☐

Figure 5 – Ring (Military Avenue & Sixth Street)

General ControlRemote FlashOverlapRingAlt Sequ											
Phase	Ring	Next	Concur	1	2	3	4	5	6	7	8
1	1	2		☒	☐	☐	☐	☒	☒	☐	☐
2	1	3		☐	☒	☐	☐	☒	☒	☐	☐
3	1	4		☐	☐	☒	☐	☐	☐	☒	☒
4	1	1		☐	☐	☐	☒	☐	☐	☒	☒
5	2	6		☒	☒	☐	☐	☒	☐	☐	☐
6	2	7		☒	☒	☐	☐	☐	☒	☐	☐
7	2	8		☐	☐	☒	☒	☐	☐	☒	☐
8	2	5		☐	☐	☒	☒	☐	☐	☐	☒

Figure 6 – Coordination Data, General (Military Avenue & Sixth Street)

	General	Dial 1/Split 1	Dial 1/Split 2	Dia
Operation	1 - Auto			
Mode (Normal)	2 - Perm Yield			
Maximum	0 - Inhibit			
Correction	3 - Short Way +			
Offset Mode	0 - Beg Green			
Force Mode	0 - Plan			
Max Dwell Time	0			
Yield Period	10			
Manual Controls: Dial	1			
Manual Controls: Split	1			
Manual Controls: Offset	1			

Figure 7 – Coordination Data, Dial 1, Split 1 (Military Avenue & Sixth Street)

General Dial 1/Split 1 Dial 1/Split 2 Dial 1/Split 3 Dial 1/Split 4 Dial 2/Split 1 Dial 2/Split 2 Dial 2								
Cycle Length	90		Copy to a different dial/split					
Recommended Cycle Length	90		Copy to all dials same split					
Ring Phase Sum Times	90	90	0	0	Copy to all splits same dial			
Phase	1	2	3	4	5	6	7	8
Time	0	60	0	30	0	60	0	30
Mode	6 - PO	1 - CP	6 - PO	0 - AP	6 - PO	1 - CP	6 - PO	0 - AP
Min Veh Time		24		13		24		13
Min Ped Time 1		22		27		22		27
Offset	1	2	3					
Time	9	0	0					
Mode	0 - Normal	0 - Normal	0 - Normal					
Alt Sequence	0	0	0					
Ring 2 Lag Time	0	0	0					
Ring 3 Lag Time	0	0	0					
Ring 4 Lag Time	0	0	0					

Figure 7 – Coordination Data, Dial 2, Split 1 (Military Avenue & Sixth Street)

General Dial 1/Split 1 Dial 1/Split 2 Dial 1/Split 3 Dial 1/Split 4 Dial 2/Split 1 Dial 2/Split 2 Dial 2								
Cycle Length	90		Copy to a different dial/split					
Recommended Cycle Length	90		Copy to all dials same split					
Ring Phase Sum Times	90	90	0	0	Copy to all splits same dial			
Phase	1	2	3	4	5	6	7	8
Time	0	60	0	30	0	60	0	30
Mode	6 - PO	1 - CP	6 - PO	0 - AP	6 - PO	1 - CP	6 - PO	0 - AP
Min Veh Time		24		13		24		13
Min Ped Time 1		22		27		22		27
Offset	1	2	3					
Time	18	0	0					
Mode	0 - Normal	0 - Normal	0 - Normal					
Alt Sequence	0	0	0					
Ring 2 Lag Time	0	0	0					
Ring 3 Lag Time	0	0	0					
Ring 4 Lag Time	0	0	0					

Figure 8 – Coordination Data, Dial 3, Split 1 (Military Avenue & Sixth Street)

General Dial 1/Split 1 Dial 1/Split 2 Dial 1/Split 3 Dial 1/Split 4 Dial 2/Split 1 Dial 2/Split 2 Dial 2									
Cycle Length	90			Copy to a different dial/split					
Recommended Cycle Length	90			Copy to all dials same split					
Ring Phase Sum Times	90	90	0	0	Copy to all splits same dial				
Phase	1	2	3	4	5	6	7	8	
Time	0	60	0	30	0	60	0	30	
Mode	6 - PO ▾	1 - CP ▾	6 - PO ▾	0 - AP ▾	6 - PO ▾	1 - CP ▾	6 - PO ▾	0 - AP ▾	
Min Veh Time		24		13		24		13	
Min Ped Time 1		22		27		22		27	
Offset	1	2	3						
Time	18	0	0						
Mode	0 - Normal ▾	0 - Normal ▾	0 - Normal ▾						
Alt Sequence	0	0	0						
Ring 2 Lag Time	0	0	0						
Ring 3 Lag Time	0	0	0						
Ring 4 Lag Time	0	0	0						

Figure 9 – Local Time-Based Control Data, DST & Equates (Military Avenue & Sixth Street)

DST & Equates Traffic Aux TOY Special Function Phase Func Func Phase Recall Vehicle Func Overlap Func Di										
DST Begin		DST End		Cycle Zero						
Month	Week	Month	Week	Hour	Minute					
3	2	11	1	24	0					
	Source Day	Equate 1	Equate 2	Equate 3	Equate 4	Equate 5	Equate 6	Equate 7	Edit	Delete
1	1	7	0	0	0	0	0	0	Edit	Delete
2	2	3	4	5	6	0	0	0	Edit	Delete
										Add

Figure 10 – Local Time-Based Control Data, Traffic (Military Avenue & Sixth Street)

◀▶▶ DST & Equates Traffic Aux TOY Special Funct						
	Program			Pattern		
	Day	Hour	Min	Dial	Split	Offset
1	1	0	1	0	0	4
2	1	8	0	2	1	1
3	1	18	0	0	0	4
4	2	0	1	0	0	4
5	2	6	0	1	1	1
6	2	9	0	2	1	1
7	2	14	0	3	1	1
8	2	18	0	2	1	1
9	2	20	0	0	0	4

Signal Timings (Mason Street & Military Avenue)

Figure 11 – NEMA Phase Diagram (Mason Street & Military Avenue)

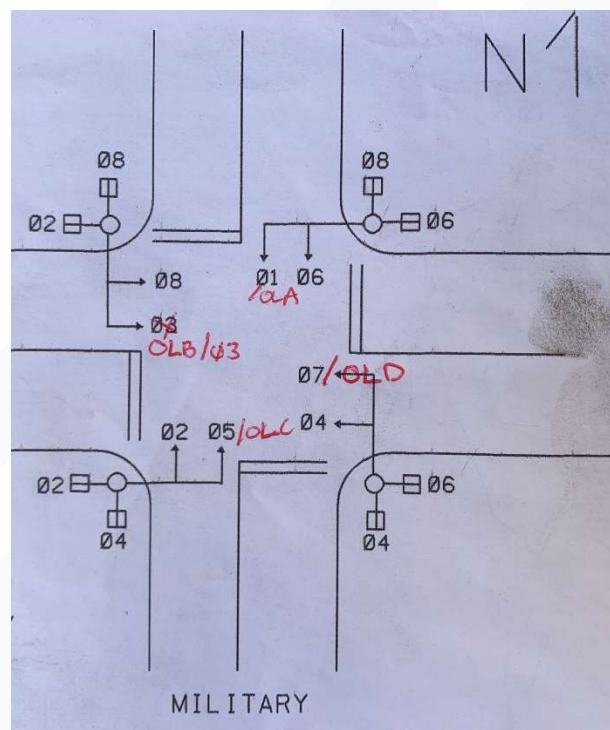


Figure 12 – Vehicle Basic Timings (Mason Street & Military Avenue)

PHASE.....	1...	2...	3...	4...	5...	6...	7...	8
MIN GRN	6	17	6	17	6	17	6	17
PASS/10	15	15	15	15	15	15	15	15
MAX # 1	20	35	10	50	20	35	10	50
MAX # 2	25	60	25	60	25	60	25	60
VEL/10	34	43	32	40	34	43	32	40
RED/10	33	32	34	26	33	32	34	26

Figure 13 – Pedestrian Timing (Mason Street & Military Avenue)

PHASE.....	1...	2...	3...	4...	5...	6...	7...	8
WALK1	0	4	0	4	0	4	0	4
PEDCLR1	0	31	0	31	0	31	0	31
WALK2	0	0	0	0	0	0	0	0
PEDCLR2	0	0	0	0	0	0	0	0

Figure 14 – General Control (Mason Street & Military Avenue)

Vehicle Basic Timing										Vehicle Density Timing										Pedestrian Timing										General Control										Miscellaneous										Special Sequence										Vehicle Detector										Ped Detector										Special Detector									
Phase		1		2		3		4		5		6		7		8																																																																									
Initial		1 - Inactive		4 - Green		1 - Inactive		1 - Inactive		1 - Inactive		4 - Green		1 - Inactive		1 - Inactive																																																																									
Non-Actuated Response		0 - None		0 - None		0 - None		0 - None		0 - None		0 - None		0 - None		0 - None																																																																									
Vehicle Recalls		0 - None		0 - None		0 - None		0 - None		0 - None		0 - None		0 - None		0 - None																																																																									
Veh Recall Delay		0		0		0		0		0		0		0		0																																																																									
Ped Recalls		0 - None		0 - None		0 - None		0 - None		0 - None		0 - None		0 - None		0 - None																																																																									

Figure 15 – Ring (Mason Street & Military Avenue)

General ControlRemote FlashOverlapRingAlt Sequ											
Phase	Ring	Next	Concur	1	2	3	4	5	6	7	8
1	1	2		☒	☐	☐	☐	☒	☒	☐	☐
2	1	3		☐	☒	☐	☐	☒	☒	☐	☐
3	1	4		☐	☐	☒	☐	☐	☐	☒	☒
4	1	1		☐	☐	☐	☒	☐	☐	☒	☒
5	2	6		☒	☒	☐	☐	☒	☐	☐	☐
6	2	7		☒	☒	☐	☐	☐	☒	☐	☐
7	2	8		☐	☐	☒	☒	☐	☐	☒	☐
8	2	5		☐	☐	☒	☒	☐	☐	☐	☒

Figure 19 – Coordination Data, Dial 2, Split 1 (Mason Street & Military Avenue)

DIAL 2 SPLIT 1 PHASE PARAMETERS							
PHASE	1	2	3	4	5	6	7
TIME	18	27	13	32	19	26	13
MODE	0	1	0	7	0	1	0
MODE: 0-7=AP/CP/UR/XR/PR/XPR/PO/DCP							
P.RED	0	0	0	0	0	0	0
P.EXT	0	0	0	0	0	0	0

DIAL 2 SPLIT 1 PARAMETERS										
PAT-0	TIM	ALT	PAT	MAX	COR	SP	R2	R3	R4	
#	#	SEC	SEQ	MOD	MOD	MOD	FN	LAG	LAG	LAG
013-1	8	2	0	0	0	0	0			
014-2	0	0	0	0	0	0	0			
015-3	0	0	0	0	0	0	0			

Figure 20 – Coordination Data, Dial 3, Split 1 (Mason Street & Military Avenue)

DIAL 3 SPLIT 1 PHASE PARAMETERS							
PHASE	1	2	3	4	5	6	7
TIME	17	28	13	32	20	25	13
MODE	0	1	0	7	0	1	0
MODE: 0-7=AP/CP/UR/XR/PR/XPR/PU/DCP							
P.RED	0	0	0	0	0	0	0
P.EXT	0	0	0	0	0	0	0

DIAL 3 SPLIT 1 PARAMETERS										
PAT-0	TIM	ALT	PAT	MAX	COR	SP	R2	R3	R4	
#	#	SEC	SEQ	MOD	MOD	MOD	FN	LAG	LAG	LAG
025-1	5	2	0	0	0	0	0			
026-2	0	0	0	0	0	0	0			
027-3	0	0	0	0	0	0	0			

Figure 21 – Local Time-Based Control Data, DST & Equates (Mason Street & Military Avenue)

◀▶
DST & Equates
Traffic
Aux
TOY
Special Function
Phase Func
Func Phase Recall
Vehicle Func
Overlap Func
Di

DST Begin		DST End		Cycle Zero	
Month	Week	Month	Week	Hour	Minute
3	2	11	1	24	0

	Source Day	Equate 1	Equate 2	Equate 3	Equate 4	Equate 5	Equate 6	Equate 7	Edit	Delete
1	1	7	0	0	0	0	0	0	Edit	Delete
2	2	3	4	5	6	0	0	0	Edit	Delete

Add

Figure 22 – Local Time-Based Control Data, Traffic (Mason Street & Military Avenue)

DST & Equates Traffic Aux TOY Special Funct						
	Program			Pattern		
	Day	Hour	Min	Dial	Split	Offset
1	1	0	1	0	0	4
2	1	8	0	2	1	1
3	1	20	0	0	0	4
4	2	0	1	0	0	4
5	2	6	0	1	1	1
6	2	9	0	2	1	1
7	2	14	0	3	1	1
8	2	18	0	2	1	1
9	2	20	0	0	0	4

Signal Timings (Mason Street & Fisk Street)

Figure 23 – Vehicle Basic Timings (Mason Street & Fisk Street)

PHASE.....	1	2	3	4	5	6	7	8
MIN GRN	6	17	0	10	6	17	0	10
PASS/10	20	20	20	20	20	20	20	20
MAX # 1	20	45	25	30	20	45	25	30
MAX # 2	30	60	30	40	30	60	30	40
VEL/10	35	40	40	32	35	40	40	32
RED/10	20	15	10	23	20	15	10	23

Figure 24 – Pedestrian Timing (Mason Street & Fisk Street)

PHASE.....	1	2	3	4	5	6	7	8
WALK1	0	4	0	4	0	4	0	4
PEDCLR1	0	23	0	23	0	23	0	23
WALK2	0	0	0	0	0	0	0	0
PEDCLR2	0	0	0	0	0	0	0	0

Figure 25 – General Control (Mason Street & Fisk Street)

```

PHASE.....1...2...3...4...5...6...7...8
VEH RCL    0    2    0    0    0    2    0    0
VEH DLY    0    0    0    0    0    0    0    0

CODES.....0...1...2...3...4...5...
      NONE 1CALL MIN  MAX  SOFT BIKE

PHASE.....1...2...3...4...5...6...7...8
INITIAL    1    4    0    1    1    4    0    1
NA RESP    0    0    0    0    0    0    0    0

CODES.....0...1...2...3...4...5...6
INITL      NONE INACT RED  YEL GRN DRK G/DW
NA RSP     NONE NA1  NA2 1&2 --- --- ---
***

```

Figure 26 – Miscellaneous (Mason Street & Fisk Street)

```

PHASE.....1...2...3...4...5...6...7...8
NL MEM.    1    0    1    1    1    0    1    1
2 ENTRY    0    1    0    1    0    1    0    1
LC PASS    0    0    0    0    0    0    0    0
CON SER    0    0    0    0    0    0    0    0
NO SGAP    0    0    0    0    0    0    0    0
CODES.....0-NO....1-YES.....

```

Figure 27 – Special Sequence (Mason Street & Fisk Street)

```

PHASE.....1...2...3...4...5...6...7...8
OMIT        2    0    0    0    6    0    0    0
-YEL        0    0    0    0    0    0    0    0
OCAL        0    0    0    0    0    0    0    0
OMIT: ## PHS ON OMITS THIS PHASE
-YEL: ## PHS YEL OMITS THIS PHS YEL
OCAL: WHEN OMIT, DETS CALL ## PHS

```

Figure 28 – Coordination Data, Dial 1, Split 1 (Mason Street & Fisk Street)

```

PATTERN 001 PARAMETERS
COORD MODE: 0      TIME OFFSET: 4
MAX MODE: 0        SEQUENCE: 0
CORR MODE: 0
COORD OFFSET: 0    R2 LAG:
FORCE MODE: 0      R3 LAG:
SPEC FUNC: 0       R4 LAG:

PATTERN 001 SPLITS
PHASE.....1...2...3...4...5...6...7...8
TIME...: 12  45    0  33  12  45    0  33
MODE...: 0    1    0    0    0    1    0    0
MODE: 0-7=AP/CP/UR/XR/PR/XPR/PO/DCP
P.REI.: 0    0    0    0    0    0    0    0
P.EXT.: 0    0    0    0    0    0    0    0

```

Figure 29 – Coordination Data, Dial 2, Split 1 (Mason Street & Fisk Street)

PATTERN 002 SPLITS															
PHASE	1	2	3	4	5	6	7	8							
TIME	12	45	0	33	12	45	0	33							
MODE	0	1	0	0	0	1	0	0							
MODE: 0-7=AP/CP/UR/XR/PR/XPR/PO/DCP															
P.RED	0	0	0	0	0	0	0	0							
P.EXT	0	0	0	0	0	0	0	0							

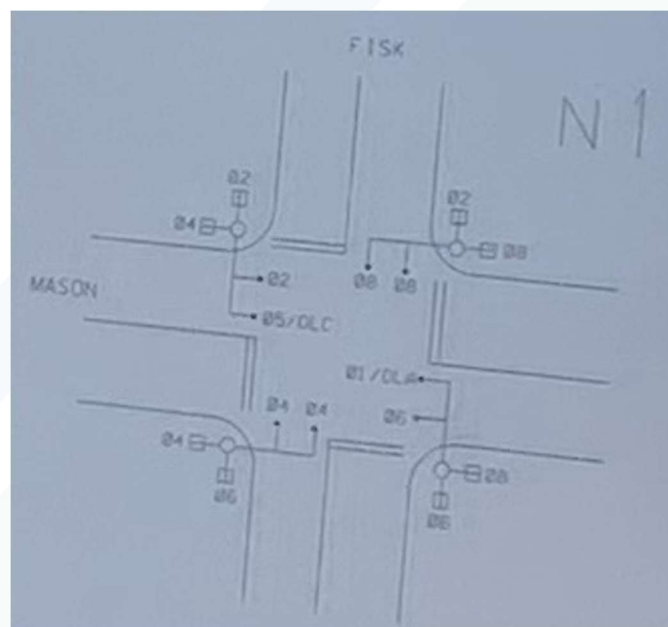
PATTERN 002 PARAMETERS															
COORD MODE	0								TIME OFFSET	4					
MAX MODE	0								SEQUENCE	0					
CORR MODE	0														
COORD OFFSET	0								R2 LAG						
FORCE MODE	0								R3 LAG						
SPEC FUNC	0								R4 LAG						

Figure 30 – Coordination Data, Dial 3, Split 1 (Mason Street & Fisk Street)

PATTERN 003 PARAMETERS															
COORD MODE	0								TIME OFFSET	2					
MAX MODE	0								SEQUENCE	0					
CORR MODE	0														
COORD OFFSET	0								R2 LAG						
FORCE MODE	0								R3 LAG						
SPEC FUNC	0								R4 LAG						

PATTERN 003 SPLITS															
PHASE	1	2	3	4	5	6	7	8							
TIME	12	45	0	33	12	45	0	33							
MODE	0	1	0	0	0	1	0	0							
MODE: 0-7=AP/CP/UR/XR/PR/XPR/PO/DCP															
P.RED	0	0	0	0	0	0	0	0							
P.EXT	0	0	0	0	0	0	0	0							

Figure 31 – NEMA Phase Diagram (Mason Street & Fisk Street)



Z:\PROJECTS\2021\2686.00-WA\CONCEPT\6.2 - COLORED SITE PLAN.DWG 6/13/2022 12:11 PM





6/8/2022

425 S. Military Avenue
Suite 206
Green Bay, WI 54303

Leah Weycker,
Executive Director

Director@MilitaryAve.org

920.544.9503
www.MilitaryAve.org

Honorable Mayor and Green Bay City Council,

The Military Avenue Business Association Board, Mr. Edward Martin, Alder Melinda Eck, City representatives, and other interested parties, met with the developers for the proposed car wash at the corner of Sixth Street and Military Avenue in the Green Bay Plaza. It was a very helpful and productive meeting to discuss development of the former Sears location.

