



AGENDA OF THE PROTECTION AND POLICY COMMITTEE

MONDAY, JUNE 19, 2023, 5:00 PM

In person at City Hall, Room 207.

Virtual attendance also available via Zoom.

NOTE TIME CHANGE

A. Zoom Meeting Information.

- I. Virtual zoom meeting sign-in information is below. Detailed Zoom instructions can be found online. The instructions include a link to the comment form, due by 4:30 pm on meeting day.

Join Zoom Meeting

<https://us02web.zoom.us/j/84069023584>

Meeting ID: 840 6902 3584

Passcode: 295410

One tap mobile

+13092053325,,84069023584#,,,,*295410# US

+13126266799,,84069023584#,,,,*295410# US (Chicago)

B. Roll Call.

C. Approval of the Agenda.

D. Approval of Minutes.

- I. Approval of the minutes from May 22, 2023.

E. Regular Business.

- I. A presentation by Lydia Van Thiel, Blueprint Implementation Project Director of Greater Green Bay Blueprint to Prevent & End Homelessness.

2. Consideration with possible action on a request by Baker & Mac Arthur, Inc. (Someplace Else) at 1605 University Ave. for a limited expansion of an outdoor area to their back parking lot on July 2 for a special event.
3. Consideration with possible action on a request by Brewski's at 1100 S. Broadway for a limited expansion of an outdoor area to their parking lot on August 8.
4. Consideration with possible action on the renewal applications for the 2023-2024 license year with no changes, subject to the approval of the proper authorities.
5. Consideration with possible action on a renewal application for the 2023-2024 license year for Footbowl, LLC at 301 N Washington St.
6. Consideration with possible action on a renewal application with a change of agent for a reserve "Class B" Liquor and Class "B" Beer license for The Daily Buzz LLC at 130 E Walnut St., subject to the approval of the proper authorities.
7. Consideration with possible action on an original application for a "Class A" Liquor & Class "A" Beer license for True North Energy LLC at 1053 Velp Ave with a license description as "CONVENIENCE STORE W/COOLERS/MANAGER'S OFFICE/FRONT COUNTER, with the approval of the proper authorities (Currently licensed as Bay Petro LLC).
8. Consideration with possible action on an renewal application for a "Class A" Liquor & Class "A" Beer license for True North Energy LLC at 1053 Velp Ave with a license description as "CONVENIENCE STORE W/COOLERS/MANAGER'S OFFICE/FRONT COUNTER, subject to the approval of the original liquor license application at the June 27 Council Meeting.
9. Consideration with possible action on a original application for a "Class B" Liquor and Class "B" Beer license for Michael Matz (Individual) at 1610 Cass St. with a license premises description as "BAR/KITCHEN/RESTROOM/STORE ROOM FOR FOOD/BASEMENT/LIQUOR/COOLER FOR BEER," with the approval of the proper authorities (Currently licensed as Ramis River Run LLC).
10. Consideration with possible action on a renewal application for a "Class B" Liquor and Class "B" Beer license for Michael Matz (Individual) at 1610 Cass St. with a license premises description as "BAR/KITCHEN/RESTROOM/STORE ROOM FOR FOOD/BASEMENT/LIQUOR/COOLER FOR BEER," with the approval of the proper authorities and approval of the original application at the June 27 Council meeting.
11. Consideration with possible action on the original (22-23 license year) and renewal (23-24 license year) applications for a Class "A" Beer and "Class A" Liquor License for Seventy 9, Inc. at 2590 University Ave. with a license premises description as "beer in coolers, liquor in a cabinet and behind the counter, wine on the wine rack" (Currently licensed as Wimiles 2, Inc.)
12. Consideration with possible action on an 2023-2024 original application for Cuquio Town Bar, LLC at 500 N Baird St. with a license premises description as "behind the bar, kept in coolers, basement, and office) (Currently licensed as Cuquio Town Bar LLC).

13. Consideration possible action on a 2023-2024 Class "B" Beer and "Class B" Liquor-Reserve license for Legacy Green Bay, LLC at 1004 Brett Favre Pass with a license premises description as "REST/LOBBY BAR/CAFE/ROOFTOP BAR/ATRIUM/SALON A FUNCTIONAL/BOARDROOM/PUBLIC AREAS/GUEST RM" and to request a waiver in the 60 day opening date (anticipated opening date October 2023), subject to the approval of the proper authorities.
14. Consideration with possible action on an appeal by Elliot Heath for the order issued by Inspections at 3688 Church Rd, previously discussed at the May 22 Protection & Policy Committee Meeting.
15. Consideration with possible action on an appeal by Tammy Southards at 3490 Yorkshire Rd. regarding orders.
16. Consideration with possible action on a request by Ald. Scannell (District 7) to review with possible action the restrictions on malt beverages for Quadricycles.
17. For consideration and possible action on a request by Ald. Johnson (District 9) for a revision to the city's process with handling sign permits to allow for one application and one point of contact to facilitate the approval of sign installations.
18. Consideration with possible action on a request by Ald. Brian Johnson (District 9) to terminate the requirement for paper submittals of site plans.
19. Consideration with possible action on General Ordinance No. 4-23, an ordinance creating Section 10-95, Green Bay Municipal Code, relating to massage establishments.
20. Consideration with possible action on General Ordinance No. 14-23, an ordinance regarding abandoned bicycles.

F. Informational.

1. The Liquor Violation Report.
2. The Clerk's Licensing Report.
3. Report by GBPD and GBFD regarding Nalox-ZONE box discussion.

G. Adjournment.

- 1) THIS MEETING IS RECORDED: THE VIDEO OF THIS MEETING AND MINUTES ARE AVAILABLE ONLINE AT www.greenbaywi.gov
- 2) ACCESSIBILITY: Any person wishing to attend who requires special accommodation because of a disability, should contact the City Safety Manager at 920-448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.
- 3) QUORUM: Please take notice that a majority or quorum of the Common Council will attend this Protection and Policy 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.
- 5) FOR ALL LICENSING ISSUES, the Committee may convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wis. Stats., for the purpose of considering information with respect to licensing for a person,

including financial, social, or personal information. The Committee will thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to take action on items discussed in closed session, if appropriate, and to consider the remainder of the agenda.

Virtual Meeting Instructions



6/19/2023 Protection and Policy Meeting

Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/84069023584>

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One tap mobile

+13092053325,,84069023584#,,,,*295410# US

+13126266799,,84069023584#,,,,*295410# US (Chicago)

Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 360 209 5623 US

Meeting ID: 840 6902 3584

Passcode: 295410

Find your local number: <https://us02web.zoom.us/j/84069023584>

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.

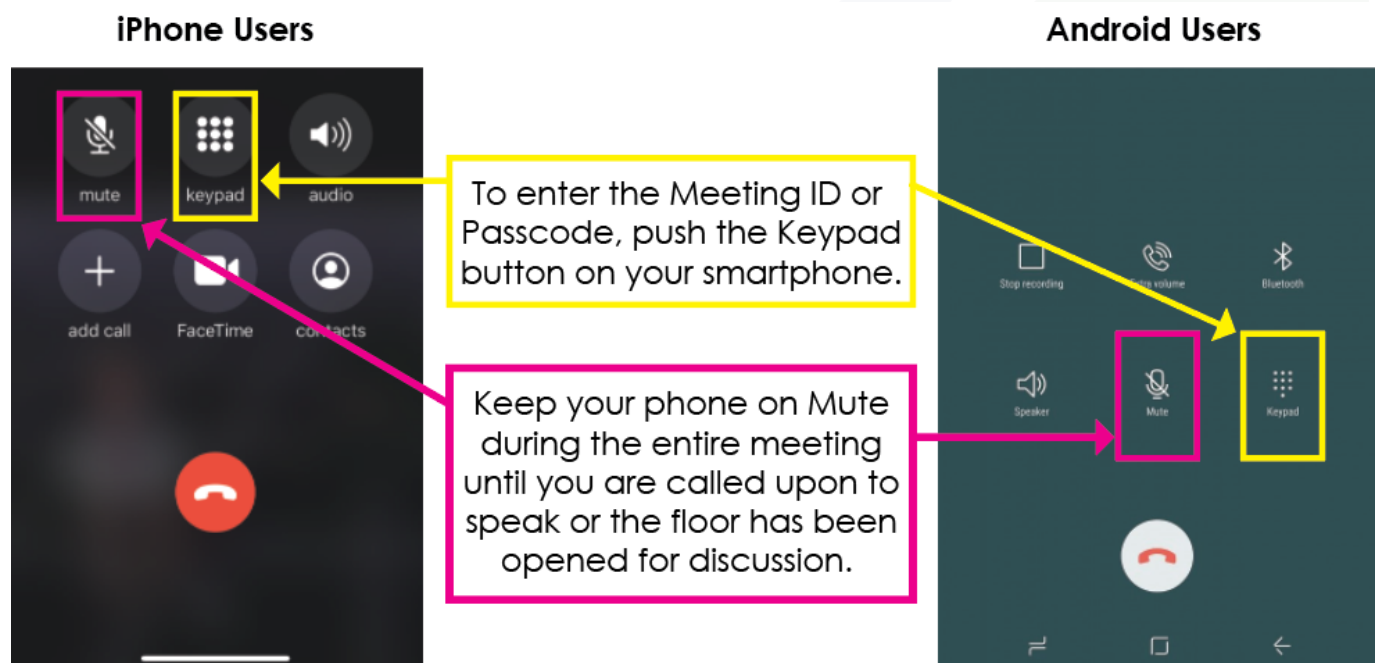
Additional Information

1. Wisconsin Open Meetings Law still applies
 - a. Persons interested in speaking to an item must give their name and address
 - b. Committee/Commission/Board members will still follow *Roberts Rules of Order*
2. Please log into the Zoom meeting 10 minutes before the meeting starts to ensure proper technology is working.
 - a. If you are a Board Member, please log into [CivicClerk](#) with a computer, laptop, or tablet device.
3. Once you are in the meeting please mute yourselves.
 - a. You may unmute yourself when you are called upon to speak.
4. Waiting room
 - a. When you call in, all callers/participants will be placed in a “waiting room.”
 - b. Persons on the agenda will be admitted to the meeting, and then once the item is concluded, the host will permanently mute you from the meeting (you can still hear the meeting).
5. Using Zoom with a tablet or computer
 - a. Tablet - Download the app either with the Apple Store or the Play Store
 - b. Computer - You may download the app or click on the link to open Zoom in your web browser.
6. Registering
 - a. The host may ask you to register for the meeting. A registration link will be sent to you along with the invite. You'll receive another email confirming that you're registered for the meeting.
 - b. If you're using a phone, your registration will still be tied to an email.
7. Raising your hand
 - a. Committee members—you can either use CivicClerk and request to speak or you can “raise your hand” in the zoom meeting (you'd need to use a computer or tablet) to let the host know you'd like to speak. You can also un-mute yourselves and start speaking.
 - b. Persons on the agenda—you can “raise your hand” but you'd need to use a computer. You will be allowed to speak, per Wisconsin Open Meetings Rules, once the committee has “opened the floor for interested parties to speak.” Once the committee is finished with your agenda item, the host will mute you permanently, unless the committee opens the floor again.
8. What devices should I use?
 - a. Smart phone (please see more detailed instructions on page 3)
 - b. Land line
 - c. Tablet—well in advance of the meeting, please download the Zoom Meeting app before you join a meeting by using either the Apple Store or the Play Store. You will be asked to input your name, thus identifying you for the meeting. You may also be asked to verify your email.
 - d. Computer—well in advance of the meeting, please download the Zoom Meeting app, but you can also click on a link to open the Zoom Meeting in your browser. You will be asked to input your name, thus identifying you for the meeting.
 - e. For tablet and computer users—if you download the app you may be asked to verify your email.