On behalf of the Military Avenue Business Association, we would request that the Council and staff work with the developers to approve the Conditional Use Permit for a carwash at 1555 West Mason Street.

The approved Military Avenue Corridor Plan does not call out a curb cut in this area. The corridor plan was approved in 2011 when Sears was a thriving business. With drastic changes in retail shopping patterns and loss of the Sears retail store, the former Sears structure will be demolished. The Military Avenue Corridor Plan is in need of updates and should be looked at openly as things have changed drastically in the last 12 years. A safe right-in, right-out curb cut should be able to be installed for redevelopment of the large Sears parcel.

We appreciate the efforts of all developers looking to locate and add to the vibrancy of our Military Avenue district. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Leah Weycker". The signature is fluid and cursive.

Leah Weycker, Executive Director
Military Avenue Business Association

STOP for a minute

STAY for a while



Report to the Green Bay Plan Commission

MEETING DATE

June 28, 2022

PREPARED BY

Madison Smith

AGENDA ITEM # Q.3

To authorize a Conditional Use Permit (CUP) for a two-family dwelling located at 420 S. Van Buren Street, with the condition to provide code-compliant parking 44-1726. (Public Hearing held 06/20/2022)

BACKGROUND

Reason for Request: To permit the continued use of a 2-family dwelling in the R1 District and allow continued improvements.

Surrounding Zoning and Land Uses:

SUBJECT: Low Density Residential (R1) - Single-family residential, currently used as two-family residential

NORTH: Low Density Residential (R1) - Single-family residential

SOUTH: Low Density Residential (R1) & PUD - Single-family residential and office uses

EAST: Low Density Residential (R1) - Single- and multi-family

WEST: Low Density Residential (R1) - Single-family residential

Comprehensive Plan: The 2022 Smart Growth Plan designates this area for low to medium density residences.

Consistency Analysis: While Ch. 66.1001 Wis. Stats. does not specifically require conditional uses to meet the consistency requirement, the proposed conditional use permit is consistent with the comprehensive plan. The proposed use of the subject property is compatible with and is not contradictory to the applicable recommended policy and the future land use map.

Report: The requested Conditional Use Permit is located at 420 S. Van Buren Street in the City of Green Bay (Tax Parcel 14-638). This application was submitted by NeighborWorks Green Bay after the purchase of this two-family property in September 2015, with the intent of improving the property and the neighborhood. Rehabilitation and improvement work was set aside for a few years as NeighborWorks was in the process of defining and constructing the Farmory, which is located adjacent to this property. Among discussions and preparatory work, NeighborWorks performed minor improvements to utilize this site for rental units. In 2021, the applicant proceeded with renovation of the property and received a permit to begin work with students and contractors. During May 2022, the City of Green Bay informed NeighborWorks that 420 S. Van Buren is zoned as Low Density Residential (R1) with the intent of single-family as the primary land use. However, the current land use would require a CUP to comply. The applicant noted that this property has been a two-family dwelling since the early 1970s.

NeighborWorks is asking for a conditional use to allow the two-family residential structure to continue operating in the R1 zoning district. This CUP would also allow continued renovation projects to improve the conditions and seek residents to occupy. Allowing the use of a two-family dwelling in the R1 with a CUP would assist NeighborWorks to improve the neighborhood and provide affordable housing for new residents.

The subject property has a Low Density Residential (RI) zoning which is defined in Section 44-250 of the City of Green Bay Municipal Code as: a separate and detached one-family residence on a single lot designed and arranged for use by one family or household. A CUP would allow the parcel to comply with the municipal code.

This parcel is located in the Navarino Neighborhood and is not within the floodplain. According to the Brown County Parcel Data, this is a two-family structure (0.227 acres) and a total of 9,921 sq. ft.

Conditional use approval may be recommended by the Plan Commission with reasonable consideration of the following:

- (1) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.*
- (2) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*
- (3) The conditional use, its exterior architectural design, and functional plan of any proposed structure will not be injurious to the use of other property in the immediate vicinity nor substantially diminish or impair property values within the surrounding neighborhood.*
- (4) Adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.*
- (5) Adequate measures have been or will be taken to provide ingress and egress and so designed as to minimize traffic congestion.*
- (6) Adequate parking facilities as specified in Article XVIII of Section 44-83 within the Municipal Code.*
- (7) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located and all other applicable City ordinances.*

Additionally, a CUP will need to meet the specific development standards from Sec. 44-1580.

Planning Staff is recommending approval of the request for a CUP as the establishment of a two-family dwelling will be granted the opportunity to continue to be used as a two-family unit and allow NeighborWorks to perform rehabilitation improvements to the structure. Staff believes this will not be detrimental to or endanger the public health, safety, or general welfare; nor impede the normal and orderly development and improvement of the surrounding property; the CUP will not be injurious to the use of other property in the immediate vicinity nor substantially diminish or impair property values within the surrounding neighborhood; adequate utilities, access roads, drainage, and/or necessary facilities are in place; adequate parking facilities are provided; and will not be detrimental to the neighborhood.

Ald. Bill Galvin, the Navarino Neighborhood Association and adjacent property owners within 200+ ft. of the property have been notified of the request. A zoning action sign has been placed on the property. As of the drafting of this report, staff has not received any calls regarding the request.

RECOMMENDATION

Approval with the condition to provide code-compliant parking 44-1726.

FISCAL IMPACT

ATTACHMENTS

1. ZP 22-16 Application and Narrative
2. ZP 22-16 Color Map Notification
3. DESCRIPTION OF 420 S VAN BUREN



REQUEST FOR CITY ACTION PLAN COMMISSION

Community and Economic
Development Department
100 N. Jefferson Street, Rm 608
Green Bay, WI 54301-5026
(920) 448-3400 - phone
(920) 448-3426 - fax
www.greenbaywi.gov

Location of Property: 420 S VanBuren

Parcel Number(s): 14-638

Petitioner(s): NeighborWorks Green Bay

Date: 5/4/2022

Email: tim@nwggreenbay.org

Phone Number: 920-883-5200

Address: 437 S Jackson St

City: Green Bay

State: WI

Zip: 54301

Property Owner: NeighborWorks Green Bay

Phone Number: 920-448-3075

Submit this Request Form and all required attachments to the Community and Economic Development Department, Room 608, City Hall

To: Honorable Mayor and Common Council, c/o City Clerk

I, Tim Denissen, respectfully request that the City of Green Bay take the following action:

- ☐ Rezone Property (\$300.00 Review Fee)
- ☒ Conditional Use and CUP Amendment, including Single Lot Duplexes (\$300.00 Review Fee)
- ☐ PUD and PUD Amendments (\$350.00 Review Fee)
- ☐ Approve Preliminary City/Extraterritorial Subdivision Plat (\$150.00 + \$35.00 per Lot/Outlot Review Fee)
- ☐ Approve Preliminary Condominium Plat (\$150.00 + \$35.00 per Lot/Outlot/Lot Equivalent Review Fee)
- ☐ Approve Preliminary City/Extraterritorial Certified Survey Map (\$150.00 Review Fee)
- ☐ Approve Final City/Extraterritorial Subdivision Plat (\$100.00 Review Fee)
- ☐ Approve Final Condominium Plat (\$100.00 Review Fee)
- ☐ Grant a City/Extraterritorial Subdivision/CSM Variance (\$150.00 Review Fee)
- ☐ Grant a Postponement of Development Fees (\$100.00 Review Fee) [Review by I&S and/or Park Committees]
- ☐ Development District Map Amendment (\$200.00 Administration Fee)
- ☐ Official Map Amendment (\$200.00 Administration Fee)
- ☐ Plat of Right-of-Way (\$200.00 Administration Fee)
- ☐ Discontinue a Public Utility Easement (\$200.00 Administration Fee)
- ☐ Street Name Change (\$200.00 Administration Fee)
- ☐ Declare City Property "City Surplus" (\$200.00 Administration Fee)
- ☐ Vacate a Street/Alley/Pedestrian Way (\$200.00 Administration Fee) – PLEASE FILL OUT PAGE 2 OF APPLICATION
- ☐ Closure of Street/Alley/Pedestrian Way (\$200 Administration Fee) – PLEASE FILL OUT PAGE 2 OF APPLICATION
- ☐ Comprehensive Plan Amendments (\$200.00 Review Fee)
- ☐ Other (\$200.00 Administration Fee): _____

Owner Signature: _____

Date: 5/4/2022

Petitioner Signature(s): _____

Checklist of required attachments:

- Map
- Legal Description
- Applicant Narrative Describing Project
- All Other Pertinent Information

For office use only:

Review Fee: _____

Receipt No.: _____

Zoning Petition No.: _____

May 4th, 2022

To: Green Bay Plan Commission and City of Green Bay Planning Staff

RE: Project at 420 S VanBuren St

Narrative of Project Request for CUP

NeighborWorks Green Bay purchased this 2-family property at 420 S VanBuren St in September of 2015 with the intent to improve the property and neighborhood. This improvement work was set aside for a few years as we were in the process of defining and constructing the Farmory which is adjacent to this property. While this was being decided, we performed modest improvements and rented the units. Last year we then decided to go ahead with the renovation and including the Bridges Construction team from the Green Bay Area Public Schools performing selective portions of the work as part of their curriculum. We made application for permit to renovate the property, received the permit and began the work with the students and contractors. Recently (5/2/22) we were made aware by the City of Green Bay that they considered this R-1 with a use of single family. This property has been a 2-family residence since the early 1970's.

We are asking for a conditional use as a 2 family and continue the renovation work to bring it to typical NeighborWorks condition and seek residents to occupy.

Please consider this action to improve the neighborhood and provide affordable housing to the new residents

Respectfully submitted,



Tim Denissen

Project Manager, NeighborWorks Green Bay



City Of GreenBay > Parcel Data

Find a Parcel

Current Parcel: 14-638

420 S VAN BUREN ST

NEIGHBORHOOD HOUSING SERVICES OF GREEN BAY INC

437 S JACKSON ST GREEN BAY WI 54301-3909

Street View Map • Green Bay Parcel Map • Google Map

Assessment Records

Zoning and Districts

Brown County Parcel Data

Inspection Records

Special Assessments

Requests For Service

Police Calls

2021 Residential Assessment

2020 Residential Assessment

2019 Residential Assessment

2018 Residential Assessment

2017 Residential Assessment

2021 Residential Assessment

Property Type: **Single family residential**

Assigned Appraiser

Name: **Kristi Norton**

Phone: **920-448-3072**

Contact: **Kristi.Norton@greenbaywi.gov**

Building Information

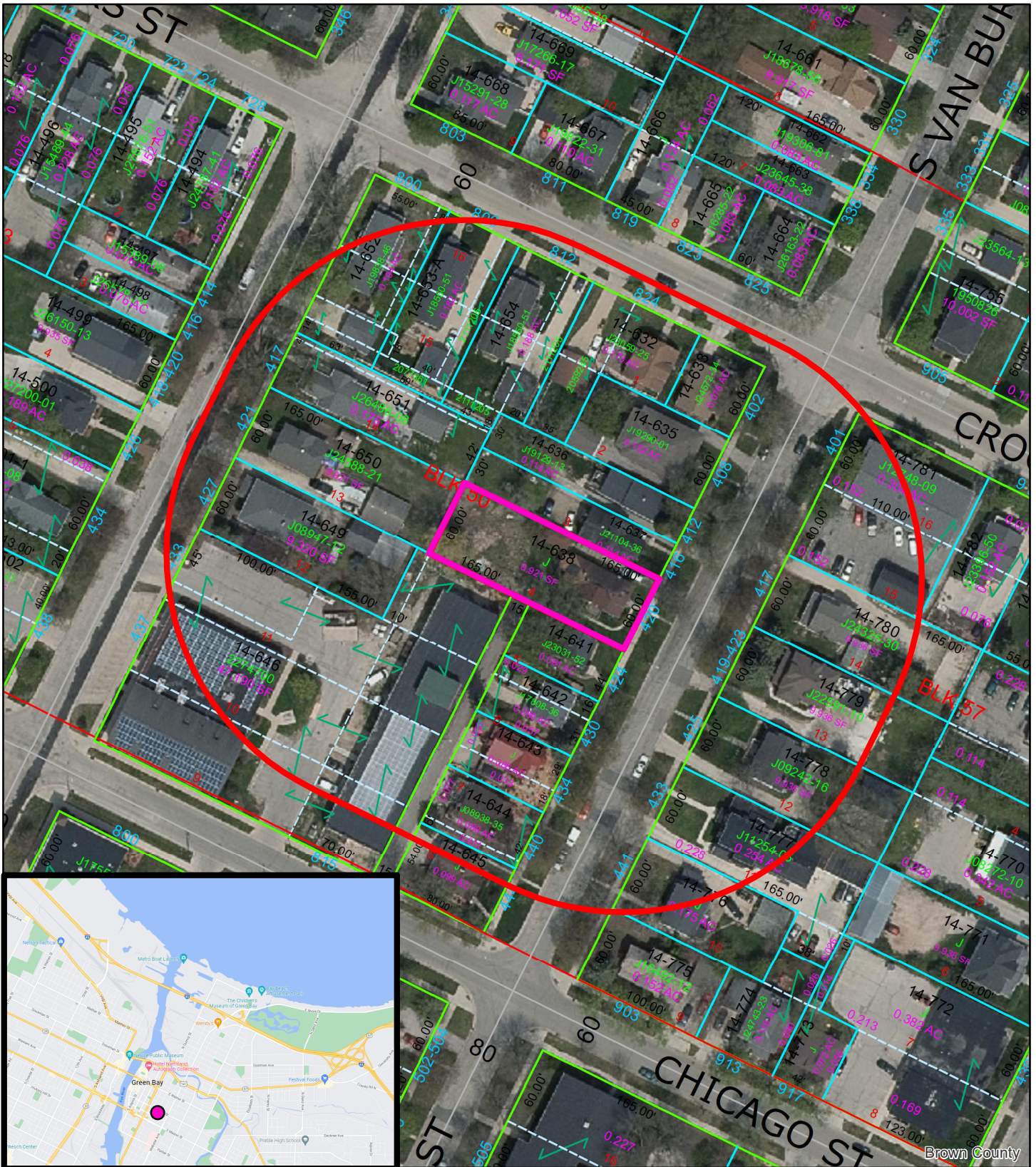
Tax Class: Exempt local	Living Units: 1	Other Rooms: 4
Occupancy: Single family	Heating Type: Gas, forced air	Full Basement S F: 1000 sq ft
Story: 1 story w/attic	Cooling Type: No A/C	First Floor S F: 1000 sq ft
Style: Old style	Full Baths: 2	Finished Attic S F: 350 sq ft
Exterior Wall: Alum/vinyl	Half Baths: 0	SFLA: 1350
Roof Type: Asphalt shingles	Bedrooms: 3	Half Story SF: 0 sq ft
Year Built: 1919	Family Rooms: 0	

Property Info

Water Front Type: None	Tax Key Number: 14-638	Neighborhood Group: Exempt
Acres: 0.228	Zoning: Low Density Resident	Neighborhood: Exempt
Square Feet: 9921	Has O B I: Yes	Sanitary: Sewer
Depth: 165	Has Residential: Yes	Water: City water
Width: 60	Has Land: Yes	Traffic: Light
Land Use: Residential	Property Address: 420 S Van Buren St	Legal Acres: 0.227
County: Brown	Total Improvements: 1	

Legal Description

Legal Description: **9,921 SQ FT PLAT OF ASTOR LOT 4 BLK 50**



(ZP 22-16) Zoning Petition
CUP 420 S Van Buren Street
Green Bay, WI, 54301

0 25 50 100 Feet

- Parcel
- Location of Parcel
- Notification Area 200'

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

Parcel Numbers:
14-638

DESCRIPTION OF 420 S. VAN BUREN STREET
(TAX PARCEL NUMBER 14.638)

Lot Four (4), Block Fifty (50), according to the Plat of Astor as recorded in Volume 8 of Plats, Page 4, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin.
Tax parcel number 14-638.



Report to the Green Bay Plan Commission

MEETING DATE

June 28, 2022

PREPARED BY

Madison Smith

AGENDA ITEM # Q.4

To vacate public utility easements located at 1100 University Avenue.

BACKGROUND

Address of Request: 1100 University Avenue (tax parcel 7-706).

Aldersperson/District: Ald. Randy Scannell / District 7

Reason for Request: To discontinue a 10 ft. x12 ft. public utility easement.

Surrounding Zoning and Land Uses:

SUBJECT: Office Residential (OR) - Domestic Abuse Program and Shelter

NORTH: Low Density Residential (R1) - Single Family Homes

SOUTH: Public Institutional, Public/Semi Public (PI) - East River

EAST: Varied Residential (R3) - Single Family Homes

WEST: Neighborhood Commercial (NC) - Parking, Commercial Business
Conservancy (CON) - Green Space

Comprehensive Plan: The proposed easement discontinuance will not change the current zoning nor conflict with the future land use designated in the 2022 Smart Growth Plan. The easements and incidental rights described in par. (a) may be discontinued in vacation or discontinuance proceedings in any case where benefits or damages are to be assessed as provided in par. (c), if one of the following applies:

1. The interested parties fail to reach an agreement permitting discontinuance of the easements and incidental rights.
2. The owner of the easements and incidental rights refuses to give written consent to their discontinuance.

(c) Damages for the discontinuance of the easements and rights described in par. (a) shall be assessed against the land benefited in the proceedings for assessment of damages or benefits upon the vacation or discontinuance of the public highway or public ground. Unless the parties agree on a different amount, the amount of the damages shall be the present value of the property to be removed or abandoned, plus the cost of removal, less the salvage value of the removed or abandoned property. The owner of the easements and incidental rights, upon application to the treasurer and upon furnishing satisfactory proof, shall be entitled to any payments of or upon the assessment of damages.

(d) Any person aggrieved by the assessment of damages under this subsection may appeal the assessment in the same time and manner as is provided for appeals from assessments of damages or benefits in vacation or discontinuance proceedings in the town, village or city.

The proposed easement discontinuance is consistent with the comprehensive plan and will not alter current or future land use at this time. The proposed release of the public utility easement is compliant and has received no concerns, objections or comments from the following agencies:

- Department of Public Works

- Wisconsin Public Service
- AT&T
- Green Bay Water Utility
- WEC Energy Group
- Green Bay Parks, Rec. & Forestry
- American Transmission Company
- Mobilitie
- NEW Water
- Charter

The City of Green Bay Municipal Code outlines utility easements in Sec. 36-488.

Report:

The subject utility easement is located on the east side of the City of Green Bay along University Avenue. The property is owned by the Family Violence Center, Inc./Golden House Inc. The Family Violence Center, Inc. / Golden House Inc. is planning a large project that will entail demolishing the current building and many site features as well as constructing a new mixed-use building containing offices and some residential units. Along with the new building, parking will be reconstructed and other site elements such as utilities, stormwater, patio, playground and pedestrian walks will be updated.

As part of the project, the new building will be slightly rearranged on the parcel. As a result, the building will reside on a small existing 10 ft. x 12 ft. public utility easement as identified in CSM #4289. A Plat of Survey has been prepared and is included in this agenda packet to illustrate the easement. There are currently no utilities that appear to exist in the proposed discontinuance area. Digger's Hotline has completed field observations and completed a request for the location of utilities. The petitioner and property owner are requesting this easement discontinuance because it is a high priority for the project and critical to the project moving forward through the construction phase.

The proposed easement discontinuance of a public utility line located on 1100 University Avenue does not conflict with the current and future land uses as reflected in the City's Comprehensive Plan. Ald. Randy Scannell and adjacent property owners have been notified of the request. As of the drafting of this report, staff has received no comments or objections.

RECOMMENDATION

Approval of the request.

FISCAL IMPACT

ATTACHMENTS

1. Golden House PUE
2. Pages from 22-0428_Golden House DD Set - Civil
3. Golden House CSM 4289
4. ED 22-01 Color Map

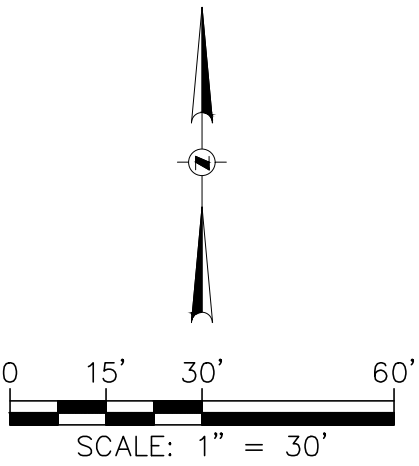
X:\GB\2018\20182024\CAD\Site\dwg\ref\IC_00_POS_024
7/21/2021 4:27 PM

PLAT OF SURVEY

GRAEF

1150 Springhurst Drive,
Suite 201
Green Bay, WI 54304-5947
920 / 592 9440
920 / 592 9445 fax

www.graef-usa.com



PRIVATE CLAIM EAST SIDE OF FOX RIVER
BROWN COUNTY SURVEY MONUMENT
NUMBER 411U/V-1/2
1" IRON PIPE WITH CAP FOUND

PRIVATE CLAIM NO. 2
PRIVATE CLAIM NO. 1
2175.25'

PRIVATE CLAIM EAST SIDE OF FOX RIVER
BROWN COUNTY SURVEY MONUMENT
NUMBER 411U/W-4/5
CROSS FOUND

PROJECT TITLE:

GOLDEN HOUSE

PROJECT STATUS

1120 UNIVERSITY AVE.
GREEN BAY, WI. 54302

NO. DATE

REVISIONS

BY

PROJECT INFORMATION:

PROJECT NUMBER: 2018-2024

DATE: July 21, 2021

DRAWN BY: CRH

CHECKED BY: CDH

APPROVED BY: CDH

SCALE: 1" = 30'

SHEET TITLE:

PLAT OF SURVEY

SHEET NUMBER:

1 of 1

PROPERTY DESCRIPTION

LOT 1 OF CERTIFIED SURVEY MAP NUMBER 4289, RECORDED IN VOLUME 27 OF CERTIFIED SURVEY MAPS, PAGE 54, AS DOCUMENT NUMBER 1293188 OF BROWN COUNTY RECORDS, IN PRIVATE CLAIM 2 E.S.F.R., CITY OF GREEN BAY, BROWN COUNTY, WISCONSIN.

NOTICE:
In accordance with Wisconsin statute 182.0175, damage to transmission facilities, excavator shall be solely responsible to provide advance notice to the designated "ONE CALL SYSTEM" not less than three working days prior to commencement of any excavation required to perform work contained on this drawing, and further, excavator shall comply with all other requirements of this statute relative to excavator's work.

DISCLAIMER:
The underground utilities shown have been located from field survey information and existing drawings. GRAEF makes no guarantees that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. GRAEF further does not warrant that the underground utilities shown are in the exact location indicated. GRAEF has not physically located the underground utilities.

SURVEYOR'S CERTIFICATE

I, CRAIG D. HANSEN, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY: THAT I HAVE SURVEYED THE DESCRIBED PROPERTY AND THE MAP HEREON IS A TRUE REPRESENTATION THEREOF. THAT THE SURVEY AND MAP COMPLIES WITH CHAPTER A-E7 OF THE WISCONSIN ADMINISTRATIVE CODE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNER(S) OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE OR GUARANTEE TITLE THERETO, WITHIN ONE YEAR FROM THE DATE HEREOF.

DATE: 07/21/2021

Craig Hansen
CRAIG D. HANSEN, P.L.S. NO. S-2840



LEGEND

- FOUND 1" IRON PIPE
- FOUND 1" REBAR
- △ FOUND MAG NAIL
- ▲ SET MAG NAIL
- () RECORD MEASUREMENT
- B.S.L. BUILDING SETBACK LINE
- P.U.E. PUBLIC UTILITY EASEMENT

(S.T.H. 54 & 57)

110' R.O.W.

P.O.B.

SHED

SHED

SHED

SHED

SHED

SHED

SHED

SHED

SHED

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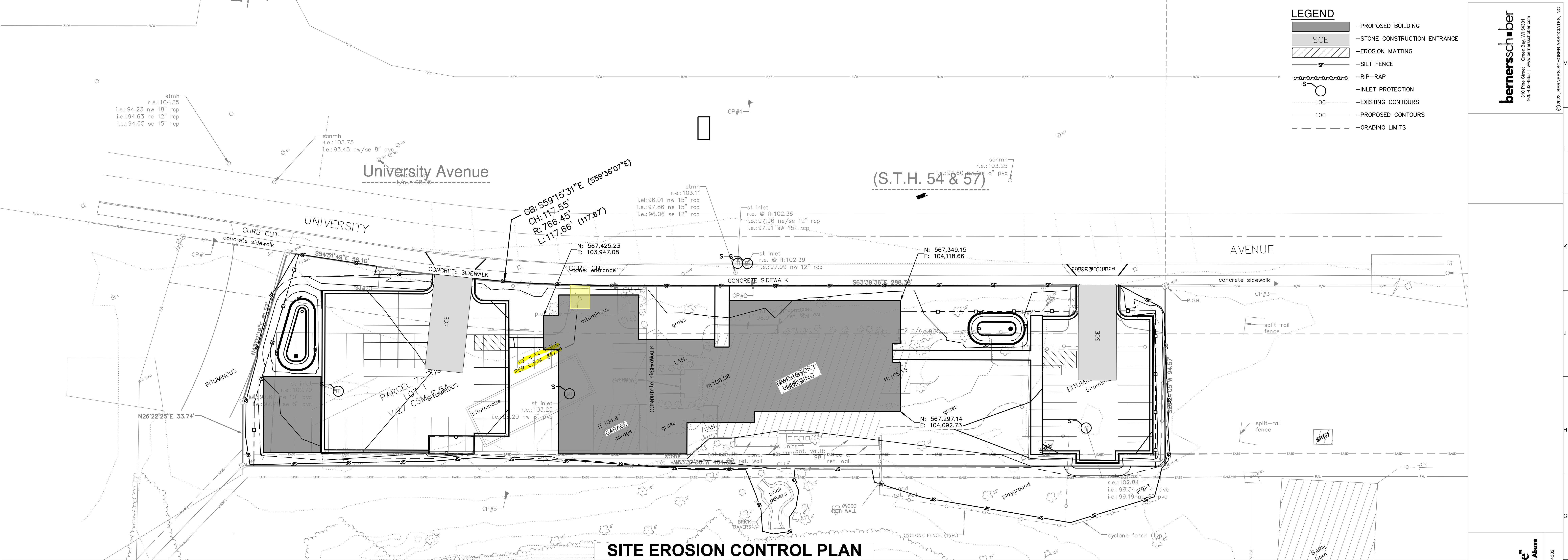
SHED

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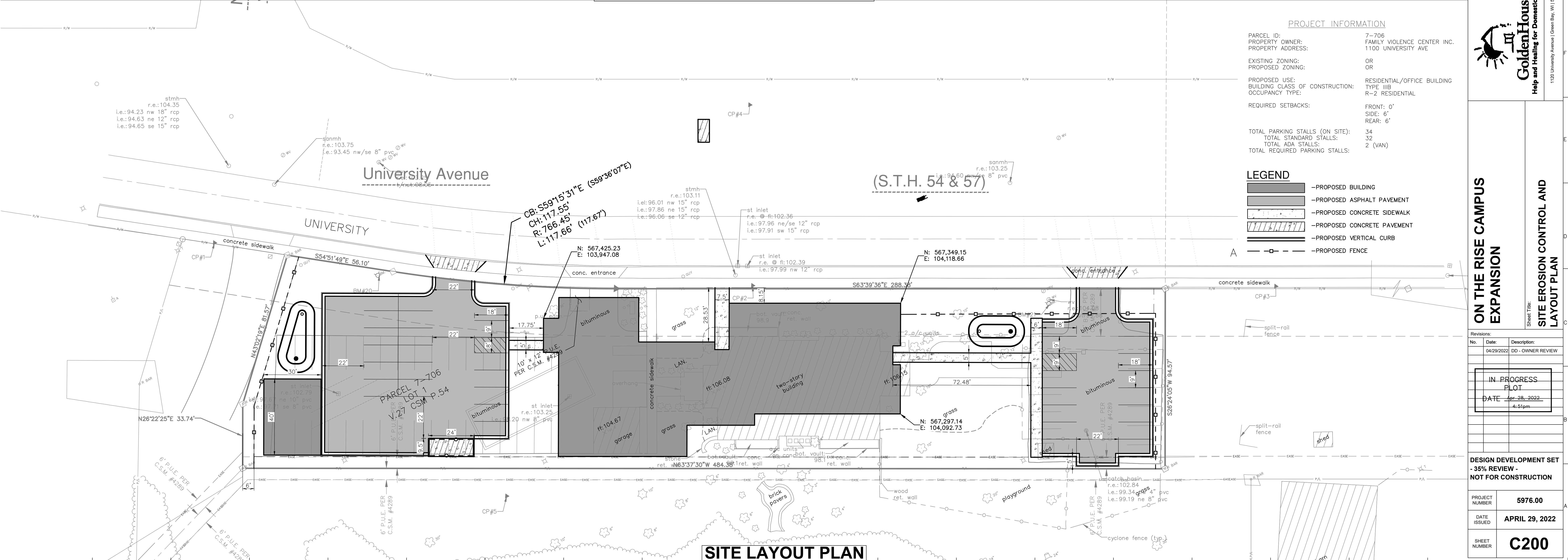
SHED

SHED

SHED



SITE EROSION CONTROL PLAN



SITE LAYOUT PLAN

- LEGEND
- PROPOSED BUILDING
 - STONE CONSTRUCTION ENTRANCE
 - EROSION MATTING
 - SILT FENCE
 - RIP-RAP
 - INLET PROTECTION
 - EXISTING CONTOURS
 - PROPOSED CONTOURS
 - GRADING LIMITS

PROJECT INFORMATION

PARCEL ID: 7-706
PROPERTY OWNER: FAMILY VIOLENCE CENTER INC.
PROPERTY ADDRESS: 1100 UNIVERSITY AVE
EXISTING ZONING: OR
PROPOSED ZONING: OR
PROPOSED USE: RESIDENTIAL/OFFICE BUILDING
BUILDING CLASS OF CONSTRUCTION: TYPE IIIB
OCCUPANCY TYPE: R-2 RESIDENTIAL
REQUIRED SETBACKS: FRONT: 0'
SIDE: 6'
REAR: 6'
TOTAL PARKING STALLS (ON SITE): 34
TOTAL STANDARD STALLS: 32
TOTAL ADA STALLS: 2 (VAN)
TOTAL REQUIRED PARKING STALLS:

- LEGEND
- PROPOSED BUILDING
 - PROPOSED ASPHALT PAVEMENT
 - PROPOSED CONCRETE SIDEWALK
 - PROPOSED CONCRETE PAVEMENT
 - PROPOSED VERTICAL CURB
 - PROPOSED FENCE

berniersschaber
310 Pine Street | Green Bay, WI 54301
920.432.4868 | www.berniersschaber.com

© 2022, BERNIERS-SCHABER ASSOCIATES, INC.