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

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 need to talk, please make sure your phone is on **Mute**
 - a. If you're using a smartphone, look at your screen and click the Mute button





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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.I

A presentation by Lydia Van Thiel, Blueprint Implementation Project Director of Greater Green Bay Blueprint to Prevent & End Homelessness.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Greater Green Bay Blueprint to Prevent and End Homelessness Updates June

Greater Green Bay Blueprint to Prevent & End Homelessness



Updates June 2023

Strategy 1: Increase Access to Affordable Housing Options

- Fall 2023: Journey to Adult Success (JAS House): In process of capital growth project that will triple program capacity, opening additional transitional housing units for youth aging out of foster care.
- 2022-2023 Landlord Engagement
 - A few providers within the Brown County Homeless and Housing Coalition, including Brown County Housing Authority (BCHA), Ecumenical Partnership for Housing, and House of Hope have become members at the Apartment Association of Northeast Wisconsin (AANW).
 - The AANW President and a few other landlords were engaged and began participating in the Coalition meetings and committees.
 - January –December 2023: BCHA and Integrated Community Solutions (ICS) Landlord Incentive Program
 - Designed to increase the number of landlords that accept new tenants with a Housing Choice Voucher. Include a \$1,000 bonus for new or returning landlords and \$5000 bonus for currently participating landlords. More information can be found on their website [here](#).
- May 2022: Host Homes Program for Youth:
 - [Foundations RAYS Youth Services](#): Expanded into Brown County

Strategy 2: Increase Access to and Coordination of Services

- Outreach and Navigation Services increased
 - Spring 2022 - Behavioral Health Navigation: Homeless Outreach Social Worker - Brown County Health and Human Services
 - Fall 2022: Youth Services Navigation – House of Hope operating through Youth Homeless Demonstration Program Grant (YHDP)
 - Homeless street outreach:
 - Fall 2021 - Newcap hired a staff to oversee the Homeless Outreach Team through Brown County Homeless and Housing Coalition and coordinate street outreach
 - Summer 2023 – Newcap operating Projects for Assistance in Transition from Homelessness (PATH) grant to build connection and services for people on the streets with disabilities and mental health issues

Strategy 3: Employers & Educators as part of the solution

- January 2022: DWD Worker Connection Program Pilot in Brown County - Working with and doing outreach at Brown County libraries and shelters to connect people experiencing homelessness to employment
- December 2022: NeighborWorks Green Bay 'Great Being Home – Down Payment Assistance Program'
 - Partners with employers to provide financial assistance for their employees to buy homes.
- Winter/Spring 2023: Series of Youth Services Conversations organized by Brown County Children, Youth, and Families team
 - Developed broad understanding of youth services in Brown County
 - Engaged County teams, school social workers and McKinney Vento coordinators throughout all of Brown County more into the work of the Coalition and committees

Strategy 4: Prevent Homelessness, Support Employment, Decrease Criminal Justice Involvement

- Fall 2022: Expand childcare access and culturally inclusive childcare in Brown County
 - A joint partnership between Brown County United Way, Community Services Agency, and Family Childcare Resources of Northeast Wisconsin developed culturally inclusive childcare provider trainings for Somali women
 - Looking to expand into other cultures/languages
- Summer 2023: Identification documents for people experiencing homelessness
 - Brown County provided \$20,000 in ARPA funding to the Brown County Housing and Homeless Coalition to provide identification documents for people experiencing homelessness. Funding will be distributed to 5 agencies within the Coalition: Golden House, Freedom House, House of Hope, Newcap, and Wise Women Gathering Place.

Strategy 5: Tell the Story

- Spring/Summer 2023: BCHHC Advocacy Committee sharing series of Advocacy Forums for community members
 - May 2023 – Affordable Housing Advocacy
 - Upcoming: July 11th 6-7:30pm @ Central Library – Homeless Advocacy
- Spring 2023: Established Marketing Subcommittee for Regional Council to Prevent & End Homelessness
 - Share more and make connections on Blueprint work happening in the community

Areas in Process

Strategy 1: Housing

- Explore & advocate for continued Emergency Rental Assistance
- Landlord Risk Mitigation Fund
- Landlord and tenant trainings

Strategy 2: Coordination of Services

- Housing First Training for providers and landlords
- General Best Practices Trainings for Service Providers
- Mental Health Crisis Conversations
- Strengthen Coordinated Entry system

Strategy 3: Employers/Educators

- Developing series on conversations re: housing instability of employees

Strategy 4: Prevention & Justice

- Translate tenant resource documents
- Engaging Healthcare teams
- Financial Wellness support
- Explore Chronic Nuisance Ordinance

Strategy 5: Tell the Story

- Coalition planning Annual community-wide State of Homelessness Updates
- Blueprint Newsletter

Ongoing support needed from the City of Green Bay

- Housing Development
 - Ensure enough affordable housing development is meeting demand demonstrated in Green Bay Housing Market Study
 - Explore the creation of Community Land Trusts
- Landlord and Tenant
 - Training and resources for landlords and tenants
 - Receipt of Rental Assistance as a protected class
- Support innovative childcare and transportation solutions
- Police and Justice
 - Explore a homeless court to decrease ticketing of those experiencing homelessness and use the money saved to increase diversion programming and alternatives to incarceration.
 - Review Green Bay's ordinances and the disproportionate impact they may be having on people experiencing homelessness/housing stability – specifically those with severe and persistence mental health issues and those experiencing domestic violence.



State of Homelessness with Carrie Poser

July 12th 2023 | 10-11:30am

Neville Public Museum or Join Virtually

Join Zoom Meeting

<https://us02web.zoom.us/j/84868816648>

Meeting ID: 848 6881 6648

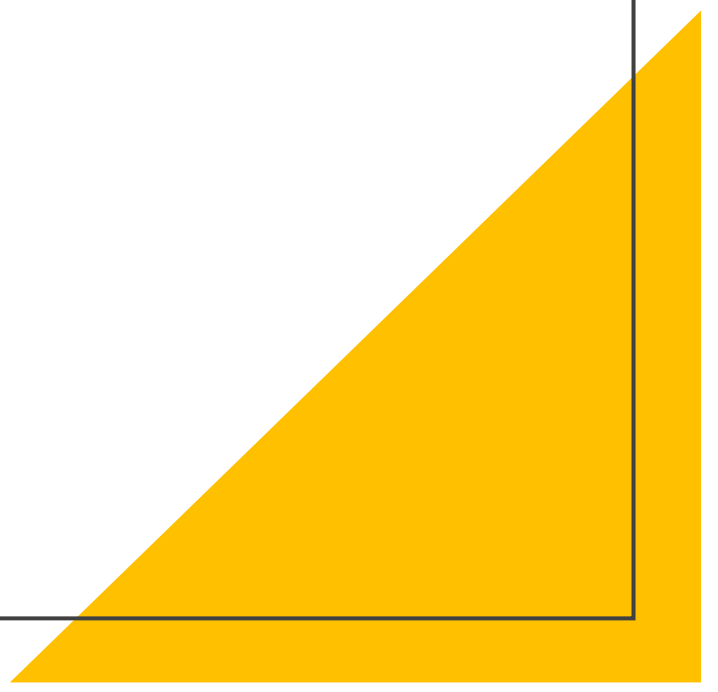
Contact Information

Lydia Van Thiel

Blueprint Implementation Director

920-944-4281

gbblueprintdirector@gmail.com

A large yellow triangle is positioned in the bottom right corner of the slide, pointing towards the top right.



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.2

Consideration with possible action on a request by Baker & Mac Arthur, Inc. (Someplace Else) at 1605 University Ave. for a limited expansion of an outdoor area to their back parking lot on July 2 for a special event.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 1605 UNIVERSITY AVE.



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.3

Consideration with possible action on a request by Brewski's at 1100 S. Broadway for a limited expansion of an outdoor area to their parking lot on August 8.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Outside Garden Permit II



BREWSKI'S ON BROADWAY



April 17, 2023

To Protection & Welfare Committee:

We are requesting to have an Outside Garden Permit on August 8th and September 8th and 9th, 2023 at Brewski's on Broadway 1100 S Broadway, Green Bay, WI. We are hosting the Brown County Tavern League meeting on the 8th and may need extra space from 12pm to 5pm. Also we are participating in the All Bands on Deck Festival again for the Ship Yard District. We will be enclosing the parking lot with the proper fencing and will have the proper security personnel for both events. Time requested is Fri at 11am to Sat at 10pm for September.

Thank You

Randy Trembl

Owner

1100 S BROADWAY GREEN BAY WI 54304 920-435-9115



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.4

Consideration with possible action on the renewal applications for the 2023-2024 license year with no changes, subject to the approval of the proper authorities.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. liquor 6.19.2023

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 2023-2024 License Year:

"Class B" Liquor & Class "B" Beer Reserve:

Vast Properties Group, LLC

Waterfront Market

at 401 N Washington St.

"Class B" Liquor & Class "B" Beer:

JAM-ROCK GB LLC

Jam-Rock

At 700 Bodart St.

MJ HOSPITALITY CORPORATION

Drink

At 708 Bodart St.

MAI SEE VUE

The Egg Roll Food Truck Restaurant and Bar

at 100 S. Broadway

MICHAEL D. MATZ (INDIVIDUAL)

Fat Mike's Bar & Grill

At 1610 Cass St.

at 3562 Finger Rd

RENEE DAWN DUFFECK

R and T's Pub

at 1699 E Mason St.

ALEJANDRO GONZALEZ-RICO

Las Brisas

1906 University Ave.

BARNYS LLC

Black Saddle Saloon

At 201 N Washington St.

MADRID TAPAS AND WINE BAR LLC

MADRID TAPAS AND WINE BAR

at 225 E Walnut St.

"Class A" Liquor & Class "A" Beer:

TRAVELING CHEF, LLC

TRAVELING CHEF

at 335 N Broadway

ULTIMATE MART, LLC

Pick N' Save #186

at 1819 Main St.

WALGREEN INC

Walgreens#11339

at 116 N Military

BELGIUM LLC

Niagara Trail

at 2600 Niagara Trail

Class "A" Beer

RAKHRA CONVENIENCE LLC

Marathon

at 610 E Walnut St.



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.5

Consideration with possible action on a renewal application for the 2023-2024 license year for Footbowl, LLC at 301 N Washington St.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 301 n wash



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.6

Consideration with possible action on a renewal application with a change of agent for a reserve "Class B" Liquor and Class "B" Beer license for The Daily Buzz LLC at 130 E Walnut St., subject to the approval of the proper authorities.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. COA



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.7

Consideration with possible action on an original application for a "Class A" Liquor & Class "A" Beer license for True North Energy LLC at 1053 Velp Ave with a license description as "CONVENIENCE STORE W/COOLERS/MANAGER'S OFFICE/FRONT COUNTER, with the approval of the proper authorities (Currently licensed as Bay Petro LLC).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 1053 VELP ORG



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.8

Consideration with possible action on an renewal application for a "Class A" Liquor & Class "A" Beer license for True North Energy LLC at 1053 Velp Ave with a license description as "CONVENIENCE STORE W/COOLERS/MANAGER'S OFFICE/FRONT COUNTER, subject to the approval of the original liquor license application at the June 27 Council Meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 1053 RENEW APP



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.9

Consideration with possible action on a original application for a "Class B" Liquor and Class "B" Beer license for Michael Matz (Individual) at 1610 Cass St. with a license premises description as "BAR/KITCHEN/RESTROOM/STORE ROOM FOR FOOD/BASEMENT/LIQUOR/COOLER FOR BEER," with the approval of the proper authorities (Currently licensed as Ramis River Run LLC).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 1610 CASS ORG
2. CLASS A STIPULATION AGREEMENT SIGNED.MERRILLJ.372



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.10

Consideration with possible action on a renewal application for a "Class B" Liquor and Class "B" Beer license for Michael Matz (Individual) at 1610 Cass St. with a license premises description as "BAR/KITCHEN/RESTROOM/STORE ROOM FOR FOOD/BASEMENT/LIQUOR/COOLER FOR BEER," with the approval of the proper authorities and approval of the original application at the June 27 Council meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 1610 CASS-RENEWAL



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.11

Consideration with possible action on the original (22-23 license year) and renewal (23-24 license year) applications for a Class "A" Beer and "Class A" Liquor License for Seventy 9, Inc. at 2590 University Ave. with a license premises description as "beer in coolers, liquor in a cabinet and behind the counter, wine on the wine rack" (Currently licensed as Wimiles 2, Inc.)