GoldenHouse™
Help and Healing for Domestic Abuse
1120 University Avenue | Green Bay, WI 54302

ON THE RISE CAMPUS EXPANSION

Sheet Title: **SITE EROSION CONTROL AND LAYOUT PLAN**

Revisions:

No.	Date	Description
04/29/2022	DO - OWNER REVIEW	

IN PROGRESS PLOT
DATE: Apr-28-2022 4:51pm

DESIGN DEVELOPMENT SET - 35% REVIEW - NOT FOR CONSTRUCTION

PROJECT NUMBER	5976.00
DATE ISSUED	APRIL 29, 2022
SHEET NUMBER	C200



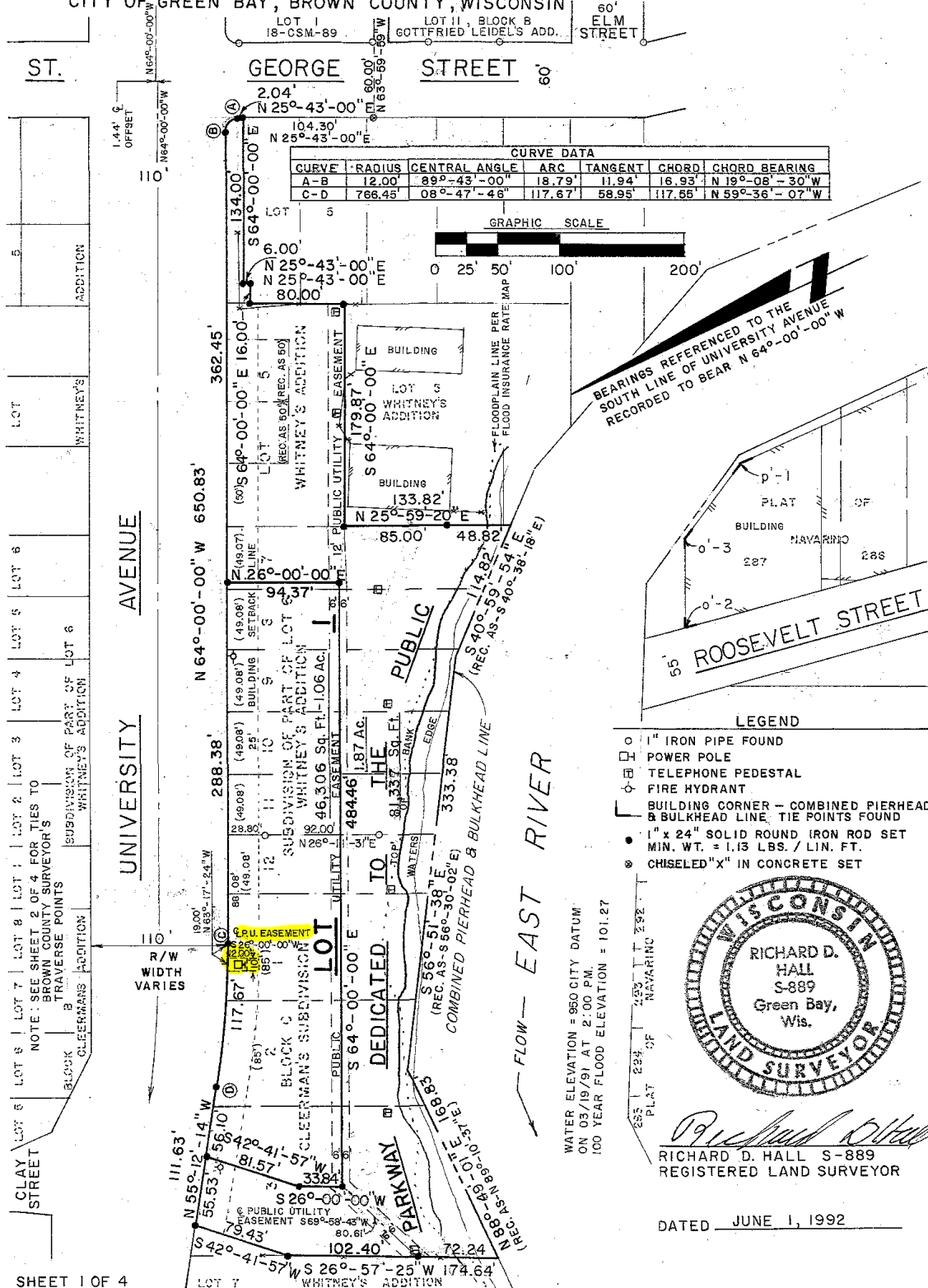
Stock No. 26273

1293188

4289

CERTIFIED SURVEY MAP

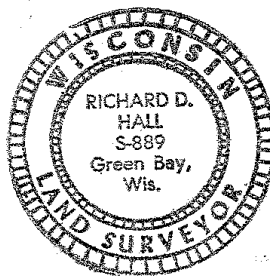
PART OF LOT 5 WHITNEY'S ADDITION (ALSO KNOWN AS WHITNEY'S SECOND ADDITION); PART OF LOTS 7, 8, 9, 10, 11, AND 12 SUBDIVISION OF A PART OF LOT 6 WHITNEY'S ADDITION; PART OF LOTS 1, 2, AND 3 BLOCK C, CLEERMANS SUBDIVISION OF PART OF LOTS 7 AND 8 WHITNEY'S SECOND ADDITION ALL LOCATED IN THE CITY OF GREEN BAY, BROWN COUNTY, WISCONSIN



BEARINGS REFERENCED TO THE SOUTH LINE OF UNIVERSITY AVENUE RECORDED TO BEAR N 64°-00'-00" W

LEGEND

- 1" IRON PIPE FOUND
- POWER POLE
- ⊞ TELEPHONE PEDESTAL
- ⊙ FIRE HYDRANT
- ⊞ BUILDING CORNER - COMBINED PIERHEAD & BULKHEAD LINE, TIE POINTS FOUND
- 1" x 24" SOLID ROUND IRON ROD SET MIN. WT. = 1.13 LBS. / LIN. FT.
- ⊙ CHISELED "X" IN CONCRETE SET



RICHARD D. HALL S-889
REGISTERED LAND SURVEYOR

DATED JUNE 1, 1992

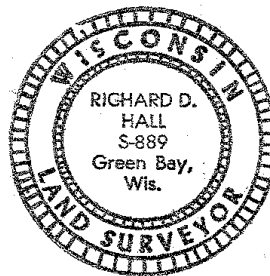
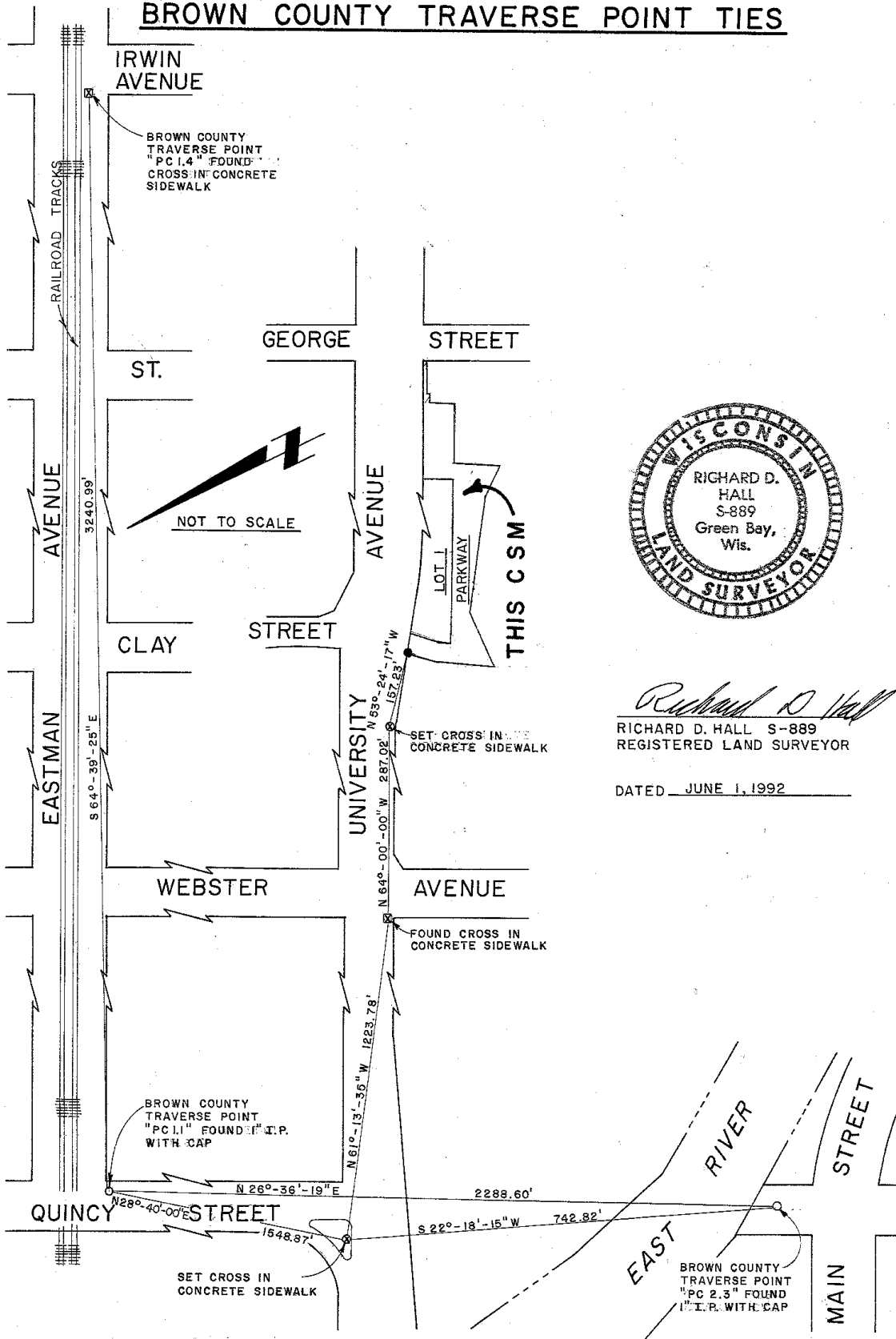
WATER ELEVATION = 950 CITY DATUM
ON 03/19/91 AT 2:00 PM.
100 YEAR FLOOD ELEVATION = 101.27

FLOW - EAST RIVER



Stock No. 26273

BROWN COUNTY TRAVERSE POINT TIES



Richard D. Hall
RICHARD D. HALL S-889
REGISTERED LAND SURVEYOR

DATED JUNE 1, 1992



Stock No. 26273

SURVEYOR'S CERTIFICATE

I, Richard D. Hall, Registered Land Surveyor, hereby certify that by the order of and under the direction of the City of Green Bay Redevelopment Authority, that I have surveyed, divided and mapped that part of Lot 5, Whitney's Addition (also known as Whitney's Second Addition); part of Lots 7, 8, 9, 10, 11 and 12 subdivision of part of Lot 6, Whitney's Addition; part of Lots 1, 2 and 3, Block C, Cleerman's Subdivision of part of Lots 7 and 8, Whitney's Second Addition, City of Green Bay, Brown County, Wisconsin, being more particularly described as follows:

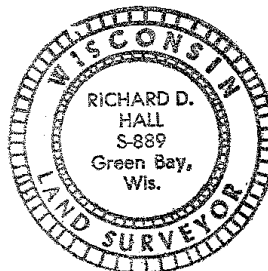
Commencing at the southwest corner of Lot 1 of the certified survey map recorded in Volume 18 of Certified Survey Maps, Page 89, Brown County Records (being part of Lots 3, 4, 5, 6, 7, 8, 9 and 10, Block B, Gottfried Leidel's Addition, said City of Green Bay); thence N. 63°-59'-59" W., 60.00 feet along the westerly extension of the south line of said Lot 1, 18-CSM-89 to the west line of St. George Street; thence N. 25°-43'-00" E., 104.30 feet along said west line to the point of beginning; thence continuing N. 25°-43'-00" E., 2.04 feet along said west line; thence along the arc of a 12.00 foot radius curve to the left 18.79 feet, said curve having a chord which bears N. 19°-08'-30" W., 16.93 feet to a point on the south line of University Avenue; thence N. 64°-00'-00" W., 650.83 feet along said south line of University Avenue; thence continuing along said south line along the arc of a 766.45 foot radius curve to the right 117.67 feet, said curve having a chord which bears N. 59°-36'-07" W., 117.55 feet; thence N. 55°-12'-14" W., 111.63 feet; thence S. 42°-41'-57" W., 79.43 feet; thence S. 26°-57'-25" W., 174.64 feet to the combined pierhead and bulkhead line of the East River; thence N. 88°-49'-01" E., 168.83 feet along said combined pierhead and bulkhead line; thence continuing along said combined pierhead and bulkhead line S. 56°-51'-38" E., 333.38 feet; thence continuing along said combined pierhead and bulkhead line S. 40°-59'-54" E., 114.82 feet to the east line of said Lot 7, Cleerman's Addition; thence N. 25°-59'-20" E., 133.82 feet along said east line of Lot 7; thence S. 64°-00'-00" E., 179.87 feet; thence N. 25°-43'-00" E., 80.00 feet; thence S. 64°-00'-00" E., 16.00 feet; thence N. 25°-43'-00" E., 6.00 feet; thence S. 64°-00'-00" E., 134.00 feet to the point of beginning.

Subject to any easements of record.

Further, that such map is a true and correct representation of the exterior boundaries of the land surveyed to the best of my knowledge and belief, and that I have complied with Chapter 236 of the Wisconsin Statutes and with Chapter 14 of the General Ordinances of the City of Green Bay in surveying, dividing and mapping of the same.

Dated this 1st day of JUNE, 1992.


Richard D. Hall S-889
Registered Land Surveyor

RESTRICTIVE COVENANTS

- 1) The owner of each lot is required to grade the property abutting a street to conform to adopted sidewalk grade elevation and maintain that grade elevation for future sidewalks.
- 2) The land on all side and rear lot lines of all lots shall be graded and maintained by the abutting property owners to provide for adequate drainage of surface water.



Stock No. 26273

1293188

OWNER'S CERTIFICATE

As owners, we the undersigned, hereby certify that we caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. We also certify that this plat is required by S-236.10 or S-236.12 of the Wisconsin Statutes to be submitted to the following for approval or objection; in accordance with current Land Subdivision Ordinances.

Witness the hand and seal of said owners this 2nd day of June, 1992.

Witness

J. M. Rose
J. M. Rose, Chairman
City of Green Bay Redevelopment Authority
City of Green Bay, Wisconsin

STATE OF WISCONSIN)
BROWN COUNTY)

Personally came before me this 2nd day of June, 1992 the above named J.M. Rose and B.F. Paculski to me known to be the person(s) who executed the foregoing instrument and acknowledge the same.

NOTARY

P. Robert Strong
Notary Public
Brown County, Wisconsin
My Commission Expires 10/17/93

GREEN BAY PLAN COMMISSION CERTIFICATE

Approved for the City of Green Bay Plan Commission this 4TH day of JUNE, 1992.

Dale D. Preston
Dale D. Preston
Principal Planner

CLERK'S CERTIFICATE

As the duly appointed City Clerk of the City of Green Bay, I hereby certify that the records in my office show no unpaid special assessments affecting any of the lands included in this Certified Survey Map.

Dated this 3rd day of June, 1992.

Paul G. Janquart
Paul G. Janquart
City Clerk

THIS SPACE RESERVED FOR RECORDING DATA

REGISTER'S OFFICE
Brown Co., Wis.

Received for record the 8th
day of June A.D. 19 92
at 11:46 o'clock A M.
and recorded in Vol. 27 of
Certified Survey Maps on Page 54

Cathy Weigandt Bruning
Register of Deeds

1600



Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # R.I

To approve the request by TDS Metrocom, LLC for a Utility Easement at Fisk Park.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. fisk park & TDS 5.19.22
2. Green Bay Fisk Park_Node GA Easement
3. TC-210913048-Exhibit060222
4. TDS Metrocom Cabinet



Fisk Park - TDS

Map printed on 5/19/2022

1:720

1 inch = 60 feet*

1 inch = 0.0114 miles*

*original page size: 8.5"x11"

Appropriate format depends on zoom level

Parcel ownership key

Parcel Boundary

Condominium

Gap or Overlap

"hooks" indicate
parcel ownership
crosses a line

Parcel line

Right of Way line

Meander line

Lines between deeds or lots

Historic Parcel Line

Vacated Right of Way

A complete key (legend) is available at:
tinyurl.com/BrownDogLegend



(920) 448-6480

www.browncountywi.gov

**CONVEYANCE OF NON-
EXCLUSIVE EASEMENT**

DOCUMENT NO.

This Conveyance of Non-Exclusive Easement (including exhibits hereto, this "Conveyance") is made as of the 8th day of June, 2022 by the **City of Green Bay**, its successors and assigns ("Grantor").

WHEREAS, GRANTOR is the owner of that certain land located in part of LOTS 18 & 19 of Dousman & Elmores Addition, City of Green Bay, Brown County, Wisconsin, bounded and described as follows in Exhibit "A";

NOW, THEREFORE, for valuable consideration of One Dollars (\$1.00) and other good and valuable consideration, Grantor does hereby give, grant and convey to **TDS Metrocom, LLC**, its successors and assigns ("Grantee"), an "exclusive" perpetual easement upon, in, under, over, across, and along the Burdened Parcel ("Easement") to construct, use, maintain, operate, alter, add to, repair, replace, and/or remove its facilities consisting of underground cables, wires, conduits, and for above ground equipment, cabinets, and appurtenances for communication and/or other purposes, together with the right to have commercial electrical service extended across, and under a portion of the certain real property described as follows:

See Exhibit "A":

More particularly described as follows:

Commencing at the Southwest corner of J.H Tayler's Subdivision #3, thence South 25 degrees 57 minutes 41 seconds West, a distance of 66.00 feet, thence South 64 degrees 2 minutes 19 seconds East, a distance of 20.28 feet being the Point of Beginning; thence South 64 degrees 2 minutes 19 seconds East, a distance of 15.00 feet; thence South 25 degrees 57 minutes 41 seconds West, a distance of 15.00 feet; thence North 64 degrees 2 minutes 19 seconds West, a distance of 15.00 feet; thence North 25 degrees 57 minutes 41 seconds East, a distance of 15.00 feet being the Point of Beginning; subject to Right-of-Way, Easements, Restrictions and Reservations of record, IF ANY

RETURN TO

Attn: Sean Murray
Permit/Construction
TDS Telecom
525 Junction Road
Madison WI 53717

1. **Grantee** may construct, use, maintain operate, alter, add to, repair, replace, and/or remove its facilities consisting of electronic telecommunications cabinets, overhead and underground cables, wires, ducts and conduits, and for appurtenances for communication and/or other purposes pertaining to the operation of Grantee's telecommunications systems, together with commercial electrical service extended upon, in, under, over, across, and along an easement area, **Fifteen (15) feet by Fifteen (15) feet**, along those portions of the Burdened Parcel ("Easement Area") as more particularly described and depicted on Exhibit A.
2. **Grantee** shall have the right of ingress to and egress from the land of the Grantor for the purpose of exercising the rights herein granted, and the right to cut down and control the future growth of all trees and brush which may, in Grantee's sole but reasonable judgment, interfere with Grantee's use of the Easement.
3. **Grantee** agrees that it will pay the reasonable value of actual physical damage done to the Burdened Parcel, arising at any time out of the exercise by it of the rights herein granted.
4. **Grantor** covenants not to erect any structure upon the aforesaid real property that would interfere with Grantee's use of said easement and this covenant shall be binding upon Grantor's successors and assigns.
5. **Grantor** agrees that all facilities consisting of poles, pedestals, underground cables and wires, and for appurtenances for communication and/or other purposes pertaining to the operation of Grantee's telecommunications systems, installed on or above the Burdened Parcel at the Grantee's expense shall remain the property of the Grantee, removable at the option of the Grantee.
6. **Grantor** reserves for itself and its successor and assigns the right to use any portion of the Burdened Parcel, within or without the Easement Area, in any reasonable manner, provided such use does not interfere with or unduly inconvenience Grantee's full use and enjoyment of the Easement granted to Grantee herein.
7. **Grantor** covenants that they are the owners of the above-described lands has the authority to grant and execute this easement.
8. **Grantee** will remove said structure and any other communication facilities, restore property to original condition and release land back to municipality if the use of the easement is no longer needed.
9. **Grantee** hereby agrees to indemnify, defend and hold harmless the Grantor, its elected and appointed officials, officers, employees, agents, representatives and volunteers, and each of them, from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorneys' fees, costs and expenses of whatsoever kind or nature in any manner directly or indirectly caused, occasioned, or contributed to in whole or in part or claimed to be caused, occasioned, or contributed to in whole or in part, by reason of any act, omission, fault, or negligence, whether active or passive, of Grantee or of anyone acting under its direction or control or on its behalf, even if liability is also sought to be imposed on Grantor, its elected and appointed officials, officers, employees, agents, representatives and volunteers. The obligation to indemnify, defend and hold harmless the Grantor, its elected and appointed officials, officers, employees, agents, representatives and volunteers, and each of them, shall be applicable unless liability results from the sole negligence of the Grantor, its elected and appointed officials, officers, employees, agents, representatives and volunteers. Grantee shall reimburse the Grantor, its elected and appointed officials, officers, employees, agent or authorized representatives or volunteers for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. In the event that Grantee employs other persons, firms, corporations or entities (sub-contractor), it shall be Grantee's responsibility to require and confirm that each sub-contractor enters into an Indemnity Agreement in favor of the Grantor, its elected and appointed officials, officers, employees, agents, representatives and volunteers, which is identical to this Indemnity Agreement. This indemnity provision shall survive the termination or expiration of this Easement.

DATED: _____

TDS TELECOM USE ONLY

Company No. 0864

Easement No. EGRB-22-007

Exchange No. 0913

WBS Element: TC-210913048

By _____ (SEAL)

Eric Genrich

PRINT

Mayor of Green Bay

TITLE

By _____ (SEAL)

Celestine Jeffreys

PRINT

City Clerk of Green Bay

TITLE

STATE OF WISCONSIN)
) SS.
County of BROWN)

On this _____ day of _____, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared

Eric Genrich, Mayor, and Celestine Jeffreys, Clerk, known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Witness my hand and official seal

Signature of Notary

Printed Name of Notary

Notary Public _____ County,

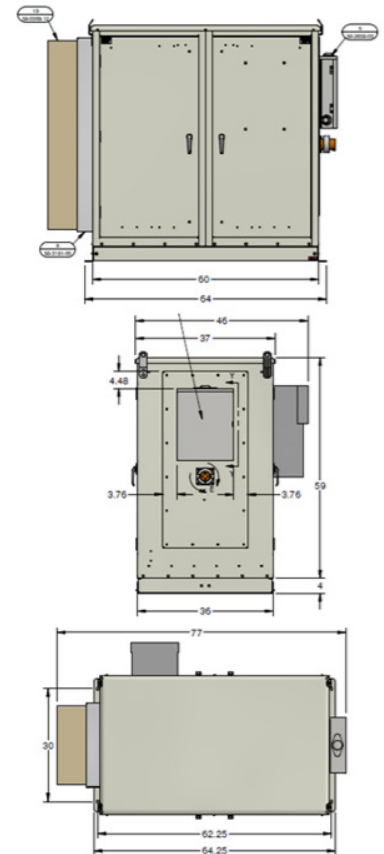
My Commission Expires: _____, 20____

The instrument was drafted by: TDS Telecommunications Corporation
Insertions by: Corey Tielens – Mi-Tech Services, Inc.

NODE SITE BUILD-OUT



Node Footprint: ~ 10' x 10'
Concrete Pad: 72" x 88" x 6"
Cabinet Dimensions: 64"W x 46"D x 63"H





Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # R.2

To approve accepting the donation from the Friends of Bay Beach of a used Tot Hopper ride to replace the Bay Beast Tot Hopper ride, contingent upon the successful purchase of the ride.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Possible Ride Donation



**Friends of Bay Beach Ride Donation
Manufacturer – Moser, 2005, 15-Meter Tot Hopper Ride
Last Refurbished in 2015.**



Report to the
Parks Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # R.3

To approve the Green Bay Parks Department's Adopt-a-Park, Adopt-a-Trail policy as presented.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Adopt a Trail Policy 2022



CITY OF GREEN BAY PARKS POLICY

Policy Title Adopt-a-Park, Adopt-a-Trail	Last Revised
Policy Source Parks, Recreation & Forestry Dept.	Legal Review Date 6/20/2022
Parks Committee Approval	City Council Approval

Policy Purpose

The City of Green Bay has an extensive park and trail system which requires continual maintenance and upkeep. While City staff address the basic maintenance needs of these sites, there is always opportunity to further enhance these Green Bay greenspaces. The Parks, Recreation, and Forestry Department has developed an Adopt-a-Park, Adopt-a-Trail program to involve volunteers with maintaining, improving, and monitoring of the City's parks and trails. By agreeing to adopt parks or designated trail segments and making a regular effort of at least 3 activities to address minor maintenance per year, this program allows for individuals, businesses, and community groups to play a direct role in the upkeep and beautification of the City's park system. Groups will receive recognition through the placement of two signs on-site, naming them as the adopter of the park/trail.

Expectations

Groups are expected to perform a minimum of three workdays a year at their designated park/trail. Examples of work include litter collection, debris pick up/removal, weeding, removal of invasive plants, and to identify other needs and issues. The City of Green Bay will coordinate and provide equipment and supplies such as trash bags. Each group is required to have one leader who will coordinate the date, tasks planned, and any supplies required to the Park Department's representative at least 2 weeks prior to the workday. A group's commitment to a park or trail shall be for one year. All participants agree to sign a Volunteer waiver form and follow the Parks, Recreation, and Forestry policies while working in the City parks and trails systems. It will be the responsibility of the group leader to obtain and submit all volunteer waivers to the City. Groups must maintain 1 adult per 10 juveniles (under the age of 16) at all times. The Parks, Recreation, and Forestry Department may cancel a group's adoption at any time for failing to meet the programs requirements.

Applications

All interested parties must apply to adopt a designated park or segment of City trail. Applications will be accepted from January to May. Any applications received after May will be held for the

following year designations. All parties must submit an application annually to keep the designated trail segment. Applications can be found on the Parks, Recreation, and Forestry Department's website.

Terms and Conditions

1. Sponsors are to be considered volunteers and not officers, employees, or agents of the City of Green Bay. Any injuries, claims, liabilities, suits, or costs relating to this permit shall be the sole responsibility of the Sponsors.
2. The Sponsor agrees to indemnify and hold harmless the City of Green Bay from any injury, cost, suit, liability, or award arising from the issuance or exercise of this permit, or because of any adverse effect upon any person or property attributed to the works of the Sponsor.
3. Participants in the group agree to obey and abide by all City ordinances and regulations.
4. Parks and trail segments are assigned on a first come, first served basis. Sponsorship approvals are at the discretion of the Parks, Recreation, and Forestry Department.
5. Parks and trail segment sponsorships will not overlap. Each segment will be adopted by one sponsor at any given time. Sponsors will not work beyond their assigned limits. These terms may be negotiated with the Parks, Recreation, and Forestry Department.
6. Sponsors will participate in a minimum of three activity days per year. Activity dates are to be mutually agreeable to the Sponsors and the Park Department's representative. Sponsors agree to work during daylight hours only.
7. Sponsors will provide appropriate training prior to any activity day to ensure the safety of all participants. Safety rules will be reviewed each activity day before proceeding.
8. Sponsors will ensure there is one adult supervisor present for every 10 juveniles (under age 16).
9. The Parks, Recreation, and Forestry Department will supply trash bags for litter pickup and instructions for disposal of litter filled bags.
10. Requests for additional supplies and materials should be directed to the Park Department's representative. Unused supplies and materials furnished by the property may be retained by the Sponsors during the permit period, but must be returned to the Parks, Recreation, and Forestry Department at the end of the permit period.
11. Sponsors will not modify existing trail segments or create any situation that may be hazardous to the public without prior authorization and supervision from the Parks, Recreation, and Forestry Department. The use of power tools is forbidden without prior authorization by the Department.
12. Any "lost and found" items must be returned to the Parks, Recreation, and Forestry Department prior to leaving the property.
13. Closed containers or items suspected to be hazardous will not be touched. Any items/situations found by the Sponsors that need further attention from City staff should be brought to the attention of the Parks, Recreation, and Forestry Department.
14. All participants will park in designated parking lots or approved street parking. No motor vehicles will be allowed on any trail.
15. Adopt-A-Trail sponsors will be recognized by Department approved signs at trailheads. The location of these signs is at the discretion of the Parks, Recreation, and Forestry Department. The Department reserves the right to refuse or revise acronyms of group names when preparing signs.



Report to the
Personnel Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

AGENDA ITEM # S.I

To approve the request to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.

- a. Arborist II - Park, Recreation & Forestry
- b. Parking Maintenance Technician - Public Works
- c. Battalion Chief - Fire

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- 1. Request to Fill Memo 6.21.2022
- 2. Arborist II - N. Simons 06.16.22
- 3. Parking Maintenance Technician - T. Konitzer 06.16.22
- 4. Request to Fill - Battalion Chief 2022

MEMORANDUM



Human Resources Department

To: Personnel Committee
Joe Faulds, Human Resources Director

From: Sarah Fidler
Human Resources Generalist

Re: Request to Fill Vacant Positions

Date: June 21, 2022

The Human Resources Department is requesting authorization to fill the following replacement positions approved as part of the 2022 budget and all subsequent vacancies resulting from internal transfers. The justification reports are attached.

- Arborist II – Replacement position due to the resignation of Nicholas Simons effective June 16, 2022. Salary range: \$22.76 - \$26.79 hourly.
- Parking Maintenance Technician – Replacement position due to the resignation of Todd Konitzer effective June 16, 2022. Salary range: \$20.56 - \$24.20 hourly.
- Battalion Chief – Replacement position due to the resignation of Drew Spielman effective June 25, 2022. Salary range: \$79,393 - \$93,371 annually.

**Position Fill Request
Justification Report
June 9, 2022**

Position Title: Arborist II

- 1. If this position is a replacement position, please indicate the reasons for the vacancy. If this is not a replacement position, please indicate the reasons for requesting the position.**

 X **Replacement Position** **Not a Replacement Position**

This position will be vacant as a result of the resignation of Nicholas Simons effective at the end of the working day on June 16, 2022.

- 2. Is this position included in the current budget? If not, please list how this position will be funded (grant, internship, etc.). Please list the salary range of the position.**

Yes, this position is budgeted. The wage range is \$22.76-\$26.79 (Pay Grade G).

- 3. Please list the functions and any special information regarding this position.**

The Arborist II position is responsible for tree pruning, tree removal and tree planting of 38,000 street trees and 10,000 park and conservancy trees in Green Bay. These are highly trained positions that use aerial bucket trucks and utilize technical rigging to perform tree work safely and efficiently.

- 4. Does the position generate revenue or reduce expenses? If so, provide an estimated amount.**

Utilizing in house staffing instead of contracting for services reduces expenses. The tree work done by the Arborist II positions also reduces liability claims and exposure by properly maintaining trees.

- 5. Please explain why current staff is unable to absorb duties of this position.**

Forestry is unable to keep up with the work load without a full staffing level. With the continuation of Emerald Ash Borer tree removal, regular maintenance projects are not able to be performed within the necessary timeline without being fully staffed.

- 6. If duties of position are presently being done, how are they done?**

Work is being done by existing staff as able based on priority of the need. The overall needs would outweigh current available staff.

- 7. What service would be reduced or eliminated if this position is not filled?**

Tree pruning, stump grinding and tree planting will either be reduced or not happen at all for a 2-3 year timeline. This in turn will cause a greater back log than already present.

8. What are the alternative methods and costs of accomplishing the work?

There are none at this time. Forestry is not funded to contract work nor would it be cost effective.

9. Are there union issues?

None.

10. Other supporting comments.

**Position Fill Request
Justification Report**
June 6, 2022

Position Title: Full-time Parking Maintenance Technician (PMT) – Parking Division

- 1. If this position is a replacement position, please indicate the reasons for the vacancy. If this is not a replacement position, please indicate the reasons for requesting the position.**

This is a replacement position resulting from the resignation of Todd Konitzer effective at the end of his regular scheduled shift on Thursday, June 16, 2022.

- 2. Is this position included in the current budget? If not, please list how this position will be funded (grant, internship, etc.). Please list the salary range of the position.**

Yes, this position is funded in the Parking Division operating budget. The current wage range is \$20.56 - \$24.20 per hour (Pay Grade F).

- 3. Please list the functions and any special information regarding this position.**

This is a daytime afternoon/evening shift Parking Maintenance Technician position that is scheduled five (5) eight-hour shifts per week, and works from 12:00 PM (noon) to 8:30 PM. Each PMT gets two (2) days off per week, but not always in a row. The PMT schedule rotation includes two (2) weekends in a row scheduled to work, followed by two (2) weekends in a row scheduled off.

The PMT position is responsible for completing the following tasks:

- PARCS equipment maintenance and repair
- Plowing and ice control in all facilities
- Sweeping
- Re-lamping light fixtures
- Other maintenance in parking areas as assigned

- 4. Does the position generate revenue or reduce expenses? If so, provide an estimated amount.**

This position generates some revenue from parking citations. But most parking citations are issued by Parking Enforcement Officers and night-shift Parking Maintenance Technicians.

- 5. Please explain why current staff is unable to absorb duties of this position.**

There are 4 full-time day shift Parking Maintenance Technicians in the Parking Division Table of Organization. If one or more of them is out, then:

- 1) PMT shifts must be modified for proper coverage, typically requiring overtime
- 2) The new PARCS program requires Parking Division to be staffed 24/7/360. Employee vacancies cannot occur.
- 3) Lower PMT staffing means lower revenue. Parking Division is self-revenue-generating, so it must maintain its revenue stream in order to remain financially solvent.

6. If duties of position are presently being done, how are they done?

Parking Division continues to do its best to cover all responsibilities. However, lower staffing levels require certain duties to be prioritized and/or not completed.

7. What service would be reduced or eliminated if this position is not filled?

Failing to fill this position will result in lost revenue from parking citations, reduced maintenance in the ramps, a lower level of customer service, and lower levels of parking system security.

8. What are the alternative methods and costs of accomplishing the work?

Forcing the daytime Parking Division maintenance staff to work night hours. However, doing so only creates shortfalls in coverage of daytime work tasks.

9. Are there union issues?

No

10. Other supporting comments.

None

**Position Fill Request
Justification Report
(June 16, 2022)**

Position Title: Battalion Chief

- 1. If this position is a replacement position, please indicate the reasons for the vacancy. If this is not a replacement position, please indicate the reasons for requesting the position.**

XX Replacement Position _____ Not a Replacement Position

Vacancy created by the resignation of Battalion Chief Drew Spielman who is taking a full-time fire chief position in Hudson, WI.

- 2. Is this position included in the current budget? If not, please list how this position will be funded (grant, internship, etc.). Please list the salary range of the position.**

Yes; Grade N (\$79,393-\$93,371)

- 3. Please list the functions and any special information regarding this position.**

Responsible for the operational supervision and management of the west side fire stations (3,4, & 6) during a 24 hour period among many other duties.

- 4. Does the position generate revenue or reduce expenses? If so, provide an estimated amount.**

No

- 5. Please explain why current staff is unable to absorb duties of this position.**

The duties and responsibilities for Battalion Chiefs are split geographically east and west to make them manageable. The number 1 priority of the Battalion Chief is to ensure the safety of our personnel and the citizens that we serve on all emergency responses.

- 6. If duties of position are presently being done, how are they done?**

Covered by overtime.

- 7. What service would be reduced or eliminated if this position is not filled?**

This position is critical to the fire department and cannot go unfilled.

- 8. What are the alternative methods and costs of accomplishing the work?**

Fill the position with overtime using the existing Battalion Chiefs. This will create an undue burden because of the amount of additional hours that each would have to work.

9. Are there union issues?

No

10. Other supporting comments.

None



Report to the
Personnel Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # S.2

To approve the request to over hire one sergeant position through September 8, 2022.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Sergeant 6.2022

**Position Fill Request
Justification Report
6/16/2022**

Position Title: Police Sergeant

- 1. If this position is a replacement position, please indicate the reasons for the vacancy. If this is not a replacement position, please indicate the reasons for requesting the position.**

 X **Replacement Position** **Not a Replacement Position**

This is a replacement position for Mike Knetzger who is retiring effective September 8, 2022.

- 2. Is this position included in the current budget? If not, please list how this position will be funded (grant, internship, etc.). Please list the salary range of the position.**

No, currently there are 15 Sergeants budgeted for. This would be a 16th Sergeant until September 8th when there is an expected retirement.

The additional salary cost would be \$1,146.68. (Officer/Sergeant wage difference from June 23rd to September 8th)

It would take 17.74 hours of overtime reduction to fully offset this cost.

- 3. Please list the functions and any special information regarding this position.**

The Patrol Sergeant is a first line supervisor. The Patrol Sergeant's primary function is to supervise and mentor officers. They can perform all the duties of a patrol officer.

- 4. Does the position generate revenue or reduce expenses? If so, provide an estimated amount.**

There would likely be a reduction in overtime expense as this position would fill a functional vacancy because there is a Sergeant currently on extended FMLA (estimated return December 16, 2022).