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 2590 university org app
2. 2590 university renewal app
3. CLASS A LIQUOR LICENSE SIGNED STIPULATION AGREEMENT.MERRILLJ.372-2590 university



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.12

Consideration with possible action on an 2023-2024 original application for Cuquio Town Bar, LLC at 500 N Baird St. with a license premises description as "behind the bar, kept in coolers, basement, and office) (Currently licensed as Cuquio Town Bar LLC).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. liquor license application-500 n baird



Report to the
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June 19, 2023

PREPARED BY

AGENDA ITEM # E.13

Consideration possible action on a 2023-2024 Class "B" Beer and "Class B" Liquor-Reserve license for Legacy Green Bay, LLC at 1004 Brett Favre Pass with a license premises description as "REST/LOBBY BAR/CAFE/ROOFTOP BAR/ATRIUM/SALON A FUNCT RM/BOARDRM/PUBLIC AREAS/GUEST RM" and to request a waiver in the 60 day opening date (anticipated opening date October 2023), subject to the approval of the proper authorities.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

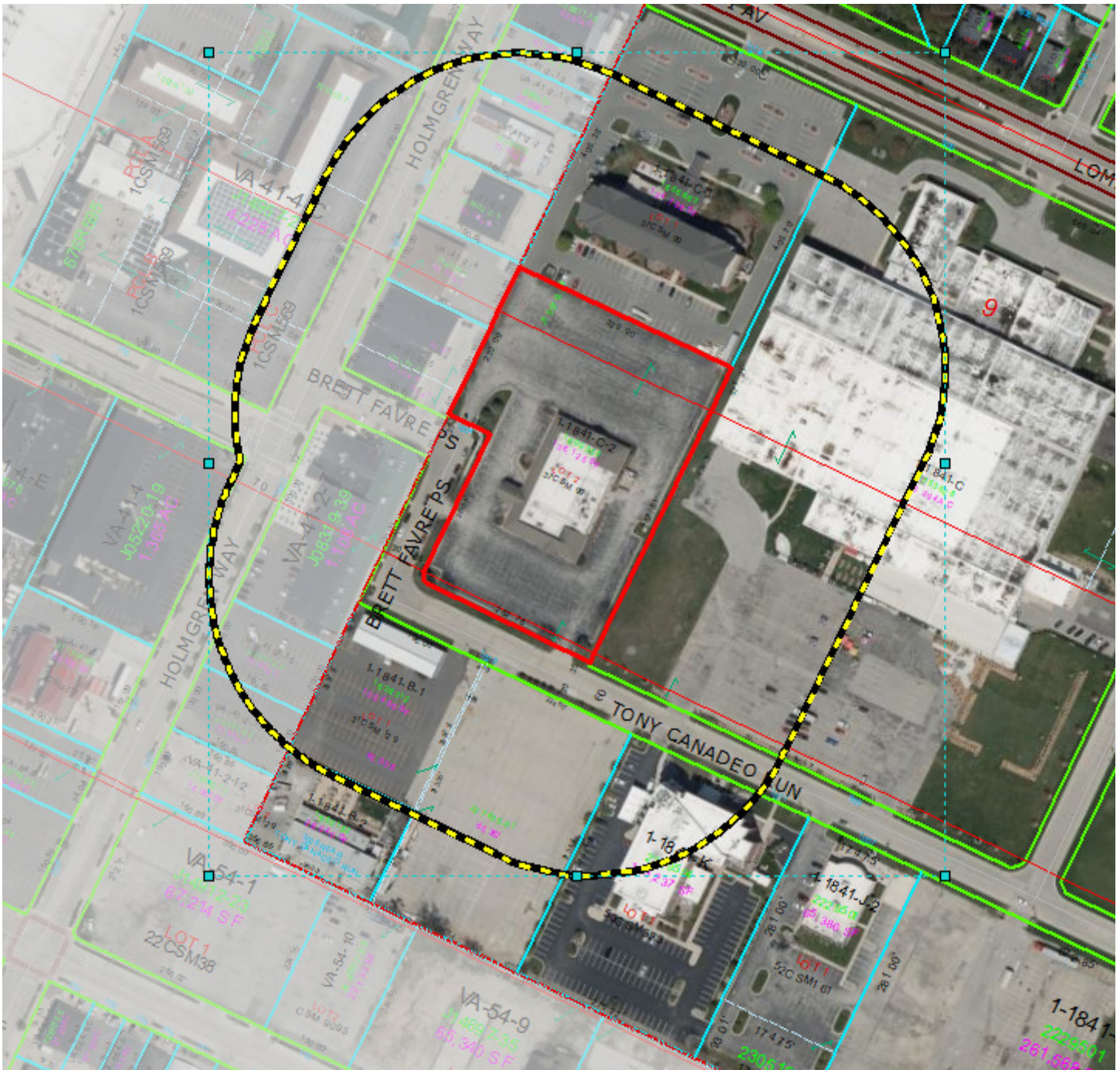
ATTACHMENTS

1. 1004 brett
2. not within 300'
3. liquor moratorium na

Jaime Fuge

From: David Buck
Sent: Tuesday, June 13, 2023 5:47 PM
To: Paul Van Calster; Jon LeRoy
Cc: Jaime Fuge
Subject: RE: 1004 Brett Favre Pass

None for sure on the Green Bay side of the Muni line.



David Buck, AICP

Principal Planner

City of Green Bay

Department of Community & Economic Development

920.448.3411

david.buck@greenbaywi.gov



www.greenbaywi.gov

From: Paul Van Calster <Paul.VanCalster@greenbaywi.gov>

Sent: Tuesday, June 13, 2023 4:08 PM

To: Jon LeRoy <Jon.LeRoy@greenbaywi.gov>; David Buck <David.Buck@greenbaywi.gov>

Cc: Jaime Fuge <Jaime.Fuge@greenbaywi.gov>

Subject: FW: 1004 Brett Favre Pass

Good Afternoon Guys,

Please let Jaime know if there are issues with this address.

Thanks,

Paul

Paul Van Calster, P.E.

Chief Building Official

City of Green Bay

Department of Community and Economic Development

100 N. Jefferson St., Room 608

Green Bay, Wisconsin 54301

Office 920-448-3299

Fax 920-448-3426

paulvc@greenbaywi.gov

www.greenbaywi.gov



From: Jaime Fuge <Jaime.Fuge@greenbaywi.gov>

Sent: Tuesday, June 13, 2023 9:24 AM

To: Paul Van Calster <Paul.VanCalster@greenbaywi.gov>

Subject: 1004 Brett Favre Pass

Good Morning,

Is 1004 Brett Favre Pass within 300' of a school, church, hospital?

Thank you,

Jaime Fuge
Green Bay Deputy Clerk



City Of GreenBay > Parcel Data

Q Find a Parcel

Current Parcel: 1-1841-C-2

📍 1004 BRETT FAVRE PASS

LEGACY GREEN BAY LLC

226 MIRAMAR DR GREEN BAY WI 54301

[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

AlderPerson

Zoning and Districts

Alt Boundary Electrical Inspector: W	Industrial: N/A	Community Development Block Grant Area: N/A
SB621 Wards: 36	Business Improvement District: N/A	Archeological: N/A
Opportunity Zone: YES	Wellhead Zoning: N/A	Historic District: N/A
Zoning: GI (General Industry)	Central Business District: N/A	Liquor Moratorium Area: N/A
Conditional Use Zoning: CUSE	Development Districts: N/A	Neighborhood Association: N/A
Planned Unit Development Zoning: PUD	Tax Increment Finance District: 23	

Flood

FIRM Panel: 55009C0256F	Floodway: N/A	Static Base Flood Elevation: N/A
Floodplain: N/A	LOMA: N/A	

Voting

	2021	2011
Ward	36	31
Alderpersion	9	9
County Supervisor	8	8

City Service Districts

Forest District: W5	Residential Snow Route: 10A	Fire District: GN3C
Assessment District: 220	Police District: B1	Inspection Area: 2
Sanitation Route: 510 (Friday)		

Schools

Elementary School: Beaumont
Middle School: Lombardi
High School: Southwest

Census

Census Block Group: Block Group 2
Census Tract Number: 021303
Census Block Number: Block 2002

Location

Location Zip Code: 54304	Latitude: 44.4978339720001
Side Of City: WEST	Longitude: -88.051927091



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.14

Consideration with possible action on an appeal by Elliot Heath for the order issued by Inspections at 3688 Church Rd, previously discussed at the May 22 Protection & Policy Committee Meeting.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 22-2109 171858
2. 22-2109 INVOICE171503
3. Heath Appeal
4. Drains
5. SumpDrainage
6. PP Meeting - 3688 Church Road
7. Elliot Heath, 3688 Church Road
8. 3688 Church Rd-From Paul VanCalster



GREEN BAY CITY TREASURER

100 North Jefferson Street, Room 106
Green Bay, WI 54301-5026

INVOICE

Invoice Date	Invoice No.
05/03/2023	171858
Customer Number	
64663	
Invoice Total Due	
\$75.00	
Customer PO	Due Date
	06/02/2023

TJDM LLC
2270 MAHOGANY TR
DE PERE, WI 54115-1856

00000182023000171858400000075002

✂ Please Detach and return top portion with your payment ✂

City of Green Bay, Green Bay, WI 54301

Invoice Date: 05/03/2023

Customer Number: 64663

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
REINSPECTION FEE FOR 3688 CHURCH RD - CASE #120715 ON 5/2/2023 BY JASON SLADKY JASON.SLADKY@GREENBAYWI.GOV (920) 448-3298] - FOR A CURRENT OUTSTANDING BALANCE OF \$150	1.00	\$75.00	EACH	\$75.00	\$0.00	\$0.00	\$75.00
Please put Invoice Number on your check. Make checks payable to City of Green Bay.				Invoice Total:		\$75.00	

IF YOU HAVE ANY QUESTIONS REGARDING THIS INVOICE, CONTACT THE INSPECTOR LISTED ABOVE IN THE DESCRIPTION AREA. PLEASE SEE THE BACK SIDE OF THIS INVOICE FOR LEGAL NOTICES AND APPEAL PROCESS INFORMATION. THANK YOU.

ORIGINAL
COPY



GREEN BAY CITY TREASURER

100 North Jefferson Street, Room 106
Green Bay, WI 54301-5026

INVOICE

Invoice Date	Invoice No.
04/26/2023	171503
Customer Number	
64663	
Invoice Total Due	
\$75.00	
Customer PO	Due Date
	05/26/2023

TJDM LLC
2270 MAHOGANY TR
DE PERE, WI 54115-1856

00000182023000171503600000075002

✂ Please Detach and return top portion with your payment ✂

City of Green Bay, Green Bay, WI 54301

Invoice Date: 04/26/2023

Customer Number: 64663

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
REINSPECTION FEE FOR 3688 CHURCH RD - CASE #120715 ON 4/24/2023 BY JASON SLADKY JASON.SLADKY@GREENBAYWI.GOV (920) 448-3298] - FOR A CURRENT OUTSTANDING BALANCE OF \$75	1.00	\$75.00	EACH	\$75.00	\$0.00	\$0.00	\$75.00
Please put Invoice Number on your check. Make checks payable to City of Green Bay.				Invoice Total:		\$75.00	

IF YOU HAVE ANY QUESTIONS REGARDING THIS INVOICE, CONTACT THE INSPECTOR LISTED ABOVE IN THE DESCRIPTION AREA. PLEASE SEE THE BACK SIDE OF THIS INVOICE FOR LEGAL NOTICES AND APPEAL PROCESS INFORMATION. THANK YOU.

ORIGINAL
COPY

From: Elliot Heath <heath_elliot@yahoo.com>
Sent: Thursday, May 4, 2023 11:24 AM
To: Lacey Cochart <Lacey.Cochart@greenbaywi.gov>
Subject: Appeal

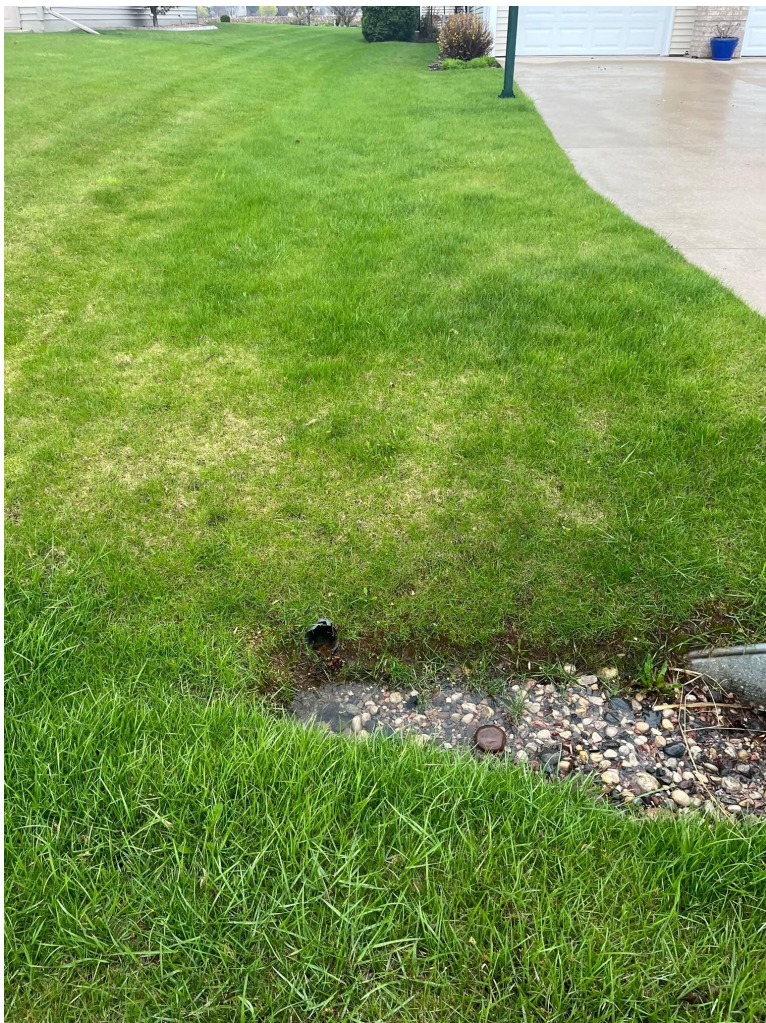
Greetings,

I am writing to appeal the fines and violations that I received in Case #120715 from the City Plumbing Inspector. I would like to speak at the appeal board.