- 5. Please explain why current staff is unable to absorb duties of this position.**

These duties are presently being absorbed.

- 6. If duties of position are presently being done, how are they done?**

Done by current Sergeants.

- 7. What service would be reduced or eliminated if this position is not filled?**

No service would be reduced or eliminated.

8. What are the alternative methods and costs of accomplishing the work?

Any drop below contractual minimum staffing would be filled by overtime by current Sergeants. Current Sergeants would absorb the supervisor workload.

9. Are there union issues?

No.

10. Other supporting comments.

It is difficult to predict the actual overtime cost this summer as the Sergeant position has changed slightly to include 1 of the 5 night shift Sergeants (10pm-6:30am) moving to evening shift (7pm-3:30pm). This was done prior to the extended leave of one of the night shift Sergeants.

There is a planned retirement for a dayshift sergeant September 8, 2022. This overfilling of the position would replace that anticipated vacancy and allow for the newly promoted Sergeant to receive training for the position prior to that vacancy.

It is anticipated that there will a Lieutenant position filled later this fall. A Sergeant will likely be promoted to fulfill this role. Filling an additional position now, would help reduce multiple new Sergeants being trained at the same time.



Report to the
Personnel Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # S.3

To hold until the July 26th Personnel meeting the request for update and feedback on the Remote Work Policy with the possibility for revision.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2022-06-07 Dist I to Personnel

Celestine Jeffreys

From: noreply@civicplus.com
Sent: Tuesday, June 7, 2022 8:44 AM
To: Celestine Jeffreys
Subject: Online Form Submittal: Alders' Petitions and Communications

Alders' Petitions and Communications

Name	Jennifer Grant
Committee Name	Personnel Committee
Text of Communication	Request for update and feedback on the Remote Work Policy with the possibility for revision

Email not displaying correctly? [View it in your browser.](#)



Report to the
Personnel Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # S.4

To approve the request to award a 3-year contract for Human Resources Benefit Administration Software (RFP #2022-11) to Bentek for the estimated amount of \$182,710.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 6-21-22 Personnel Committee Memo- Human Resources Benefit Administration RFP
2. Quote Summary HR Benefits

MEMORANDUM



Human Resources Department

To: Personnel Committee

From: Joe Faulds, Chief of Operations

Re: RFP #2022-11 – Human Resources Benefit Administration Software

Date: June 21, 2022

I. Background

The City of Green Bay's 2022 budget included funds through the 701 – Health Fund for a benefits administration software. The purpose of the software is to provide a user friendly platform for employees to enroll in benefits, updates and information on benefits, and assist the Human Resources Department and Administrative Services with administering benefits.

Employees will have easier access to a web based platform to enroll in benefits during open enrollment, mobile and web based access to benefit information (i.e. videos, descriptions of benefits, vendor information), ability to upload benefit information, add/remove dependents, or modify benefit information. Employees will have year round customer support.

Although the employee's use of the platform is important, the crux of the software will be the assistance to City staff in administering benefits. The platform will allow for easier use to monitor open enrollment election of benefits, adding and removing dependents throughout the year, communicating benefit information and updates to employees (i.e. videos, trainings, flyers, etc.), and reducing time to administer, audit, and reconcile bills paid to vendors.

II. Recommendation

The City recommends to move forward with the proposal from Bentek as outlined in the attached summary report. The amount budgeted in the City's 701 Health Fund for the first year was \$54,540. The City will work with the vendor to try and prorate the cost for year one to fit within what has been budgeted and then budget accordingly for next year's budget. If the City is unable to prorate the costs for the first year, then the City will ask for contingency funds to be used to cover the cost for year one.

CITY OF GREEN BAY QUOTE SUMMARY
RFP # 2022-11 HR Benefit Software

Dept: HR	VENDOR #1 Selerix	VENDOR #2 Bentek
Planholders: Joe Faulds-Melanie Falk- Jill Christensen		
Issued: 4-14-2022 Due: 05-05-2022 DemandStar		
DESCRIPTION		
Software Solution for HR Benefits the City of Green Bay		
BenTek Annual Fee		\$ 62,570.00
Selerix Per Employee Fee-		
COGB Employee Roster Fulltime-Seasonal 943 Employees	\$ 50,922.00	
Software Implementation		\$ 5,000.00
Annual Maintenance	\$ 3,000.00	
Set up Fee	\$ 3,000.00	
Total Annual Spend Year 1	\$ 56,922.00	\$ 67,570.00
3- year Commitment Total Cost	\$ 170,766.00	\$ 182,710.00
Bid Compliant:	Yes	Yes

Evaluation Scoring 3-Members Average Score out of 100 \$ 54.30 \$ 81.30

Recommendation: Award to the lowest responsive, responsible vendor

Bid Evaluation Scoring Bentek 81.3

Recommendation Points From Evaluators : Bentek

C:\Users\sarahfi\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\N2F36NA4\Quote Summary HR Benefits



Report to the
Economic Development Authority
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

Matt Buchanan, Staff

AGENDA ITEM # T.1

To approve a six-month extension of the planning option with GB Real Estate Investments for Tax Parcel 11-92 and to return to the EDA for consideration of future extensions beyond the December 30, 2022, expiration date.

BACKGROUND

In October 2020, the EDA issued a nine-month planning option to GB Real Estate Investments, LLC, for 416 N. Monroe Avenue (Tax Parcel 11-92). Furthermore, EDA authorized staff to issue two additional six-month extensions to the planning option if requested by the developer and if the developer could demonstrate progress with their plans for site redevelopment. Staff granted the two 180-day extensions and the planning option is now set to expire June 30, 2022.

As presented in the attached letter, the developer requests EDA to grant another six-month extension to the planning option (to expire December 30, 2022) and is also requesting EDA authorize staff to approve one additional six-month extension (to expire June 30, 2023) if requested by the developer. GB Real Estate Investments' plans for redevelopment include a three-to-four story mixed-use building with ground floor commercial space and 20-30 residential units on the upper levels. GB Real Estate Investments' plans for redevelopment are contingent upon acquisition of adjacent privately-owned parcels. Negotiations between the developer and adjacent property owners are ongoing and, therefore, additional time is being requested to complete those negotiations.

The 0.28-acre property (416 N. Monroe) was acquired by the City in 2013 for blight elimination and is currently being used by the Green Bay Parking Utility for leased parking. The developer also seeks an identical planning option extension on the adjacent parcel (11-95-A) owned by the Redevelopment Authority (RDA). That request will be considered at the RDA's June 14, 2022, meeting.

RECOMMENDATION

To approve a six-month extension of the planning option with GB Real Estate Investments for Tax Parcel 11-92 and to return to EDA for consideration of future extensions.

FISCAL IMPACT**ATTACHMENTS**

1. Memo - Planning Option Extension #3 - 6.1.22 Public
2. Birdseye Massing

MEMORANDUM

To: Mr. David Buck, Green Bay Community & Economic Development Dept.
From: Garritt R. Bader, GB Real Estate Investments, LLC 
Date: June 1, 2021
Re: Main & Monroe Option Extension #3, Parcels 11-92 & 11-95-A

Good morning!

Per the terms of the original option agreement for the above-referenced properties executed on October 13, 2020, and extended last fall, my option will expire June 30, 2022. I am hereby asking both the RDA and EDA to extend the option agreement for another twelve months on similar terms as the original agreement.

When the extension was granted last fall, I provided a massing rendering showing the proposed building footprint along with its surface parking area. That building area was proposed to be a 3-to-4-story mixed-use “Primary” building built up to the corner of Main & Monroe, with between 20-30 residential units and ground-floor commercial space. An “accessory” building was being explored on the corner of Monroe & Bodart, acting as a “sister” property to the Primary building.

Since last fall, discussions have been had with the adjacent property owners to gauge interest in selling and/or becoming part of the development team to foster a broader redevelopment of that corner. To be clear, *at least one* adjacent property owner needs to be willing to sell or become involved in order to do *something* of scale here. Based on reasonable expectations of the type of development desired on this corner, it’s nearly impossible to do this without a larger parcel. As I noted last fall, progress in this regard has proceeded much more slowly than desired, although conversations with all adjacent neighbors continues.

This extension will allow discussions to continue with the adjacent property owners in hopes of reaching agreement on participation or selling. I ask for a six month extension (with additional staff ability for another six months) to continue this pursuit. Thank you!



**RESOLUTION ESTABLISHING POLLING LOCATIONS
FOR THE AUGUST 2022 PARTISAN PRIMARY ELECTION
IN THE CITY OF GREEN BAY**

June 28, 2022

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

In accordance with Wis. Stats. § 5.25, the Common Council of the City of Green Bay does hereby establish polling places for wards of the City of Green Bay, as shown in the attached Exhibit A, for the Partisan Primary on August 9, 2022.

Adopted June_____, 2022

Approved June _____, 2022

Mayor

Clerk

LM

Attachment – Exhibit A

Exhibit A

Polling Locations: Partisan Primary Election August 9, 2022

wards	location	address
1	UWGB--Univ. Union Phoenix Rm	2420 Nicolet Dr.
2	UWGB--Univ. Union Phoenix Rm	2420 Nicolet Dr.
3	UWGB--Univ. Union Phoenix Rm	2420 Nicolet Dr.
4	Christ of the Bay	450 Laverne Dr.
4A	Christ of the Bay	450 Laverne Dr.
5	Christ of the Bay	450 Laverne Dr.
6	Froebel Early Learning	3542 Finger Rd.
7	Froebel Early Learning	3542 Finger Rd.
8	Froebel Early Learning	3542 Finger Rd.
8A	Froebel Early Learning	3542 Finger Rd.
9	St. Bernard's Church	2040 Hillside Ln
10	St. Bernard's Church	2040 Hillside Ln
10A	St. Bernard's Church	2040 Hillside Ln
11	Central Assembly Church	831 Schoen St.
11A	Central Assembly Church	831 Schoen St.
12	Central Assembly Church	831 Schoen St.
13	First United Church	509 S. Webster Ave.
14	Union Congregational Church	716 S. Madison St.
14A	Union Congregational Church	716 S. Madison St.
15	Green Bay Water Utility Conference Rm	631 S. Adams St.
16	Triangle Hill Park Shelter	500 Beverly Rd.
17	Triangle Hill Park Shelter	500 Beverly Rd.
18	Atonement Church	2132 Deckner Ave.
19	Atonement Church	2132 Deckner Ave.
19A	Atonement Church	2132 Deckner Ave.

wards	location	address
20	Wildlife Sanctuary DRC Learning Ctr	1660 E. Shore Dr.
20A	Wildlife Sanctuary DRC Learning Ctr	1660 E. Shore Dr.
21	Green Bay Labor Temple	1570 Elizabeth St.
22	Wildlife Sanctuary DRC Learning Ctr	1660 E. Shore Dr.
23	Wildlife Sanctuary DRC Learning Ctr	1660 E. Shore Dr.
24	Green Bay Metro	901 University Ave.
25	Green Bay Metro	901 University Ave.
26	Salvation Army	626 Union Ct.
27	First Presbyterian Church	200 S. Ashland Ave.
28	Redeemer Church	210 S. Oneida St.
29	Seventh Day Church	1414 Shawano Ave.
30	St. Joseph Church--Holy Grounds Café	936 9th Street
31	Calvary Church	1301 S. Ridge Rd.
31A	Calvary Church	1301 S. Ridge Rd.
32	Calvary Church	1301 S. Ridge Rd.
32A	Calvary Church	1301 S. Ridge Rd.
32B	Calvary Church	1301 S. Ridge Rd.
33	Green Bay Water Utility Conference Room	631 S. Adams St.
34	Redeemer Church	210 S. Oneida St.
35	Trinity Church	330 S. Broadway
36	St. Joseph Church--Holy Grounds Café	936 9th Street
37	St. Paul's Church	341 Wilson Ave.
38	St. Jude's Church	1420 Division St.
39	St. Jude's Church	1420 Division St.
39A	St. Jude's Church	1420 Division St.
40	Seventh Day Church	1414 Shawano Ave.
41	Botanical Garden Cornerstone Rm	2600 Larsen Rd.
42	Living Hope Church	1840 W. Mason St.
42A	Living Hope Church	1840 W. Mason St.
43	St. Elizabeth Ann Seton Church	2771 Oakwood Dr.
44	Bridge Point Church	2421 W. Point Rd.

wards	location	address
45	Botanical Garden Cornerstone Rm	2600 Larsen Rd.
46	Church of Christ	2683 W. Point Rd.
47	Botanical Garden Cornerstone Rm	2600 Larsen Rd.

FINAL PAYMENTS RESOLUTION
June 28, 2022

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. BRIDGE 3-20 MAIN STREET BRIDGE CENTER LOCKS REPLACEMENT

TOTAL AMOUNT EARNED:	\$ 132,262.00
LESS AMOUNT RETAINED:	<u>\$ 0.00</u>
	\$ 132,262.00
LESS AMOUNT PREVIOUSLY PAID:	<u>\$ 127,106.85</u>
AMOUNT DUE THIS PAYMENT:	\$ 5,155.15

ACCOUNT NUMBERS
401500E-55310-54110
PO #2100016

Adopted _____, 2022

Approved _____, 2022

Mayor

ATTEST:

City Clerk

AC

**RESOLUTION ESTABLISHING POLLING LOCATIONS
FOR THE AUGUST 2022 PARTISAN PRIMARY ELECTION
IN THE CITY OF GREEN BAY**

June 28, 2022

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

In accordance with Wis. Stats. § 5.25, the Common Council of the City of Green Bay does hereby establish polling places for wards of the City of Green Bay, as shown in the attached Exhibit A, for the Partisan Primary on August 9, 2022.

Adopted June_____, 2022

Approved June _____, 2022

Mayor

Clerk

LM

Attachment – Exhibit A

Exhibit A

Polling Locations: Partisan Primary Election August 9, 2022

wards	location	address
1	UWGB--Univ. Union Phoenix Rm	2420 Nicolet Dr.
2	UWGB--Univ. Union Phoenix Rm	2420 Nicolet Dr.
3	UWGB--Univ. Union Phoenix Rm	2420 Nicolet Dr.
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4A	Christ of the Bay	450 Laverne Dr.
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8	Froebel Early Learning	3542 Finger Rd.
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10	St. Bernard's Church	2040 Hillside Ln
10A	St. Bernard's Church	2040 Hillside Ln
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11A	Central Assembly Church	831 Schoen St.
12	Central Assembly Church	831 Schoen St.
13	First United Church	509 S. Webster Ave.
14	Union Congregational Church	716 S. Madison St.
14A	Union Congregational Church	716 S. Madison St.
15	Green Bay Water Utility Conference Rm	631 S. Adams St.
16	Triangle Hill Park Shelter	500 Beverly Rd.
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19	Atonement Church	2132 Deckner Ave.
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wards	location	address
20	Wildlife Sanctuary DRC Learning Ctr	1660 E. Shore Dr.
20A	Wildlife Sanctuary DRC Learning Ctr	1660 E. Shore Dr.
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23	Wildlife Sanctuary DRC Learning Ctr	1660 E. Shore Dr.
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26	Salvation Army	626 Union Ct.
27	First Presbyterian Church	200 S. Ashland Ave.
28	Redeemer Church	210 S. Oneida St.
29	Seventh Day Church	1414 Shawano Ave.
30	St. Joseph Church--Holy Grounds Café	936 9th Street
31	Calvary Church	1301 S. Ridge Rd.
31A	Calvary Church	1301 S. Ridge Rd.
32	Calvary Church	1301 S. Ridge Rd.
32A	Calvary Church	1301 S. Ridge Rd.
32B	Calvary Church	1301 S. Ridge Rd.
33	Green Bay Water Utility Conference Room	631 S. Adams St.
34	Redeemer Church	210 S. Oneida St.
35	Trinity Church	330 S. Broadway
36	St. Joseph Church--Holy Grounds Café	936 9th Street
37	St. Paul's Church	341 Wilson Ave.
38	St. Jude's Church	1420 Division St.
39	St. Jude's Church	1420 Division St.
39A	St. Jude's Church	1420 Division St.
40	Seventh Day Church	1414 Shawano Ave.
41	Botanical Garden Cornerstone Rm	2600 Larsen Rd.
42	Living Hope Church	1840 W. Mason St.
42A	Living Hope Church	1840 W. Mason St.
43	St. Elizabeth Ann Seton Church	2771 Oakwood Dr.
44	Bridge Point Church	2421 W. Point Rd.

wards	location	address
45	Botanical Garden Cornerstone Rm	2600 Larsen Rd.
46	Church of Christ	2683 W. Point Rd.
47	Botanical Garden Cornerstone Rm	2600 Larsen Rd.

**RESOLUTION OF PUBLIC ALLEY BETWEEN MONROE AVE AND QUINCY
STREET FROM CHERRY STREET TO PINE STREET TO BE VACATED
(AV 22-02)**

MAY 17, 2022

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, a request has been filed with the Common Council requesting vacation of all of the Alley dedicated to the Public Alley lying westerly of Lots 516 and 547, and easterly of Lots 517 and 546, according to the recorded Plat of Navarino as recorded in Volume 1 of Plats, Page 35, all located in the City of Green Bay, East Side of the Fox River, Brown County, Wisconsin, described as follows:

Beginning at the northwest corner of said Lot 516, Plat of Navarino;

thence southerly along the west line of said Lots 516 and 547, to the southwest corner of said Lot 547; thence westerly to the southeast corner of said Lot 546; thence northerly along the east line of said Lots 546 and 517, to the northeast corner of said Lot 517; thence easterly to said northwest corner of said Lot 516, and the point of beginning.

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that it appears to be in the public interest that the alley be vacated, and discontinued by the City of Green Bay subject to the above-referenced conditions, and that a reading be held on the abandonment, vacation, and discontinuance of the same on May 17, 2022 at 6:00 p.m. in the Council Chambers, City Hall, 100 North Jefferson Street, Green Bay, Wisconsin. The second a final reading will include a hearing and take place 40 days after the first reading in the Council Chambers, City Hall, 100 North Jefferson Street, Green Bay, Wisconsin.

Subject to the following conditions:

1. Adjacent property owners shall be responsible for, and owner of, the Storm Sewer within the vacated Alley.
2. Adjacent property owners shall be responsible for all costs to close curb openings to Pine Street and Cherry Street.
3. Any and all utility lines with another provider to be removed.

Parcels affected
11-157, 11-159
& 11-160

Owner Name and Mailing Address
City of Green Bay
100 N. Jefferson Street
Green Bay, WI 54301

Adopted _____

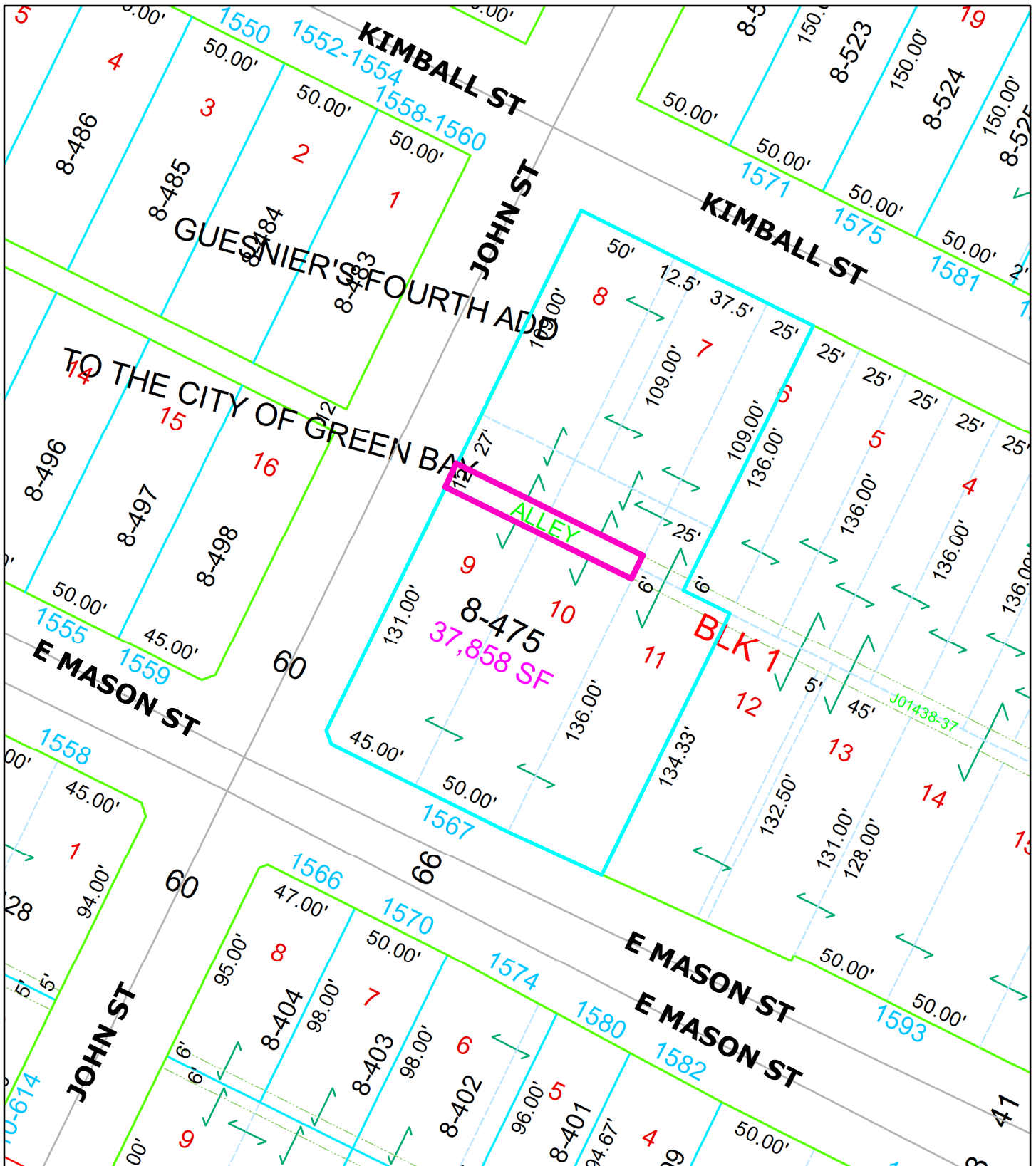
Approved _____

Eric Genrich, Mayor

Celestine Jeffreys, Clerk

MS:

Attachments (legal description and map)



DESCRIPTION OF PUBLIC ALLEY BETWEEN MONROE AVE AND QUINCY STREET
FROM CHERRY STREET TO PINE STREET TO BE VACATED
(SV 22-02)

All of the platted Public Alley lying westerly of Lots 516 and 547, and easterly of Lots 517 and 546, according to the recorded Plat of Navarino as recorded in Volume 1 of Plats, Page 35, all located in the City of Green Bay, East Side of the Fox River, Brown County, Wisconsin, described as follows:

Beginning at the northwest corner of said Lot 516, Plat of Navarino;
thence southerly along the west line of said Lots 516 and 547, to the southwest corner of said Lot 547;
thence westerly to the southeast corner of said Lot 546;
thence northerly along the east line of said Lots 546 and 517, to the northeast corner of said Lot 517;
thence easterly to said northwest corner of said Lot 516, and the point of beginning.

Parcels affected

11-157, 11-159
& 11-160

Owner Name and Mailing Address

City of Green Bay
100 N. Jefferson Street
Green Bay, WI 54301

**RESOLUTION AUTHORIZING CONDITIONAL USE
PERMIT AT 420 S VAN BUREN STREET
(ZP 22-16)**

June 28, 2022

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

That, pursuant to Zoning Petition 22-16 and the recommendation of the Plan Commission on June 20, 2022, the City of Green Bay does authorize a Conditional Use Permit (CUP) for a 2-Family dwelling unit located in a Low Density Residential (R1) zoning district on the following described property located at 420 Van Buren Street, submitted by NeighborWorks Green Bay.

DESCRIPTION:

Lot Four (4), Block Fifty (50), according to the Plat of Astor as recorded in Volume 8 of Plats, Page 4, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin.

Tax parcel number 14-638.

As show and dimensioned on the attached map.

Said described lands contains 9,921 square feet or 0.228 acres more or less.

Said conditional-use permit shall be granted subject to compliance with all regulations of the Green Bay Municipal Code.

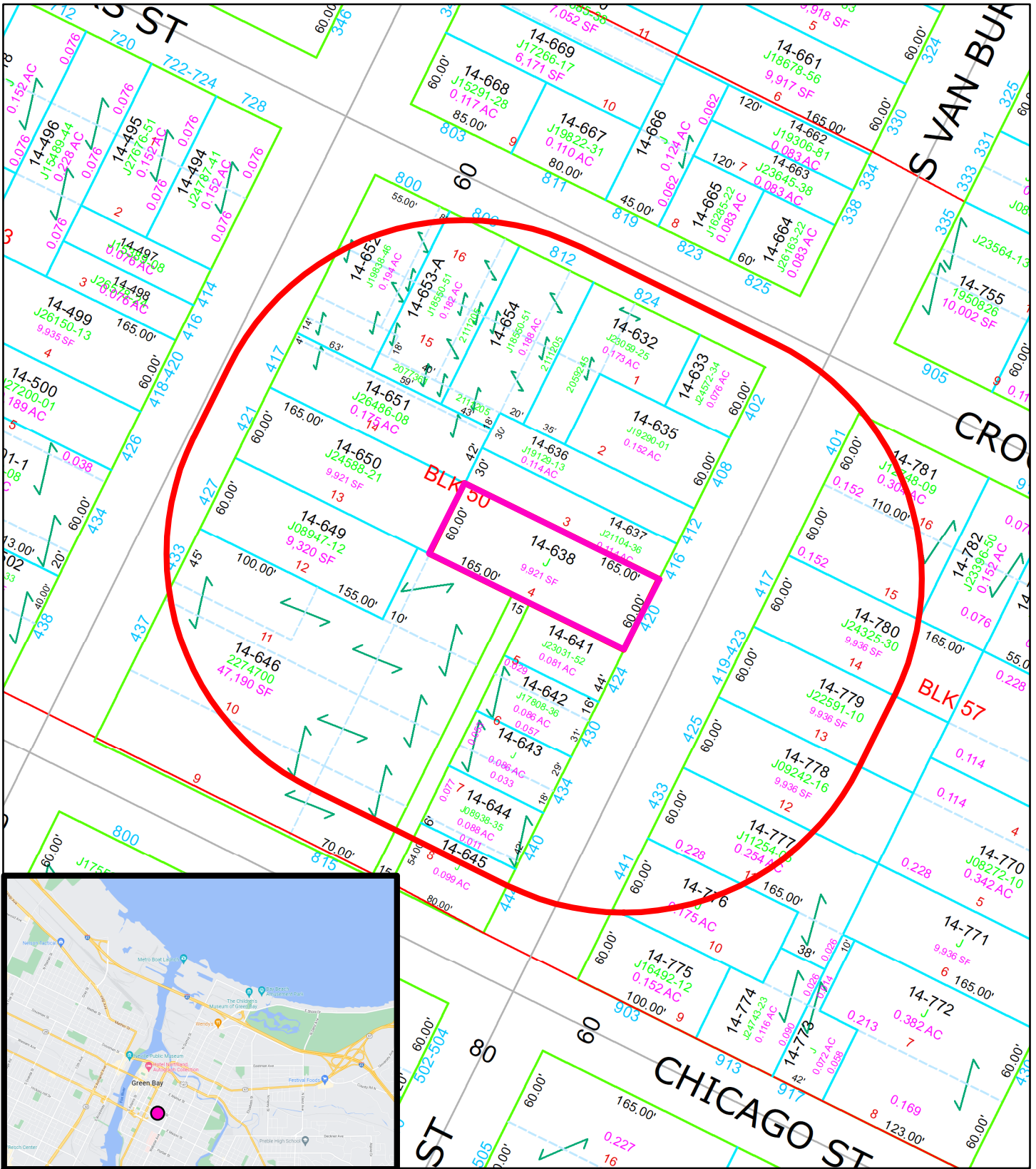
Adopted _____

Approved _____

Eric Genrich, Mayor

Celestine Jeffreys, Clerk

ms
Attachment – Map





(ZP 22-16) Zoning Petition
CUP 420 S Van Buren Street
Green Bay, WI, 54301

Feet
0 25 50 100

Parcel

Location of Parcel

Notification Area
200'

Parcel Numbers:
14-638

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

DESCRIPTION OF 420 S. VAN BUREN STREET
(TAX PARCEL NUMBER 14.638)

Lot Four (4), Block Fifty (50), according to the Plat of Astor as recorded in Volume 8 of Plats, Page 4, in the City of Green Bay, East side of Fox River, Brown County, Wisconsin.
Tax parcel number 14-638.

**RESOLUTION AUTHORIZING CONDITIONAL USE
PERMIT AT 1555 WEST MASON STREET
(ZP 22-13)**

June 28, 2022

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

That, pursuant to Zoning Petition 22-13 and the recommendation of the Plan Commission on May 9, 2022, the City of Green Bay does authorize a Conditional Use Permit (CUP) for a carwash in a Community Center Commercial (C3) district on the following described property located at 1555 West Mason Street, submitted by JJ Alaily, ICAP Developments, and Aaron Breitenfeldt, Robert E. Lee, on behalf of Justin Barnes, SRL2 Inc.

Part of Lot 30, C.L.A. Tank's Subdivision of Private Claims 2 thru 9, West side of Fox River, Volume , Plats, Page 160, and part of Lots 79, 80, and 81, Assessor's Plat No. One, Volume 5, Plats, Page 27, Document Number 247987, being located in part of Private Claims 3 and 4, West side of the Fox River, City of Green Bay, Brown County, Wisconsin, more fully described as follows:

Commencing at an angle point on the north line of Private Claim 4, West side of Fox River, being Brown County Surveyor I.D. Point 40T/U-13/4; thence S64°04'44"E, 122.75 feet on the north line of said Private Claim to the east right of way of South Military Avenue, the POINT OF BEGINNING; thence N26°49'30"E, 47.98 feet on said right of way; thence S64°03'15"E, 340.21 feet to an east line of the lands described in Volume 670, Page 239, Brown County Records; thence N64°08'21"W, 44.07 feet on said south line to the east line of said Lot 80; thence S25°54'19"W, 125.40 feet on said east line to the north right of way of Sixth Street; thence on said north right of way N64°03'15"W, 298.06 feet to said east right of way of South Military Avenue; thence N26°49'30"E, 181.05 feet on said east right of way to the point of beginning.

As show and dimensioned on the attached Exhibit A.

Said described lands contains 72,491 square feet or 1.664 acres more or less.

Tax Parcel No. 6-462

Said conditional-use permit shall be granted subject to:

- a. A recorded carwash land use on the corner of Military Ave and Sixth Street in a Community Center Commercial (C3) district
- b. Compliance with all other regulations of the Green Bay Municipal Code and Standard site plan review and approval. Including, conditions listed by the City Traffic Engineer must be addressed.
- c. CSM submission to create a lot as described in the legal.

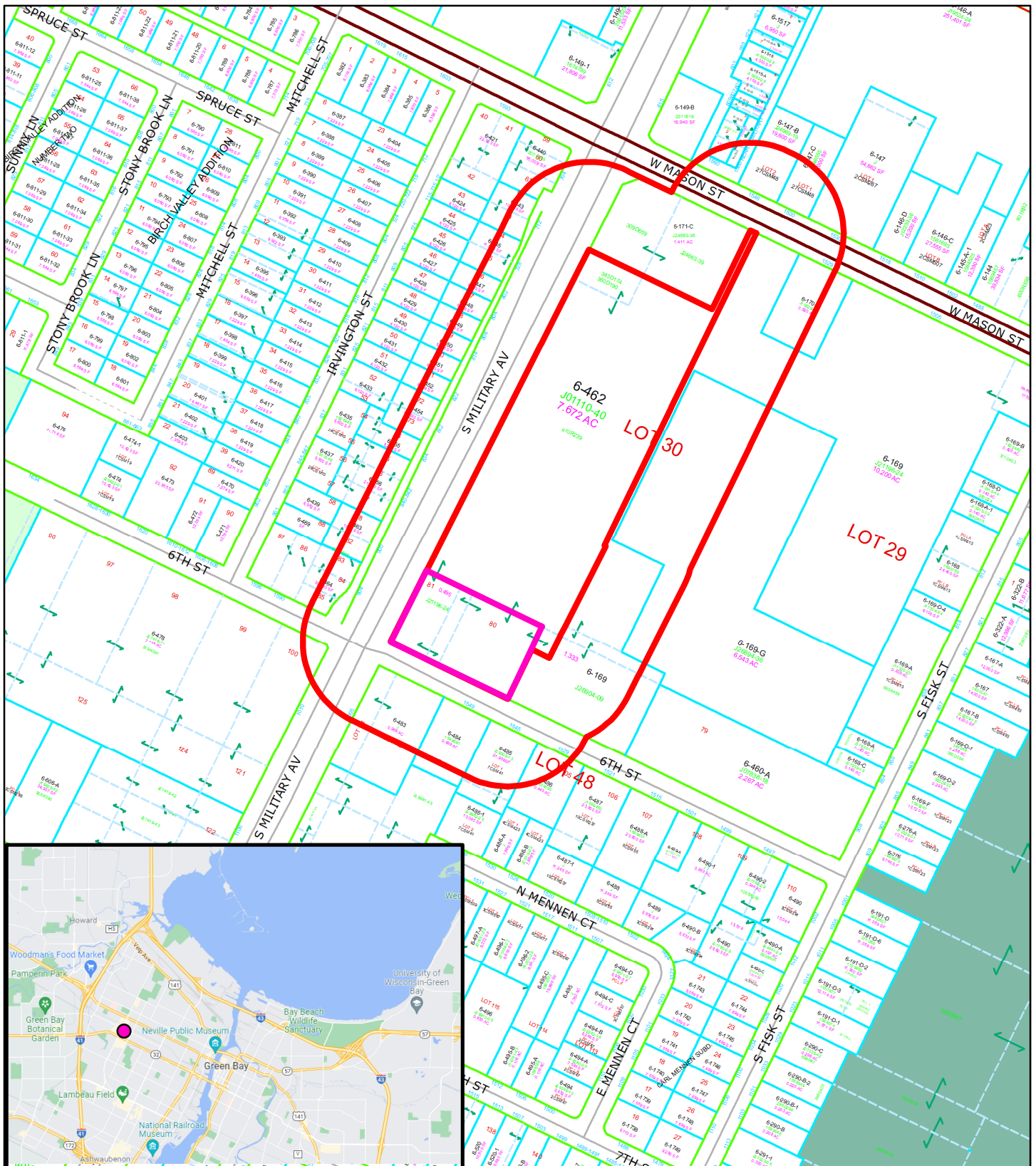
Adopted _____

Approved _____

Clerk

Mayor

ms
Attachment – Map



(ZP 22-13) Conditional Use Permit
CUP Portion of 1555 W Mason Street Carwash in a C3
Green Bay, WI, 54313

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

Parcel Numbers:
6-142



0 87.5 175 350 Feet

- Parcel
- Portion of Parcel
- Notification Area 200'

**RESOLUTION AUTHORIZING RELEASE OF
UTILITY EASEMENT AT 1100 UNIVERSITY AVENUE
(ED 22-01)**

June 28, 2022

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, a request has been filed with the Common Council requesting the release of the utility easement at 1100 University Avenue.