Please let me know if you need any other additional information.

Elliot Heath
3688 Church Road
Green Bay, WI 54311













3688 Church Road

SPS 382.38-1 - STORM WATER MAY NOT DISCHARGE INTO CITY OWNED STORM WATER DRAINAGE

Key Points:

- Complaint on the improper discharge was received on 6/09/2022
- Pipe removed 7/11/2022
- Complaint that the pipe was reinstalled was received on 4/24/2023
- Orders issued 4/25/2023 for the violation
- No correction by the due date, reinspection fee issued 0 5/2/2023
- Still not corrected.....

Complaints

Case Information
Case ID
120715
1 of 2

[Add Case](#)
[Move Case](#)
[Delete](#)

☐ Hold Permits
[Checklists](#)
[Post-It Notes \(0\)](#)
[Drag Files](#)
3
Assigned Inspector(s)
JasonSI
[Assign to Intern](#)

Find Cases
Load Cases by: [Date](#) or [Assigned](#) or **Case ID:** [Find](#) **Insp. Condition:** **Good**

Address and Date Information
Case Status: Pending **Address:** 3688 CHURCH RD
Parcel ID: 22-2109 **District:** City 1 **Zone:** R1
Date Received: 6/9/2022 **Initial Inspection:** **Initial Notice:** **Re-Inspection:** 5/2/2023 **Complying:** 7/11/2022 **Project ID:**
[Complaint Report](#)
[Compliance Letter](#)
[Lot Cleanup](#)
[Secure Building](#)

Complaint
General Information **Inspector Activity** **Violations and Orders**
[Add Inspection](#) [Delete Inspection](#) **Reinspection Fee Count:** 2

Insp. Date	Type	Action	Time	Duration	Insp. By
5/5/2023	Admin	Spoke with the owner today, notes in the VM folder	1:00 PM	15	PaulVC
5/2/2023	Admin	RECEIVED CALL FROM OWNER 562-6617 LOOKING FOR DIRECTION. RECORDING OF CALL IS IN DRAG FILE.		0	JasonSI
5/2/2023	Admin	Sent To Robocity for Invoicing: REINSPECTION FEE FOR 3688 CHURCH RD - CASE #120715 ON 5/2/2023 BY JASON SLADKY [JASON.SLADKY@GREENBAYWI.GOV (920) 448-3298]		0	JasonSI
5/2/2023	Reinspection	NOTHING HAS CHANGED. FEE ISSUED		0	JasonSI
4/25/2023	Admin	Sent To Robocity for Invoicing: REINSPECTION FEE FOR 3688 CHURCH RD - CASE #120715 ON 4/24/2023 BY JASON SLADKY [JASON.SLADKY@GREENBAYWI.GOV (920) 448-3298]		0	JasonSI
4/24/2023	Reinspection	RECEIVED NOTICE FROM DPW THAT THE OWNER REINSTALLED THE SUMP DISCHARGE INTO THE CITY OWNED DRAINAGE DITCH. STOPPED ON SITE AND VERIFIED THAT'S WHAT WAS DONE. SENDING LETTER WITH 7 DAYS TO CORRECT AND ISSUING RE-INSPECTION FEE FOR TODAY.		0	JasonSI
7/11/2022	Initial	PIPING HAS ALL BEEN REMOVED		0	JasonSI
6/9/2022	Initial	FOUND NEW OWNER AND HIS DAD DAVID HEATH INSTALLING STORM DRAIN PIPING ALONG EAST SIDE OF THE HOUSE FROM DOWNSPOUTS AND SUMP PUMP AND TRENCHING THEM INTO THE CITY OWNED STORM DRAINAGE THAT IS RESTRICTED. INFORMED THEM THAT THEY NEED TO BE LICENSED AND ANY WORK PERMITTED AS WELL AS THE FACT THEY CANNOT RUN ANYTHING INTO THE CITY STORM POND. ALSO CALLED JOSH FROM CRI AND INFORMED THEM IT WOULD SHOW UP AS ORDERS ON THE NEW HOUSE PROJECT SO A CO WOULD NOT BE POSSIBLE UNTIL CORRECTED.		0	JasonSI

Complaints

Case Information
Case ID
120715
1 of 2

[Add Case](#)
[Move Case](#)
[Delete](#)

☐ Hold Permits
[Checklists](#)
[Post-It Notes \(0\)](#)
[Drag Files](#)
3
Assigned Inspector(s)
JasonSI

Find Cases
Load Cases by: [Date](#) or [Assigned](#) or **Case ID:** [Find](#) **Insp. Condition:** **Good**

Address and Date Information
Case Status: Pending **Address:** 3688 CHURCH RD
Parcel ID: 22-2109 **District:** City 1 **Zone:** R1
Date Received: 6/9/2022 **Initial Inspection:** **Initial Notice:** **Re-Inspection:** 5/2/2023 **Complying:** 7/11/2022 **Project ID:**
[Complaint Report](#)
[Compliance Letter](#)
[Lot Cleanup](#)
[Secure Building](#)

Complaint
General Information **Inspector Activity** **Violations and Orders**
[Add Violation](#) [Delete Violation](#) [abc](#) [Insert Formal Ord.](#) [Insert Custom Ord.](#) [Send Orders](#) [1](#) [Envelopes](#)

Ordinance	Findings	Complete By	Corrected On
GBMC CH 8	PLUMBING PERMIT IS REQUIRED FOR STORM PIPING INSTALLED OUTSIDE NEW HOUSE FROM SUMP PUMP	5/2/2023	
145.06	NO PERSON MAY ENGAGE IN PLUMBING UNLESS THEY ARE LICENSED BY THE STATE OF WISCONSIN TO DO SO.	5/2/2023	
SPS 382.21(1)(b)3.	PLUMBING WORK IS TO REMAIN UNCOVERED UNTIL APPROVED BY THE INSPECTOR	5/2/2023	
382.38-1	STORM DRAIN MAY NOT DISCHARGE INTO CITY OWNED STORM WATER DRAINAGE	5/2/2023	

Current pipe discharging to City Owned Storm Water Drainage



Elliot Heath, 3688 Church Road.

I am here today to contest a plumbing violation that I recently received in the mail.

Backstory to the violation: I purchased the house on August 1, 2022. Prior to purchase, in July of 2022, while the home builder was still completing the build, my father and I began working on designing the pipes to bury my downspouts and sump pump pipes, as my home builder does not provide this service. Church Road does not have a storm water sewer, so the water is all directed toward a ditch along Church Road which eventually makes its way to the west into the Bay of Green Bay. Because there is no storm sewer, my home builder is not required to run pipes out of the house and therefore does not. I chose to bury my own pipes, with consent from the builder (CRI Development) and developer (KOS Realty), so that I would not have gaudy pipes running across my yard during times of wet weather, as well as not draining directly to my neighbors yard. While working on designing these pipes, the City Plumbing Inspector surprisingly showed up. He immediately became confrontational and was very concerned with what we were doing. We informed him that we were future homeowners and were preparing to lay pipes for our downspouts and sump pump. He continued to be confrontational and informed us that we could not proceed. When asked for an explanation, he said that because we were not current owners of the property, we could not lay any plumbing and would have to remove them. He continued to be confrontational and swore at us multiple times, telling us to "do whatever the fuck we wanted" as his final words. We removed the pipes we had laid out and waited for ownership of the property before continuing.

On August 1, 2022 I took ownership of the property and after getting the property marked by diggers hotline and renting a ditcher from Sunbelt, I buried one PVC pipe to the east of my property connecting my sump pump to edge of my property which eventually drains to a small drainage ditch that leads to a retention pond to the south of my house. We also connected another PVC pipe with 2 downspouts in the front of the house and ran it to the north toward the ditch along Church Road. We did this not in secret, but during the day on Friday August 4th. Last month I received notice that I was in violation of several plumbing codes. I contacted my alderwoman who eventually came back with explanation from the city plumbing inspector as well as the storm water engineer. While they both provided conflicting technicalities as to why the pipes could not be laid, they did not address several main issues regarding the case.

1. In July of 2022, the city inspector informed me I could only lay the pipes once I took ownership of the property. I removed the pipes and waited until August when I became owner of record before reinstalling the pipes. My father was there that day and will testify as a witness that the inspector told us we could lay the pipes once we became owners. He specifically said that we could no longer proceed with this OUTDOOR project until I took ownership. I followed his instructions exactly and waited to reinstall. We did not install in the middle of the night or attempt to be secretive about it, but rather took his word that we could do it once I became owner of the property.

2. They also failed to explain WHY I was inspected again. I asked the City Inspector WHY I was inspected in 2023 and was told initially that he was called in due to a complaint from the Storm Water Engineer. A second phone call a day later revealed that the city inspector had ended employment with the City of Green Bay shortly after our initial meeting, resumed employment sometime in Spring of 2023, and due to our previous conversations, my house was the one of the first he checked on. Conflicting information.

3. The sump pump line in question leads to the edge of my property, which then eventually leads into a secondary ditch leading to a retention pond. When became aware of the violations, I was told it was because my water drains directly into the ditch, which it absolutely does not. The water comes out of the pipe and makes its way overground into the ditch and eventually into the retention pond (See attached pictures). To avoid further issues and fines, I disconnected my current underground pipe and instead connected to a 14 foot above ground pipe, which clearly does not add curb appeal to the house or neighborhood. This new pipe also drains water directly into the same ditch, as seen by the puddles in the dirt, but was told was completely compliant by the City Inspector. The water is making its way to the EXACT same spot.

4. I was told that my pipes are not installed to code and would need to be changed or replaced should stormwater drains come to Church Road. I told the inspector I understood that risk and would pay for the changes should that time come. There are 25 houses with driveways along Church Road (see attached pictures). 23 of them have buried pipes leading to the ditch along Church Road. Some have one pipe, some have 2. Some are up into the yard, some are down into the ditch. Some are attached to the driveway apron, some are in the grass. As shown in the pictures, every one is different and picking mine out would be difficult. I would like actual proof on how many have hired licensed plumbers to bury these pipes. I have direct and indirect knowledge that many of these houses have installed pipes on their own, or with the use of landscape companies, to bury downspout and sump pump pipes. I also request an inspection into all the back yards of every house along Church Road, as many pipes can be seen, buried underground, many clearly not plumbing code, leading from the houses to various ditches and wooded areas.

5. I was told that my pipe was impeding the controlled burn of the grasses along the retention pond. The controlled burn was done on 5/3 and they came no where near my property or any buried pipes.

6. After receiving the violations, I disconnected all the underground pipes and replaced with the above ground options. Upon doing this, I was told that I was now compliant from the City Inspector, and that we would give me a week without penalty to REMOVE the underground pipes. As they are no longer connected to any running water, I questioned him on how these pipes were now considered "plumbing." He said we would "agree to disagree " and I had one week to remove them. I also talked with Jason's boss and asked for clarification on why the pipes must be removed. He told me my "past history" required me to remove them, and asked me "why wouldn't you remove them," to which I replied, "so I don't have to remove them." I have been a homeowner and taxpayer in Green Bay since 2011 and have had no issues with the city or any "past history" until the issues with the current inspector. I see the pipes in their current state as no different than a tree, fence, tin can, or ashes of a pet, I believe I can bury anything of my choosing in my property, no different than any other city resident. My past history was one that followed the rules set forth by the city inspector: Wait until you take ownership of the property before continuing.

This is just another attempt of the City Inspector to overstep his authority. He knew he was leaving his position and gave me a bunch of conflicting information last summer. I believe that this inspector is targeting me specifically, harassing me, and I just want the same treatment as every other resident of the neighborhood. I believe that my pipes are no different than any other pipes in the neighborhood and should be allowed to stay in their previous condition, CONNECTED. They are flowing water properly away from my house; they are acting the same as any above ground pipes would do, they are not interfering with the flow of water or draining onto any neighbors property, and they are far more aesthetically pleasing than any above ground option.

Jaime Fuge

From: Paul Van Calster
Sent: Wednesday, June 14, 2023 1:05 PM
To: heath_elliot@yahoo.com
Cc: Jason Sladky; Cheryl Renier-Wigg
Subject: RE: 3688 Church Road

Good Afternoon Elliot,

I am reaching out to you for an update since the Protection and Policy (P&P) meeting. The action item from that meeting was that you were going to have the pipe televised to ensure it was installed correctly. Have you scheduled that to happen yet? Could you let me know when it is scheduled to be done? In connection with that as discussed at the P&P Meeting, Jason would need to be present for that or see the recording of it.

Thanks,

Paul

Paul Van Calster, P.E.
Chief Building Official

City of Green Bay
Department of Community and Economic Development
100 N. Jefferson St., Room 608
Green Bay, Wisconsin 54301
Office 920-448-3299
Fax 920-448-3426
paulvc@greenbaywi.gov
www.greenbaywi.gov





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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.15

Consideration with possible action on an appeal by Tammy Southards at 3490 Yorkshire Rd. regarding orders.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. Yorkshire Attachment

June 14th, 2023

Greetings Protection and Policy Committee,

Thank you for your time and I apologize for not being able to be present in person as I work until 6:30.

On November 4th, 2022, we received a letter/order from the city of Green Bay stating our downspouts were creating a nuisance and to bury and connect to front yard storm sewer pipes. The picture they sent had 3 downspouts circled along with our creek circled. We set up a meeting to discuss the situation and said we would bury the 3 downspouts. We did discover a pipe that our landscaper had put in discharge to the neighbor's yard and immediately took that out in December of 2022.

The order did state the rain gutters located within 6' of a property line may not be directed toward the neighboring property; we have NO downspouts within 6' of the property line going towards a neighbor in the backyard. With that being stated we had wanted to eventually bury these downspouts so went ahead and agreed to the three we have completed.

On March 7th, 2023, an estimate from Joe at Greenway LS LLC was sent to Paul Van Calster to be reviewed and approve the plan so we could schedule the work and close out this project. We received an email back from Paul saying the contractor would need to submit the permit paperwork along with a sketch of what he is intending to do; if it is not included Jason would follow up with him to seek clarification. Joe received approval for the permit so we took this as confirmation that what was in the estimate, which clearly stated 3 downspouts were getting buried, was sufficient and this project would finally be closed.

The two downspouts that are not connected to the city storm sewer pipes are as follows:

1. One is already buried and connected to our creek; the creek has a pump in it that continually pumps water from the bottom of the creek back to the top. The downspout is connected to this pipe that continually brings water through the creek. This downspout is 23 feet away from the creek and an additional 20 feet from the property line and again is already buried and connected to the creek which does not overflow. This downspout was not included on the map that was sent to us with downspouts circled that the city wanted connected and should not be included in these orders as it is already taken care of.
2. The downspout on the golf shed was not facing the property line, it was going toward our home when the other 3 downspouts were buried and connected. Since we did not bury this one our inspection of the other 3 did not pass. We never agreed to bury this downspout and our contractor did not see that it was necessary as it was not going toward the property line. We are willing to reroute the downspout on the golf shed to connect to the downspout that is connected to the city line if this is what needs to be done to close out this order.

Our contractor Joe Tyrrell has submitted a letter stating the remaining downspouts do not risk overflowing to any adjacent property. The professional opinion of Joe along with the evidence of the estimate that clearly stated we were burying 3 downspouts that we submitted to Paul for clarification and the permit being approved should be sufficient and I ask that this order be closed.

I have also submitted pictures from the last 2 rains; which one day was all day, and there is no evidence of water pooling/flooding in the neighbor's yard. The work all three properties have done should be sufficient and if there are further issues with the complaining property then they should be required to contact an expert to create a plan for their property.

In conclusion and to clarify; we will reroute the downspout on the golf shed to connect with the city line this should conclude our work and if there are any issues with the complaining property, they will need to hire an expert to create a plan for their property. Our expert has concluded that the work completed on all three properties is sufficient.

Thank you for your time,

Tammy Southards





Sent from my iPhone



Community & Economic Development Department
100 North Jefferson Street - Room 608
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

Phone 920.448.3300
Fax 920.448.3426

To: **RANDALL SOUTHARDS**
3490 YORKSHIRE RD
GREEN BAY WI 54311-7299

November 04, 2022
Case #: **132021**
(Initial Inspection 11/4/2022)

Property Address: 3490 YORKSHIRE DR, 22-1588-105

Dear Property Owner:

An inspection was recently conducted at your property. Results of this inspection identified Municipal Ordinance violation(s) that need to be addressed by you, the property owner. Please note the "Correct By" date for correcting each item listed below. Unless I hear from you prior to the Correct By date(s), a re-inspection to check for compliance will be performed on or shortly after each date listed. The City greatly appreciates your effort and commitment to improving the quality of life in our neighborhoods. **Please contact me directly** if you have any questions regarding this notice. Again, thank you for maintaining your property in a code compliant condition.

Erik Wasilewski, Building Inspector
(920) 448-3314 Erik.Wasilewski@greenbaywi.gov

Violations Notice:

Order Number	Findings	Correct By	Inspector Comments
	Hello, We are writing these orders as a result to the numerous complaints due to stormwater issues that have been created and the immediate need to get the issues resolved by the contributing properties involved. The construction that has taken place on your property as well as your neighbor's properties is causing a significant nuisance to another neighboring property. We have come up with a solution that will help resolve these outstanding issues and eliminate as much of the direct flow of water off of your property and on to your neighbors. We will require you to handle the stormwater on your own property as necessary through these included orders. Please read through your orders and call with any questions. Thanks, Erik	12/4/2022	
GBMC	RAIN GUTTERS LOCATED WITHIN 6' OF A PROPERTY	12/4/2022	

	LINE MAY NOT BE DIRECTED TOWARD THE NEIGHBORING PROPERTY		
SPS 382.38-1	DISCHARGE OF STORM WATER TO SURFACE AREA MAY NOT CREATE A NUISANCE	12/4/2022	
	Storm water and ground water discharges may not create a nuisance. There are new gutters on the new golf simulator shed with down spouts discharging into your neighbor's property. Your downspouts pointed toward neighbor causing are causing flooding. You must connect all of the rear yard downspouts around the house and the new golf simulator shed and connect to the front yard into the storm sewer pipes. See attached drawing. These need to be re-directed prior to the date shown.	12/4/2022	
15.05(1)	BUILDING PERMIT REQUIRED. No person shall erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure or cause the same to be done, or shall commence any work covered by this chapter on any structure without first obtaining a building permit. Additional work requiring permits includes the construction of sheds, fences and replacement of or additions to driveways. Owner shall obtain a building permit.	11/18/2022	

All cited violations must be corrected by the date(s) indicated above unless an extension of time is granted. A re-inspection fee in the amount of fifty dollars (\$50) will be assessed for each re-inspection required after the above noted correction date or extension date passes and the property is still in non-compliance. In addition, each day that violations continue after this notice shall constitute a separate offense and may be subject to additional re-inspection fees and/or the issuance of Municipal Court citations.

An owner of real property shall give notice to any purchaser that a notice has been issued concerning code violations, where the condition giving rise to the notice of violation has not been corrected.



Erik Wasilewski, Building Inspector
(920) 448-3314,
Erik.Wasilewski@greenbaywi.gov

November 04, 2022
Date



Community & Economic Development Department
100 North Jefferson Street - Room 608
Green Bay, Wisconsin 54301-5026
www.greenbaywi.gov

Phone 920.448.3300
Fax 920.448.3426

To: **RANDALL SOUTHARDS**
3490 YORKSHIRE RD
GREEN BAY WI 54311-7299

December 06, 2022
Case #: **132021**
(Initial Inspection 11/4/2022)

Property Address: 3490 YORKSHIRE DR, 22-1588-105

Dear Property Owner:

An inspection was recently conducted at your property. Results of this inspection identified Municipal Ordinance violation(s) that need to be addressed by you, the property owner. Please note the "Correct By" date for correcting each item listed below. Unless I hear from you prior to the Correct By date(s), a re-inspection to check for compliance will be performed on or shortly after each date listed. The City greatly appreciates your effort and commitment to improving the quality of life in our neighborhoods. **Please contact me directly** if you have any questions regarding this notice. Again, thank you for maintaining your property in a code compliant condition.

Jason Sladky, Plumbing/HVAC Inspector
(920) 448-3298 Jason.Sladky@greenbaywi.gov

Violations Notice:

Order Number	Findings	Correct By	Inspector Comments
SPS 382.38-1	DISCHARGE OF STORM WATER TO SURFACE AREA MAY NOT CREATE A NUISANCE	12/18/2022	
	Storm water and ground water discharges may not create a nuisance. There are new gutters on the new golf simulator shed with down spouts discharging into your neighbor's property. Your downspouts pointed toward neighbor causing are causing flooding. You must connect all of the rear yard downspouts around the house and the new golf simulator shed and connect to the front yard into the storm sewer pipes. See attached drawing. These need to be re-directed prior to the date shown.	12/18/2022	
15.05(1)	BUILDING PERMIT REQUIRED. No person shall erect or construct any building or structure, or shall add to, enlarge, move, improve, alter, convert, extend, or demolish any building or structure or cause the same to be done, or shall commence any work covered by this chapter on any structure without first obtaining a building permit. Additional work requiring permits includes the	12/18/2022	

	construction of sheds, fences and replacement of or additions to driveways. Owner shall obtain a building permit.		
145.06	No person may engage in plumbing as defined in 145.01(10) unless they are licensed by the State of Wisconsin to do so. There has been storm water piping as well as storm water subsurface infiltration installed on this property by people that are not licensed to do so.	12/14/2022	
GBMC Sec. 8-360	A plumbing permit is required prior to the installation of plumbing. There will be a permit required for the necessary work on this property	12/14/2022	
384.01	All plumbing materials are to be approved for use in Wisconsin for their intended use	12/14/2022	
382.365	Any and all subsurface infiltration shall be installed in accordance with this section.	12/14/2022	
382.38-1	Storm water discharges may not cause a nuisance. I have discovered there is a 4" corrugated plastic pipe that appears to be discharging storm water from your accessory structure, house roof and yard drains directly into the property at 3485 Edinburgh. All underground drain piping and infiltration that was not previously permitted, inspected and approved by the City of Green Bay shall be removed. All storm water from the back of the house, yard and accessory structure shall be directed into the city storm sewer system.	12/14/2022	

All cited violations must be corrected by the date(s) indicated above unless an extension of time is granted. A re-inspection fee in the amount of fifty dollars (\$50) will be assessed for each re-inspection required after the above noted correction date or extension date passes and the property is still in non-compliance. In addition, each day that violations continue after this notice shall constitute a separate offense and may be subject to additional re-inspection fees and/or the issuance of Municipal Court citations.

An owner of real property shall give notice to any purchaser that a notice has been issued concerning code violations, where the condition giving rise to the notice of violation has not been corrected.

A handwritten signature in black ink, appearing to read "Jason Sladky", is positioned above a horizontal line.

Jason Sladky, Plumbing/HVAC Inspector
(920) 448-3298, Jason.Sladky@greenbaywi.gov

December
06, 2022
Date



Greenway LS
443 N Michigan St
De Pere, WI 54115

Greenway LS
443 N Michigan St.
De Pere, WI 54115

6/7/23

Dear Recipient,

As a licensed utility contractor, it is my professional opinion that no additional drainage/storm sewer work is needed at 3490 Yorkshire Rd. The remaining downspouts requested for connection by the city of Green Bay are not contributors to the nuisance complaint filed by 3485 Edinburgh Rd. Water discharged by the remaining downspouts is contained within the property by use of a detention pond. According to calculations provided in SPS 382, the detention pond and surrounding grading has the capacity to contain the remaining downspout discharge during rain events and does not risk overflowing to any adjacent property.

Sincerely,

Joe Tyrrell

Greenway LS

Jaime Fuge

From: tsouthards@new.rr.com
Sent: Wednesday, May 31, 2023 8:09 AM
To: District One; Lacey Cochart
Subject: RE: 3490 Yorkshire - Drainage Orders

Good morning Attorney Cochart:

We have completed burying 3 downspouts to our home and Paul VanCalster is insisting that we bury the last two. We sent Paul the estimate of the work we agreed to do that our expert Joe recommended and it clearly reads 3 downspouts were getting completed. Permits were accepted and so this should be closed out. Paul did not pass our inspection because of the other two. We are submitting to you an appeal to this work order.

1 downspout was not even going toward the property line it was facing our home, but trying to come up with a solution we applied to the city rain barrel program; we were approved for the city rain barrel program so that downspout is actually going into a rain barrel which Paul is saying that is not acceptable. Why has the city started a rain barrel program that you than can not use? Is Paul going to go to every house that got accepted and inspect every rain barrel?

The other downspout that Paul recently has decided to bring up is actually buried and is tied into our creek that has a pump on it and continually flows water through the creek this downspout is no where near the property line, the creek never overflows there is no issue with this downspout.

We feel we have tried to work with the city to accommodate the drainage issue by completing the downspouts we did, which only one was going in the direction of the property complaining. We were hoping for a compromise, but since he is bringing up a downspout that is already buried and no issue we have no other direction to go than to appeal.