WHEREAS, the Plan Commission of the City of Green Bay approved said release at its meeting on June 20, 2022, subject to the condition that the property owner must obtain required approvals from the City of Green Bay Zoning and Building staff prior to beginning construction on any portion of the discontinued easement.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Easement Discontinuance 22-01 and the recommendation of the Plan Commission on June 20, 2022, the City of Green Bay does authorize the requested easement discontinuance for the following parcel located along University Avenue:

BE IT FURTHER RESOLVED, the easement discontinuance shall be filed and recorded with the Register of Deeds.

Tax Parcel: 7-706.

The 10.00 foot wide Public Utility Easement as granted across Lot 1, Brown County Certified Survey Map Number 4289 as recorded in Volume 27 of Certified Survey Maps, Page 54, as Document Number 1293188, (being part of Lot 1, Block C, Cleerman's Subdivision of part of Lots 7 and 8, Whitney's 2nd Addition to City of Green Bay), City of Green Bay, Brown County, Wisconsin, lying 5.00 feet on each side of the following described centerline: Commencing at the northeast corner of said Lot 1, Brown County Certified Survey Map Number 4289; thence N64°-00'-00"W, 288.38 feet, along the north line of said Lot 1, Brown County Certified Survey Map Number 4289, (also being the south right-of-way line of University Avenue); thence N63°-17'-24"W, 19.00 feet, to the start of said described centerline; thence S26°-00'-00"W, 12.00 feet, to the end of said described centerline.

Parcel affected being tax parcel number 7-706.

Adopted _____

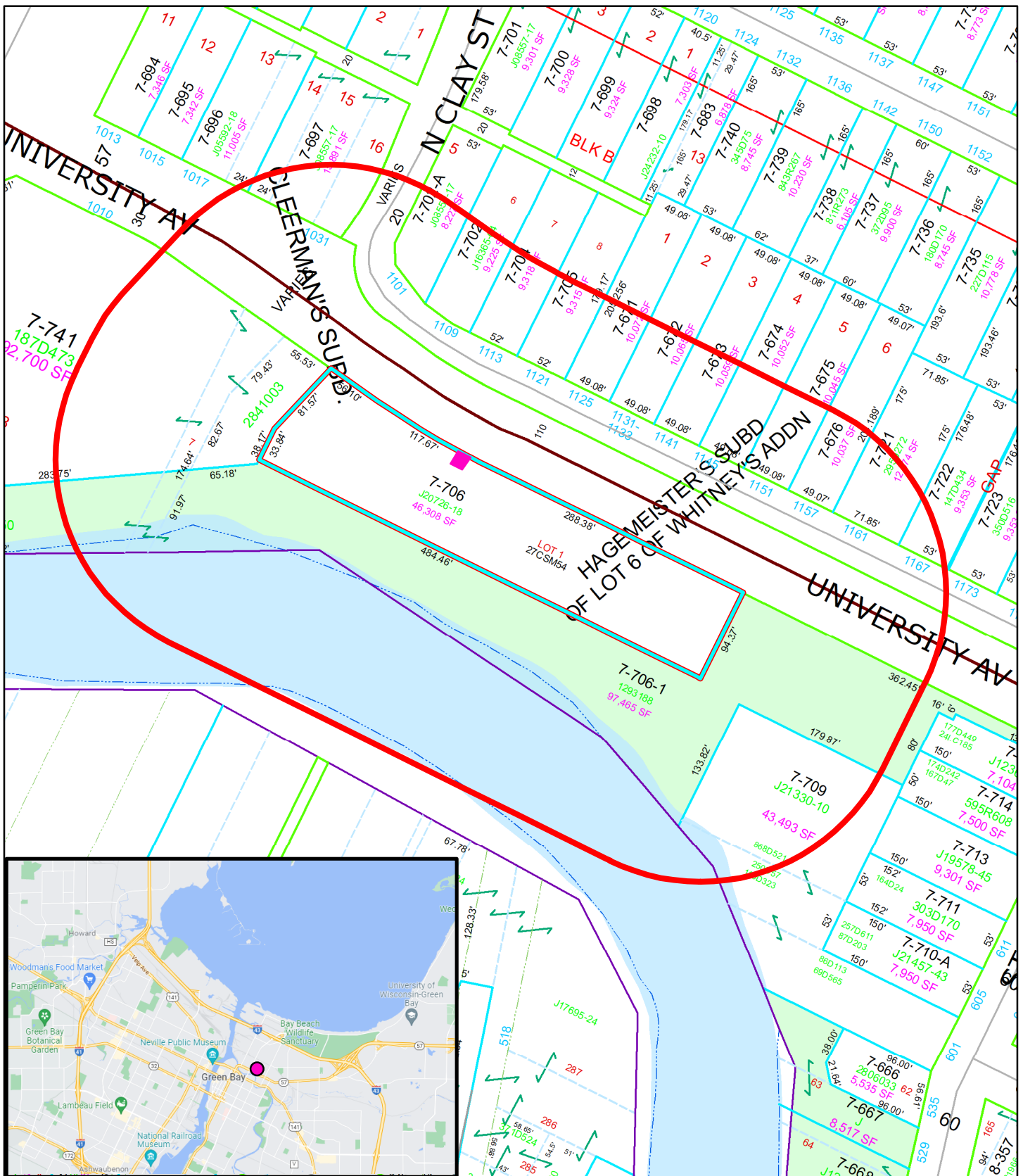
Approved _____

Eric Genrich, Mayor

Celestine Jeffreys, Clerk

MS

Attachment – Map



N

(ED 22-01) Easement Discontinuance

1100 University Avenue

Green Bay, WI, 54303

0 37.5 75 150 Feet

Parcel Number:
7-706

Parcel

10' x 12' Public Utility Easement

Notification Area 200'

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Report to the
Finance Committee
of the City of Green Bay

MEETING DATE

June 28, 2022

PREPARED BY

AGENDA ITEM # V.7

Resolution authorizing a budget amendment to transfer \$15,703.00 from Contingency account to Elections budget.

BACKGROUND

Total contingency request for \$15,703.00 to Election budget to help cover these items above the 2022 budget.

Seasonal Salaries:

- To cover extra nights and weekend for In Person Absentee Voting
- Concerned about recruiting and retaining pollworkers
- Central count for Aug / Nov
- Temp help
- Requesting \$11,767.00 for additional seasonal salaries

Office Supplies:

- Due to the high volume of absentee ballot requests, re-stock EL-122 Absentee Ballot Certificate Envelope and EL-120 outside envelope
- Based 2022 budget on 2020 budget, where the 2020 actual was \$1,408.42
- The 2022 cost for envelopes (EL-122 and EL-120) is \$3,936.00 and \$2,165.00, respectively.
- I would like to use \$3,936.00 of contingency to cover this unexpected cost.

RECOMMENDATION

Approve.

FISCAL IMPACT

ATTACHMENTS

- I. \$15,703 Election contingency request

2022	persons	elections	hours	pay		
poll workers	275	2		225	\$	123,750.00
central count	45	2		225	\$	20,250.00
CI	46	2		340	\$	31,280.00
temp help	3		174	\$ 15.00	\$	7,830.00
techs	5	2	80	26.49	\$	21,192.00
TOTAL					\$	204,302.00
2022 Budget ytd remaining funds					\$	(192,535.00)
ASK					\$	11,767.00

2023 projected

poll workers	275	2		225	\$	123,750.00
central count	20	2		225	\$	9,000.00
CI	46	2		340	\$	31,280.00
training	361			40	\$	14,440.00
temp help	0	0	0	\$ -	\$	-
techs	5	2	80	26.49	\$	21,192.00
TOTAL					\$	199,662.00

2024 projected

poll workers	275	4		225	\$	247,500.00
central count	130			225	\$	29,250.00
CI	46	4		340	\$	62,560.00
training	451			40	\$	18,040.00
temp help	3		174	\$ 15.00	\$	7,830.00
techs	5	4	80	26.49	\$	42,384.00
TOTAL					\$	407,564.00

**RESOLUTION AUTHORIZING
TRANSFER OF FUNDS**

June 28, 2022

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

Pursuant to the recommendation of the Finance Committee at its meeting of June 21, 2022, the following 2022 transfer of funds is hereby authorized:

	<u>ACCOUNT</u>	<u>AMOUNT</u>
From:	101099-59001 Contingency	\$15,703.00
To:	101104-50003 Seasonal Salaries	\$11,767.00
	101104-54002 Office supplies	\$ 3,936.00

Adopted _____

Approved _____

Mayor

Clerk

ZONING ORDINANCE NO. 04-22

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 9-15
FOR THE PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
1567 EAST MASON STREET
(ZP 22-07)

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

SECTION 1. Pursuant to Section 44-29, Green Bay Municipal Code, together with the zoning map referred to therein, the Planned Unit Development Overlay District for 1567 East Mason Street is hereby amended on the following described property:

GUESNIERS 4TH ADDN LOT 9 & S 27 FT OF LOT 8 EX ST IN 1038 R 239 BLK 1,
8,155 SQ FT

Tax Parcel: 8-475

SECTION 2. Pursuant to Chapter 44, Article XX, Green Bay Municipal Code, as applicable, the following conditions are imposed:

- A. Purpose and Intent. To permit the construction of a free-standing drive-through restaurant compatible with existing commercial development on the adjoining site. The proposed uses shall be consistent with both Exhibits A & B attached.
- B. Permitted Uses. The land uses which may be established and/or maintained on the subject property are as follows:
 1. Drive-through restaurant
 2. Other uses as permitted within the General Commercial (C1) District.
 3. Accessory uses and structures as allowed in Chapter 44, Article VIII, Division 3, Green Bay Municipal Code.
- C. Dimensional and Area Requirements. Dimensional and area requirements for principle and accessory structures on the subject property shall be as follows:
 1. Front yard setback (East Mason Street): Fifteen (15) feet.
 2. Corner Side yard setback (John Street): Eight (8) feet.
 3. Interior side yard: Zero (0) feet.
 4. Rear yard setback (Kimball Street): Fifteen (15) feet.
 5. The height of all structures shall not exceed twenty-five (25) feet.
 6. Floor Area Ratio (F.A.R) shall not be less than 0.06 for drive-through facilities.
 7. The site impervious coverage shall not exceed 70%.
 8. Setback areas shall exclude paving and buildings.

- D. Lighting. All lighting on the subject property shall be regulated as set forth in Chapter 44, Article V, Division 8, Green Bay Municipal Code. All canopy lighting shall be recessed.
- E. Signage. All signage for the current project shall be regulated as required in Section 30-36, Green Bay Municipal Code, for the Highway Commercial (C2) district. No signage shall face north to Kimball Street and west to John Street except for direction signage approved by staff.
- F. Site Plan Review & Standards
1. A site plan shall be submitted for review in accordance with Section 44-1889, Green Bay Municipal Code.
 2. Any ground-mounted and/or roof-mounted mechanicals shall be screened in accordance with Section 44-1919, Green Bay Municipal Code.
 3. Service, loading and storage areas shall comply with Section 44-1917, Green Bay Municipal Code.
 4. The site shall be complaint with the drive-through requirements found in Section 44-1584(l), Green Bay Municipal Code.
 5. An all-weather ADA compliant pedestrian connection shall be provided from the East Mason Street right-of-way to the entrance of the restaurant.
- G. Landscaping/Transitional Yard
1. A detailed landscape plan shall be submitted identifying the type and placement of all plant materials.
 2. An impervious fence that is minimum 4' high but not to exceed 6' high is required within the setback along Kimball Street, excluding the vision triangle. A 4' to 6' high impervious fence is required along John Street and shall taper to no higher than 3 feet at the entrance of the proposed drive. The fence shall be consistent in material and design for all street frontages.
 3. Additional landscaping shall be placed between the Kimball Street and John Street rights-of-way and the proposed fence. Such landscaping shall include shrubs and plant material to soften the fence edge.
 4. No less than 1 tree and 3 shrubs shall be included for each 60 linear feet of the John Street frontage.
 5. All street terrace areas shall be vegetated and/or covered with a natural material.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall not take effect until a public hearing is held hereon as provided by Section 44-82, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2022.

APPROVED:

Mayor Eric Genrich

ATTEST:

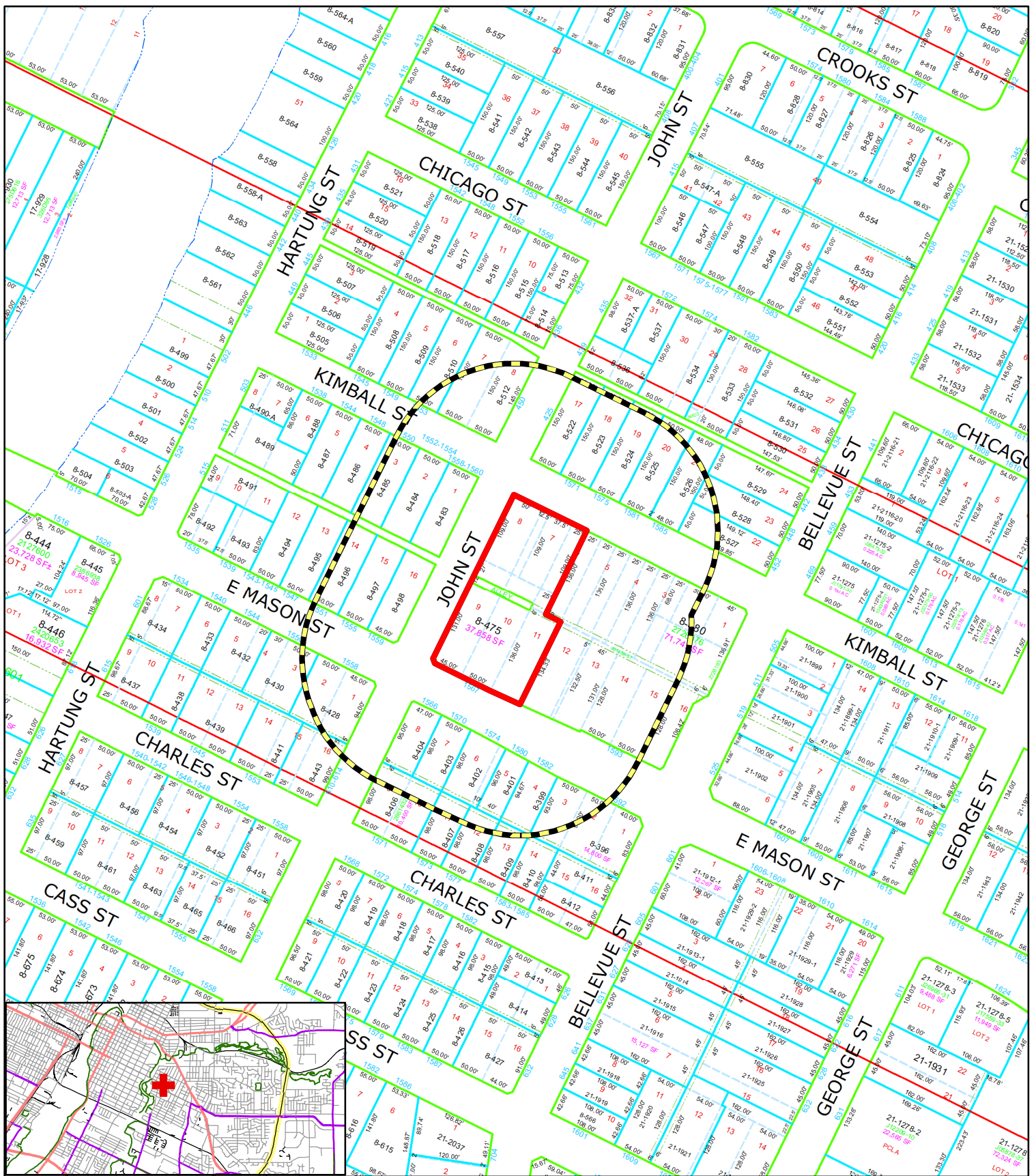
Clerk

Attachments:

Exhibit A – Site Plan

Exhibit B – Building Elevations

DRAFT



Zoning Petition (ZP 22-07)
Planned Unit Development (PUD) Amendment
1567 East Mason Street

- Subject Area
- 200' Property Owner Notice

0 5,000 10,000
 Feet



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

For Official Notice:

**Public Notification
Proposed Rezoning
1567 East Mason Street
(ZP 22-07)**

The Green Bay Plan Commission will hold a public hearing on **Monday, March 7, 2022**, at 6:00 p.m. The meeting will be conducted at a virtual location. If you wish to participate in the Public Hearing, you may access the meeting by the internet or telephone, using the access code below.

Join Zoom Meeting

<https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSlZGZlFjcmlpWnZlOEVnUT09>

Meeting ID: 841 3767 5822

Password: 483400

One tap mobile

+1 312 626 6799,,84137675822# US (Chicago)

+1 646 876 9923,,84137675822# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 876 9923 US (New York)

Find your local number: <https://us02web.zoom.us/j/84137675822?pwd=L2EyVlpDSlZGZlFjcmlpWnZlOEVnUT09>

The hearing is regarding the following:

A request to rezone 1567 East Mason Street from Low Density Residential (R1) to Highway Commercial (C2), submitted by Stephen Wesoloski, Midwest Expansion, LLP, on behalf of Grand Central, LLC, property owner (Ald. B. Galvin, District 4).

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

City of Green Bay

Department of Community and Economic Development

Attn: Paul Neumeyer

100 N. Jefferson St., Rm. 608

Green Bay, WI 54301

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

Publication Dates: February 21, 2022 and February 28, 2022