Thank you for your time and please let me know where we go from here,

Tammy Southards

Jaime Fuge

From: Paul Van Calster
Sent: Wednesday, May 17, 2023 2:13 PM
To: tsouthards@new.rr.com; District One; Lacey Cochart; Jason Sladky; Cheryl Renier-Wigg
Subject: 3490 Yorkshire - Drainage Orders

Good Afternoon All,

The drainage from this property was found to be creating a nuisance on an adjacent property. As a result of the findings, orders were issued to connect to the storm sewer system all the downspouts contributing to the rear yard discharge (5 in total – 2 on the shed & 3 on the house). Any request to deviate from those orders would need to be directed to the Inspection Division of the Department of Community and Economic Development for possible consideration. In this case, options were given that did not receive the approval of the Inspection Division. To date, 3 downspouts have been connected. The recommendation to connect only those 3 downspouts which were viewed as contributing the most to the issue is not a viable solution as it does not capture enough runoff water. Additionally, the 1 downspout on the other side of the house contributes as it runs down the rock swale and out past the golf simulator shed. The proposal for a rain barrel is not a viable option as it will not retain enough of the runoff water. Please note as well that although the 2 downspouts off the garage do not impact this issue, they are improperly discharging towards the neighboring property.

The orders still stand to connect all the rear discharging downspouts on the property. If the homeowner wished to appeal the orders, they could submit to the Protection and Policy Committee for consideration.

Thank you,

Paul

Paul Van Calster, P.E.
Chief Building Official

City of Green Bay
Department of Community and Economic Development
100 N. Jefferson St., Room 608
Green Bay, Wisconsin 54301
Office 920-448-3299
Fax 920-448-3426
paulvc@greenbaywi.gov
www.greenbaywi.gov



Jaime Fuge

From: Paul Van Calster
Sent: Thursday, June 15, 2023 4:54 PM
To: tammy
Cc: Cheryl Renier-Wigg
Subject: RE: 3490 Yorkshire - Drainage Orders

Good Afternoon Tammy,

Thank you for returning my call this morning.

To recap that discussion, I went over the resulting stormwater discharge that is created from the 3 remaining sources that contribute to the nuisance discharge during the 10-year storm event that we are required to design for:

- The last portion of the house roof is about 15.2 gallons per minute
- The back half of the golf simulator/shed roof is about 8 gallons per minute
- The yard itself is about 27.6 gallons per minute, which I stated if we viewed as about half being absorbed by the ground it would still be 13.5 gallons per minute
- That total is 37.7 gallons per minute, which is a lot water

We then talked about connecting the one house downspout to the storm drain system; but you do see the need to for the following reasons:

- Your rain barrel did not even overflow yesterday when it rained all day and there was no water in the 4th yard
- The water fall feature has been there for 20 years
- The water fall pond container is more that 6' from the property line
- The water is contained in your water fall landscape feature because the pump keeps the water recycling
- The impacted property should make changes to their property, as you and your neighbors have made connection to the storm sewer system

My responses to this were:

- The rain we received yesterday was not a 10-year event so it was not a valid comparison; but if it had been a 10-year event a 55-gallon barrel would have been overflowing in less than 4 minutes
- The water fall feature may have been there that long, but you just filled in the corner of your yard where the golf simulator/shed was built, changing the drainage storage and pattern for stormwater runoff
- The water fall pond container may be greater than 6' from the property line but is now an expedited flow as it is running in a channel directly down the hill. When that 15.2 gallons per minute overflows the pond container, it will run in to the neighbor's yard
- The 15.2 gallons per minute will over fill the water fall feature and overflow. The pump will not be able pump that extra water.
- I stated that all 3 houses changed the drainage storage and pattern by bringing in fill and now forcing the water into the 4th yard.
- I discussed a possible option could be to not connect the house downspout to the storm drain system now; but that if it still resulted in a nuance, orders would then be written to connect the house downspout. You were not receptive to that offer and declined it.

We talked about a more economical solution to digging up the yard to connect the last house down spout. That option was to put an overflow pipe on the catch basin that was in front of the golf simulator/shed. You stated the catch basin had been removed already, so that would not work.

Lastly, we talked about connecting the back half of the golf simulator/shed roof to the storm drain system. You stated you were going to have the gutters modified to do that, but you decided not to because of the requirement to connect the last house downspout.

If I have misrepresented any of this information, please let me know.

Another suggestion I have is, you could add a yard inlet at the pond container so that yard inlet captures the overflow water from the waterfall feature which is coming from the house roof. That option would be less impactful and less costly than going across the yard.

After discussion with Chery Renier-Wigg, Deputy Development Director, it was concluded there is a nuisance being created by the amount of water being discharged from your property. We discussed several options, some of which would be a cost savings to you. Please determine which option you would like to choose and let our office know your decision. Remember, your plan needs to be reviewed and approved by the City before you install your preferred option.

Thanks,

Paul

Paul Van Calster, P.E.
Chief Building Official

City of Green Bay
Department of Community and Economic Development
100 N. Jefferson St., Room 608
Green Bay, Wisconsin 54301
Office 920-448-3299
Fax 920-448-3426
paulvc@greenbaywi.gov
www.greenbaywi.gov



From: Paul Van Calster
Sent: Wednesday, June 14, 2023 3:00 PM
To: tammy <tsouthards@new.rr.com>
Subject: RE: 3490 Yorkshire - Drainage Orders

Good Afternoon Tammy,

I just left a message at 265-0585 as well. Could you please give me a call to discuss the connection of the two remaining downspouts for your property. I believe we have a solution that would have reduced impact and cost to you.

Thanks,

Paul

Paul Van Calster, P.E.
Chief Building Official

City of Green Bay
Department of Community and Economic Development
100 N. Jefferson St., Room 608
Green Bay, Wisconsin 54301
Office 920-448-3299
Fax 920-448-3426
paulvc@greenbaywi.gov
www.greenbaywi.gov



From: Paul Van Calster
Sent: Friday, May 26, 2023 9:43 AM
To: tammy <tsouthards@new.rr.com>
Cc: Jason Sladky <Jason.Sladky@greenbaywi.gov>; Erik Wasilewski <Erik.Wasilewski@greenbaywi.gov>
Subject: RE: 3490 Yorkshire - Drainage Orders

Good Morning Tammy,

This was my response I sent on Tuesday, which is attached.

I do not fully understand your request, here is how I read it:

- A request to extend your deadline until June 9th
- What has been done to date, connecting the 3 downspouts (2 from house and 1 from shed) is not sufficient to close the complaint and orders
- The down spout on the other side of the golf shed will be connected by June 9
- MISSING CONNECTION – the downspout on the other side of the house discharging the back yard also needs to be connected, that should be done when he is there doing the golf shed

Please let me know if you have any questions.

Your extension to June 9 would be to connect the other side of the shed and the other side of the house? Is that correct?

Thanks,

Paul

Paul Van Calster, P.E.
Chief Building Official

City of Green Bay
Department of Community and Economic Development
100 N. Jefferson St., Room 608
Green Bay, Wisconsin 54301
Office 920-448-3299
Fax 920-448-3426
paulvc@greenbaywi.gov
www.greenbaywi.gov



From: tammy <tsouthards@new.rr.com>
Sent: Friday, May 26, 2023 9:14 AM
To: Paul Van Calster <Paul.VanCalster@greenbaywi.gov>
Subject: Re: 3490 Yorkshire - Drainage Orders

Good morning
I just need confirmation that the June 9th extension is fine as I can not get workers here any faster.
Thank you
Tammy

Sent from my iPhone

On May 22, 2023, at 10:12 AM, tammy <tsouthards@new.rr.com> wrote:

Good morning,
If you could extend the deadline to June 9th; unless you have decided what we have done is sufficient and this is closed out the downspout by the golf shed will be taken care of in the next two weeks when the work can be fit in to workers schedule.

Tammy Southards

Sent from my iPhone

On May 17, 2023, at 2:12 PM, Paul Van Calster <Paul.VanCalster@greenbaywi.gov> wrote:

Good Afternoon All,

The drainage from this property was found to be creating a nuisance on an adjacent property. As a result of the findings, orders were issued to connect to the storm sewer system all the downspouts contributing to the rear yard discharge (5 in total – 2 on the shed & 3 on the house). Any request to deviate from those orders would need to be directed to the Inspection Division of the Department of Community and Economic

Development for possible consideration. In this case, options were given that did not receive the approval of the Inspection Division. To date, 3 downspouts have been connected. The recommendation to connect only those 3 downspouts which were viewed as contributing the most to the issue is not a viable solution as it does not capture enough runoff water. Additionally, the 1 downspout on the other side of the house contributes as it runs down the rock swale and out past the golf simulator shed. The proposal for a rain barrel is not a viable option as it will not retain enough of the runoff water. Please note as well that although the 2 downspouts off the garage do not impact this issue, they are improperly discharging towards the neighboring property.

The orders still stand to connect all the rear discharging downspouts on the property. If the homeowner wished to appeal the orders, they could submit to the Protection and Policy Committee for consideration.

Thank you,

Paul

Paul Van Calster, P.E.
Chief Building Official

City of Green Bay
Department of Community and Economic Development
100 N. Jefferson St., Room 608
Green Bay, Wisconsin 54301
Office 920-448-3299
Fax 920-448-3426
paulvc@greenbaywi.gov
www.greenbaywi.gov

<image002.png>

From: [Paul Van Calster](#)
To: [District One](#)
Cc: tsouthards@new.rr.com; [Jason Sladky](#); [Ali Hearley](#)
Subject: RE: 3490 Yorkshire Rd.
Date: Wednesday, March 8, 2023 8:39:00 AM
Attachments: [image001.png](#)
[Estimate 1544 from Greenway LS LLC.pdf](#)

Good Morning Alder Grant,

This is the bid for the work. The Contractor will need to submit the external plumbing permit as well along with a sketch of what he is intending to do. If it is not included, Jason will follow up with him to seek that clarification.

Thanks,

Paul

Paul Van Calster, P.E.
Chief Building Official

City of Green Bay
Department of Community and Economic Development
100 N. Jefferson St., Room 608
Green Bay, Wisconsin 54301
Office 920-448-3299
Fax 920-448-3426
paulvc@greenbaywi.gov
www.greenbaywi.gov



From: District One <District.1@greenbaywi.gov>
Sent: Tuesday, March 7, 2023 8:40 PM
To: Paul Van Calster <Paul.VanCalster@greenbaywi.gov>
Cc: tsouthards@new.rr.com
Subject: 3490 Yorkshire Rd.

Paul,

Please see the attached estimate from Joe at Greenway LS LLC. He reviewed the Southards property/water drainage issues and with his expertise, what he thinks is the best solution. The

resident would like confirmation that they can move forward with this plan.

Thank you!

Alderman Jennifer Grant

District 1

920-510-6861

Greenway LS LLC
443 N Michigan St
De Pere, WI 54115 US
920-655-4675
joseph@tyrrell.com
www.GreenwayLS.com

Estimate



ADDRESS

Tammy Southards
3490 Yorkshire Rd
Green Bay, WI 54311

ESTIMATE #	DATE	
1544	03/07/2023	

DATE	DESCRIPTION	QTY	RATE	AMOUNT
	4" PVC Drain pipe leading from the back yard downspouts to the storm sewer lateral	90	25.00	2,250.00
	Connect downspouts to drain system	3	250.00	750.00
	Permit and connect to the existing storm sewer lateral pipe. Includes refilling trenches with native soil and removal of excess soil after the inspection.	1	845.00	845.00

TOTAL

\$3,845.00

Accepted By

Accepted Date

From: [Joe Tyrrell](#)
To: [Jason Sladky](#)
Cc: [Erik Wasilewski](#); [Paul Van Calster](#); [Pete O'Connor](#)
Subject: Re: Yorkshire/Edinburgh Drainage Orders
Date: Tuesday, February 21, 2023 3:46:25 PM

Can I assume the deadline of June 1, 2023 is accurate?

Joe Tyrrell
Greenway LS
[\(920\) 655-4675](tel:(920)655-4675)
GreenwayLS.com

On Feb 16, 2023, at 8:52 AM, Jason Sladky <Jason.Sladky@greenbaywi.gov> wrote:

Hi Joe,

The house at 3490 has been ordered to connect all their rear yard downspouts to the storm sewer system.

Thank you,

Jason Sladky
Plumbing/HVAC Inspector
Department of Community and Economic Development
City of Green Bay, WI 54301
(920)448-3298
www.greenbaywi.gov

From: Erik Wasilewski <Erik.Wasilewski@greenbaywi.gov>
Sent: Wednesday, February 15, 2023 12:19 PM
To: Jason Sladky <Jason.Sladky@greenbaywi.gov>
Cc: Paul Van Calster <Paul.VanCalster@greenbaywi.gov>; Pete O'Connor <Pete.O'Connor@greenbaywi.gov>
Subject: FW: Yorkshire/Edinburgh Drainage Orders

Jason,
See attached email in regards to the Yorkshire/Edinburgh Drainage Orders. We can go through this too when we all get together this afternoon.

Erik Wasilewski

Building Inspector

City of Green Bay

Community & Economic Development Department

920.448.3314

greenbaywi.gov

From: Joe Tyrrell <joseph@tyrrell.com>

Sent: Wednesday, February 15, 2023 12:09 PM

To: Erik Wasilewski <Erik.Wasilewski@greenbaywi.gov>

Subject: Yorkshire/Edinburgh Drainage Orders

Case#132018

Hello,

I've been working with the homeowners on 3490/3486 Yorkshire and 3495 Edinburgh to install drainage pipes connecting their downspouts to their lateral. I met with 3490 and 3495 yesterday and will be providing an estimate soon. The latest email I have regarding the completion is from Jason Sladky on December 14, 2022 which states the project has a deadline of June 1, 2023. Please confirm that information is correct.

I have a couple of follow-up questions...

-The homeowner on 3490 Yorkshire stated that he was required to connect the downspout on one side of his shed. The other one drains towards the front of the shed and they were told that they could install a rock garden for that one downspout. Is that correct?

-On 3495 Edinburgh, do you have a record of the lateral path between the house and the street?

I appreciate your time. Thanks!

Joe Tyrrell

Greenway LS LLC

(920) 655-4675

www.GreenwayLS.com



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.16

Consideration with possible action on a request by Ald. Scannell (District 7) to review with possible action the restrictions on malt beverages for Quadricycles.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Protection and Policy Committee-D7 Communication
2. 125.09 General Restrictions

Jaime Fuge

From: noreply@civicplus.com
Sent: Wednesday, June 7, 2023 4:10 PM
To: Celestine Jeffreys; Eric Genrich; Jaime Fuge; Amaad Rivera
Subject: Online Form Submittal: Alders' Petitions and Communications

Alders' Petitions and Communications

Name	Randy Scannell
Committee Name	Protection and Policy Committee
Text of Communication	To review with possible action the restrictions on malt beverages for Quadricycles.

Email not displaying correctly? [View it in your browser.](#)

formed 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 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 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 passen-



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.17

For consideration and possible action on a request by Ald. Johnson (District 9) for a revision to the city's process with handling sign permits to allow for one application and one point of contact to facilitate the approval of sign installations.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2023-05-17 Dist 9 to P and P

From: noreply@civicplus.com
To: [Celestine Jeffreys](#); [Eric Genrich](#)
Subject: Online Form Submittal: Alders' Petitions and Communications
Date: Thursday, May 18, 2023 10:43:23 AM

Alders' Petitions and Communications

Name	Brian Johnson
Committee Name	Protection and Policy Committee
Text of Communication	For consideration and possible action a revision to the city's process with handling sign permits to allow for one application and one point of contact to facilitate the approval of sign installations.

Email not displaying correctly? [View it in your browser.](#)



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.18

Consideration with possible action on a request by Ald. Brian Johnson (District 9) to terminate the requirement for paper submittals of site plans.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2023-05-18 Dist 9 to P and p

From: noreply@civicplus.com
To: [Celestine Jeffreys](#); [Eric Genrich](#)
Subject: Online Form Submittal: Alders' Petitions and Communications
Date: Thursday, May 18, 2023 12:29:06 PM

Alders' Petitions and Communications

Name	Brian Johnson
Committee Name	Protection and Policy Committee
Text of Communication	For consideration and possible action to terminate the requirement for paper submittals of site plans.

Email not displaying correctly? [View it in your browser.](#)



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # E.19

Consideration with possible action on General Ordinance No. 4-23, an ordinance creating Section 10-95, Green Bay Municipal Code, relating to massage establishments.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. G.O. 04-23 regarding Massage Establishment Licenses

GENERAL ORDINANCE NO. 04-23

AN ORDINANCE
CREATING SECTION 10-95,
GREEN BAY MUNICIPAL CODE,
RELATING TO MASSAGE ESTABLISHMENTS

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

SECTION 1. Section 10-95, Green Bay Municipal Code, is hereby created to read:

10-95. Massage Establishments.

- (a) It shall be unlawful for any person, corporation, or other legal entity to cause or permit the operation of a massage establishment or for a person to engage in the practice of massage therapy or bodywork therapy or perform massage therapy or bodywork therapy for gain as a massage therapist, bodywork therapist, agent, manager, or employee, except in strict compliance with this section.
- (b) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the following meanings, except where the context clearly indicates a different meaning:

Chief means the Chief of Police of the Green Bay Police Department or their designee.

Common Council means the Common Council of the City of Green Bay.

Establishment or *massage establishment* means a place of business having a permanent location wherein private massage therapy or bodywork therapy is practiced, used, or made available.

Intimate parts means the breasts, buttocks, anus, groin, scrotum, penis, vagina, or pubic mound of a human being.

Licensee means a person, partnership, corporation, or other legal entity possessing a massage establishment license under this section.

Massage therapy or bodywork therapy means the science and healing art that uses manual actions and adjunctive therapies to palpate and manipulate the soft tissue of the human body in order to improve circulation, reduce tension, relieve soft tissue pain, or increase flexibility. "Massage therapy or bodywork therapy" includes determining whether manual actions and adjunctive therapies are appropriate or contraindicated, or whether a referral to another health care practitioner is appropriate. "Massage therapy or bodywork therapy" does not include making a medical, physical therapy, or chiropractic diagnosis.

Massage therapist or *bodywork therapist* means a person licensed by the State of Wisconsin pursuant to Wis. Stats. Ch. 460, as it may be amended, and related statutes or rules, who practices, administers, uses, or offers to practice, administer, or use massage therapy or bodywork therapy for a consideration.

Operator means any person, association, firm, partnership, or corporation licensed by the City to operate a massage establishment.

Patron means any person who receives massage therapy or bodywork therapy under such circumstances that it is reasonably expected that they will pay money or give any consideration therefor.

Waiting area means an area adjacent to the main entrance that is separate from any area where massage therapy or bodywork therapy takes place.

(c) *Massage Establishment License.*

(1) *License required.*

- a. No person, corporation, or other legal entity shall cause, or permit the conduct of a massage establishment without having first obtained a license from Common Council in accordance with this section. A separate license shall be acquired for each such establishment.
- b. No license shall be transferred between locations or persons and no massage establishment license shall be sold or be subject to transfer of corporate assets or change of corporate officers or directors.

(2) *Term.* The license term shall be January 1 through December 31.

(3) *Fee.* The license fee shall be as provided in the City Fee Schedule. License fees shall be nonrefundable and shall be prorated for the license term. The application must be accompanied by payment of the License fee or upon such portion of the fee as the number of months, or fraction of a month, remaining until December 31 of each year.

(4) *Location.*

- a. No license shall be granted for any establishment the main entrance to which is within seventy-five (75) feet of the main entrance to a residence or of the common entry hall to residences, nor for any room or rooms in any hotel or motel, except upon approval by the Common Council, or unless the establishment occupancy predates the creation of this section.
- b. A licensed massage therapist or bodywork therapist may perform massage therapy or bodywork therapy at a massage establishment licensed pursuant to this section, appropriately zoned for the business and possessing a valid certificate of occupancy from City Inspections, or at the place of residence or business of a client receiving massage therapy or bodywork therapy. Massage therapy or bodywork therapy shall not be performed as a home occupation in a residentially zoned district.

(5) *Application submission.* Applications shall be made on forms supplied by the City Clerk.

(6) *Application contents.* All applications shall contain all required information or shall be rejected by the Clerk. All applications shall include all of the following.

- a. The location and address of the proposed establishment.
- b. An individual, each person of a partnership or joint venture, or an agent of a corporation must provide all of the following personal background information:
 1. Name and present address.
 2. Two (2) immediately previous addresses and dates of residence at each.

3. Their height, weight, color of hair and eyes, written proof of age, and submission of a copy of a government-issued ID.
 4. Their business or occupation history for the two (2) years immediately preceding the date of application.
 5. Whether they have had a similar license revoked or suspended in any jurisdiction and, if so, the name of the municipality and the reason for the suspension or revocation.
 6. Whether they have been convicted of any crime or ordinance violation other than traffic offenses within the past three (3) years and, if so, a listing of the same and the locations thereof.
- c. If the applicant is a corporation, the names and addresses of each officer and director and of the stockholders of such corporation, together with the extent of the ownership of each and a statement whether such officer, director, or stockholder holds office or stock in any other corporation conducting a similar business in the State of Wisconsin. Any application submitted on behalf of a corporation shall be made by an agent registered as such who shall have been a resident of the State of Wisconsin for at least ninety (90) days.
 - d. All phone numbers of the proposed establishment.
 - e. The name, address, state license number, phone number, and a copy of one (1) form of government-issued ID of each person employed as a massage therapist or bodywork therapist by the applicant at the proposed establishment at the time of application;
 - f. The name, address, state license number, phone number(s), and a copy of one (1) form of government-issued ID of each massage therapist or bodywork therapist, other than those employed by the applicant, who may by virtue of any arrangement with the applicant practice, administer, or offer to practice or administer massage therapy or bodywork therapy at the licensed premises.
 - g. A floor plan of the establishment which details with particularity the rooms in which massage therapy or bodywork therapy will be practiced, the reception area, the restrooms, and any other areas accessible to clientele.
 - h. A policy of malpractice insurance written by an insurance company licensed to do business in the State of Wisconsin and verified by a certificate of insurance in an amount of no less than one million dollars (\$1,000,000.00) in coverage per employee.
 - i. The application shall contain a statement signed by the applicant and each individual of a partnership or joint venture that all information contained therein is true and correct.
- (d) *Licensure of massage therapists and bodywork therapists required.* No person or entity shall engage in the practice of massage therapy or bodywork therapy or perform massage therapy or bodywork therapy for gain unless such person has previously been issued and holds a valid license of registration pursuant to Wis. Stats. Ch. 460.

(e) *Granting of Licenses.*

(1) *Administrative approval.*

- a. Prior to Common Council approval, the Chief shall certify that the application has successfully completed a background check and shall make a recommendation to the Common Council as to whether the application should be approved and a license issued.
- b. Prior to Common Council approval, the Director of Community and Economic Development, or their designee, shall certify that the premises complies with all applicable laws and regulations, including applicable building and fire code requirements. No license shall be granted for a premises not in compliance with such laws and regulations.

(2) *Common Council approval.* Applications complying with the provisions of this section shall be forwarded to the Common Council for action. The Common Council shall review the application, the applicant's qualifications, and all other relevant factors and determine whether to grant or deny the license application.

(3) *License fee.* Upon approval by the Common Council, the Clerk shall request a license fee pursuant to the City Fee Schedule. The license fee is nonrefundable and must be paid in full prior to issuance of the license.

(4) *Renewal.* Renewal applications are due on or before November 1 of each year. The Common Council shall take action on each timely-filed renewal application prior to the expiration of the current license on December 31. If a renewal application is received after November 1, notice of Council's intent to grant or deny the renewal application, as well as notice of any accompanying hearing, may not be available before the license expires on December 31.

(5) *Denial.* The Common Council may deny an application for a massage establishment license upon a determination that the applicant does not meet the qualifications for possessing such a license. A denial determination may be based on any relevant factors, including, but not limited to, those listed in this subsection. In the event of denial, the applicant shall receive written notification setting forth the specific reasons for the denial within ten (10) days.

- a. The operation as proposed by the applicant does not comply with all applicable state laws and this Code.
- b. Within the past three (3) years, the applicant or any partner, officer, director, or stockholder thereof has been convicted in a court of competent jurisdiction of an offense under Wis. Stats. Chs. 944 or 961.
- c. The applicant or any partner, officer, director, or stockholder has been convicted in a court of competent jurisdiction of an offense against the person or property of another.
- d. The applicant or any partner, officer, or stockholder has been convicted of any other federal, state, county, or municipal offense that is substantially similar to those listed herein.

- e. The information required on the application is incomplete or the applicant has knowingly or with the intent to deceive made a false, misleading, or fraudulent statement of fact in the application or in any other document required by the City in conjunction therewith.
 - f. The applicant has not resided in Wisconsin for at least ninety (90) days prior to date of application.
- (6) *Appeals of application denials.* Any applicant whose application for a massage establishment license has been denied by the Common Council may appeal such determination upon written request for a hearing on their application, which must be submitted to the City Clerk within ten (10) days of the notice of denial.
- a. *Evidentiary hearing.* Upon appeal, the Common Council shall conduct a hearing on the application to determine if the applicant possesses the qualifications required for licensure under this section.
 - 1. The hearing may be held in open or closed session depending on the nature of the evidence to be presented. The Common Council shall determine whether the arguments shall be presented orally or in writing, or both.
 - 2. The applicant may be represented by counsel, present and examine witnesses, and have a transcript of the hearing prepared at the licensee's expense.
 - b. *Council action.* At the conclusion of the evidentiary hearing, the Common Council, following deliberation in open or closed session, shall determine whether to uphold the denial or grant the application.
 - c. *Notice.* The City Clerk shall notify the applicant in writing of the Common Council's decision within ten (10) days after Council makes its determination.
 - d. *Certiorari.* Any appeal of the Common Council's decision shall be by writ of certiorari to Brown County Circuit Court.
- (f) *Regulation of operations and licenses.*
- (1) Each massage establishment shall at all times maintain and comply with the following operational regulations.
- a. The licensee shall comply with all City Codes.
 - b. There shall only be one (1) sign posted at the main entrance. The sign shall be non-flashing.
 - c. No establishment shall be open for business between the hours of 10:00 P.M. and 6:00 A.M.
 - d. Any massage therapists or bodywork therapists employed by the establishment shall possess valid licenses pursuant to Wis. Stats. Ch. 460.
 - e. No person under the age of eighteen (18) years shall be permitted on the establishment premises unless accompanied by their parent, guardian, or spouse, or upon written authorization executed by the underage person's parent, guardian, or spouse.

- f. No intoxicating beverages or substance included in Wis. Stats. ch. 961, sub. II, except those possessed pursuant to a valid prescription from a licensed professional, shall be permitted in the licensed establishment. Food shall be permitted only when there is no charge, and in compliance with Brown County health code.
- g. The licensee shall provide a waiting area for patrons that is separate from any area in which massage therapy or bodywork therapy takes place. There shall be direct access to this area from the main entrance or from a hallway connected only to the main entrance.
- h. A licensed massage therapist or bodywork therapist shall be present on the establishment premises at all times during hours of operation, shall administer all massage therapy or bodywork therapy at the establishment, and shall be responsible for massage therapy or bodywork therapy operations of the establishment.
- i. At any time during its hours of operation, the establishment shall permit inspection of the premises by City building inspectors, fire inspectors, health inspectors, or personnel of any law enforcement agency for purpose of ascertaining compliance with this section and conducting routine inspections. Application for and acceptance of a license under this section constitutes consent to such inspection. Any inspection shall include areas let, subleased, or subject to any other business.
- j. The licensee shall keep records of the name, address, proof of state licensure, and at least one (1) copy of a form of government-issued ID of each of its massage therapists and bodywork therapists, as well as the names and addresses of its agents, managers, and employees and the dates of employment and termination of each. Such records shall be open to inspection by any of the personnel listed in this section. These records shall be retained for a period of ninety (90) days.
- k. The licensee shall keep records of the name, address, proof of state licensure, and at least one (1) copy of a form of government-issued ID of each massage therapist or bodywork therapist, other than those employed by the licensee, who may by virtue of any arrangement with the licensee practice, administer, or offer to practice or administer massage therapy or bodywork therapy at the establishment. Such records shall be open to inspection by any of the personnel listed in this section. These records shall be retained for a period of ninety (90) days.
- l. The licensee shall report any change of any fact required on the application form and all personnel changes to the City Clerk within ten (10) days of such change.
- m. The licensee shall have and maintain in full force and effect during the license term a policy of malpractice insurance written by an insurance company licensed to do business in the State of Wisconsin and verified by a certificate of insurance in an amount of no less than one million dollars (\$1,000,000.00) in coverage per person.
- n. Rooms in which massage therapy or bodywork therapy is practiced or administered shall have at least seventy (70) square feet of clear floor area and shall maintain a light level of no less than forty (40) foot candles as measured at three (3) feet above the floor. Lighting in colors other than white shall be prohibited. Such rooms shall not be locked during business hours or during massage therapy or bodywork therapy sessions.

- o. Massage therapy or bodywork therapy tables shall have a surface which is impervious to liquids and shall be furnished with linen, either disposable or washable, which are changed for each client,
 - p. Massage establishments shall prominently display their City-issued establishment license on the premises during all hours of operation.
 - q. Massage establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in cabinets or other appropriate facilities. Towels and linens shall not be used on more than one patron unless they have first been laundered and disinfected. Soiled linens and paper towels shall be deposited in approved receptacles.
- (g) *Revocation, suspension, and nonrenewal of license.* The Common Council, for just cause, may revoke, suspend, or nonrenew any license granted under this section upon serving written notice of the grounds forming a basis for the revocation, suspension, or nonrenewal upon the licensee. The notice shall contain the street address or other description sufficient to identify the licensed establishment and a description of the grounds for revocation, suspension, or nonrenewal. The notice may be served via personal service or by certified mail. If the licensee cannot reasonably be served, notice may be served by publication as a Class 1 notice. The notice of revocation, suspension, or nonrenewal shall provide for a hearing upon the licensee's submission of a written request to the City Clerk within ten (10) days of service. Absent a timely request for a hearing, the City Clerk shall administratively revoke, suspend, or nonrenew the license, as set forth in the notice.
- (1) *Grounds.* A license granted under this section may be revoked or be suspended for up to six (6) months by the Common Council upon valid grounds, including, but not limited to, any of the following.
- a. The licensee has made or recorded any statement required by this section knowing it to be false, fraudulent, or intentionally deceptive.
 - b. The licensee has violated a provision of this section.
 - c. The licensee has violated a provision of this Code.
 - d. The licensee or any massage therapist, bodywork therapist, or other employee of the establishment has advertised for any massage therapy, bodywork therapy, or related services to be performed at the establishment that involve sexual acts or any contact with the intimate parts of any person.
 - d. One or more massage therapist, bodywork therapist, or other employee of the establishment has been convicted of an offense under Wis. Stats. ch. 944.
 - e. One or more massage therapist, bodywork therapist, or other employee of the establishment has been convicted of an offense against the person or property of a patron.
 - f. One or more massage therapist, bodywork therapist, or other employee of the establishment has been fined under Wis. Stats. § 460.15 or whose license has been the subject of discipline by the applicable credentialing board or the Wisconsin Department of Safety and Professional Services.

- g. One or more massage therapist, bodywork therapist, or other employee of the establishment has been convicted of an offense involving substances in Wis. Stats. ch. 961, sub. II, that reasonably relates to the establishment, where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the licensee.
- h. One or more massage therapist, bodywork therapist, or other employee of the establishment has been convicted of a criminal offense involving sexual contact as defined by Wis. Stats. § 939.22 (34) or sexual intercourse as defined by Wis. Stats. § 939.22 (36) or any other criminal offense that substantially relates to the individual's employment with the establishment.
- i. One or more massage therapist, bodywork therapist, or other employee of the establishment has been convicted of a criminal offense involving exposing their intimate parts, or any portion thereof, to any other person.
- j. One or more massage therapist, bodywork therapist, or other employee of the establishment has been convicted of a criminal offense involving exposing the intimate parts, or any portion thereof, of any other person for the purpose of sexual humiliation, degradation, arousal, or gratification.
- k. One or more massage therapist, bodywork therapist, or other employee of the establishment, while in the presence of any other person in a massage establishment, failed to conceal with a fully opaque covering, the intimate parts of their body, if the purpose of such failure is sexual humiliation, degradation, arousal, or gratification.
- l. One or more massage therapist, bodywork therapist, or other employee of the establishment has been convicted of a criminal offense involving offering to perform or to make available, permit, or in any way participate in the performance of any act prohibited in this section.
- m. The licensee owning or operating the massage establishment knowingly caused, allowed, or permitted in or about such massage establishment any agent, employee, or any other person under their control or supervision to perform any acts prohibited in this section.

(2) *Hearings on Revocation, Suspension, and Nonrenewal.*

- a. *Complaint.*
 - 1. Any resident of the City may file a sworn written complaint with the City Clerk alleging one or more of the grounds listed in this subsection (g) about any licensee holding a license under this section.
 - 2. The City Attorney may commence revocation or suspension proceedings against a licensee by filing a formal complaint with the City Clerk stating the specific grounds for the revocation or suspension.
- b. *Summons.* Upon the timely filing of a written request for a hearing, the Common Council shall issue a summons, signed by the City Clerk and directed to any peace officer or constable, commanding the subject licensee to appear before the Common Council on a day and at a place named in such summons and show cause why the

license should not be revoked or suspended. Such summons shall be served at least seven (7) days before the time at which such person is commanded to appear and shall be served by personal service or by certified mail. If the licensee cannot reasonably be served, then notice may be served by publication as a Class 1 notice.

- c. *Evidentiary hearing.* The Common Council shall conduct a hearing on a complaint filed under this subsection to revoke or suspend any license granted under this section. The Council shall determine whether the arguments shall be presented orally or in writing, or both.
 - 1. The hearing may be held in open or closed session depending on the nature of the evidence to be presented. The Common Council shall determine whether the arguments shall be presented orally or in writing, or both.
 - 2. The licensee may be represented by counsel, present and examine witnesses, and have a transcript of the hearing prepared at the licensee's expense.
 - 3. The judgment of conviction of any licensee, or employee or agent thereof, in any municipal, state, or federal court, irrespective of whether obtained following trial, plea agreement, or bond forfeiture, shall be prima facie evidence of a violation for purposes of this section. Mitigating circumstances may be introduced with respect to any judgment of conviction.
- d. *Council action.* At the conclusion of the evidentiary hearing, the Common Council, following deliberation in open or closed session, shall make one of the following determinations.
 - 1. No action shall be taken due to insufficiency of the evidence.
 - 2. No action shall be taken at present because an accommodation on the part of the licensee has been reached.
 - 3. A suspension of not less than ten (10) nor more than 180 days shall be imposed.
 - 4. The license shall be revoked.
 - 5. The complaint shall be tabled pending disposition of pending criminal or Municipal Court proceedings, at which time the matter will be considered and a recommendation made.
- e. *Nonrenewal.* A massage establishment license may be nonrenewed based on any of the grounds identified in this section. Each year, the Chief shall identify any license for nonrenewal and provide that recommendation to the Common Council for determination on renewal and provide that recommendation to the Common Council for determination on renewal or intent to nonrenew the license. If the Common Council determines it will not renew, a notice shall be sent to the licensee stating with specificity the grounds for nonrenewal and informing the licensee of the right to a hearing. The licensee shall have ten (10) days to request an evidentiary hearing on the nonrenewal of their license in writing. Such hearing shall be held in accordance with the provisions of this subsection governing hearings on revocations and suspensions.

- f. *Notice and Appeal.* The City Clerk shall notify the licensee in writing of the Common Council's decision and any revocation, suspension, or nonrenewal within ten (10) days after Council makes its determination. Any appeal of the Common Council's decision shall be by writ of certiorari to circuit court and must be commenced within 45 days of the date of the notice or be forever barred.
- (3) *Commencement of Penalties.* Penalties shall commence the day after they have been imposed by the Common Council. All periods of suspension shall run consecutively.
- (4) *Reports by Police Chief.* The Police Chief shall file reports with the City Attorney advising said City Attorney of conduct by a licensee, or employees thereof, which may constitute a basis for disciplinary action.
- (h) *Exceptions.* This section shall not apply to the following businesses or professional establishments:
 - (1) Offices, clinics, or establishments of physicians, surgeons, chiropractors, osteopaths, nurses, or physical therapists licensed or registered to practice their respective professions under the laws of the State of Wisconsin existing for the provision of such occupational services.
 - (2) Barber shops and beauty parlors which employ barbers and beauticians licensed under the laws of the State of Wisconsin, provided that any massage therapy or bodywork therapy is limited to the head and scalp or where massage therapy or bodywork therapy is an ancillary service offered which accounts for less than twenty-five (25) percent of the business's gross receipts.
- (i) *Operation Without a License a Public Nuisance.* The operation of a massage establishment or massage therapy or bodywork therapy activity of any individual without a license under this section is deemed a public nuisance and may be enjoined by the City.
- (j) *Penalty.* Any person violating any provision of this section other than the Operation Regulations shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Any person violating any provision of the Operation Regulations shall be subject to a forfeiture of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (1,000.00). Each day of violation shall constitute a separate offense.
- (k) *Severability.* The provisions of any part of this section are severable. If any provision or subsection hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections, and applications of this ordinance to other persons or circumstances shall not be affected. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

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

SECTION 3. Effective date. This ordinance shall take effect on August 1, 2023.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2023.

APPROVED:

Eric Genrich, Mayor

ATTEST:

Celestine Jeffreys, Clerk

law

GENERAL ORDINANCE NO. 14-23

AN ORDINANCE
CREATING SECTION 40-109 AND 40-110
GREEN BAY MUNICIPAL CODE,
RELATING TO ABANDONED BICYCLES

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

SECTION 1. Section 40-109, Green Bay Municipal Code, is hereby created to read:

Sec 40-109. Abandoned Bicycles

- (a) *Violation.* No person may leave unattended any bicycle on any public street, highway, building, place or park upon any public or private property, for such time and under such circumstances as to cause the bicycle to reasonably appear to be abandoned.
- (b) *Notice of Abandonment.* Any bicycle in violation of sub. (a) may have a notice affixed to it which informs the owner of the bicycle, that the bicycle appears to be abandoned. Only a police officer, the Director of Public works or their designee, or the Parks Director or their designee have authority to affix such notices upon bicycles. The notice shall indicate:
 - (1) The date and time the notice was affixed;
 - (2) A phone number for the owner to call to inform the agency which affixed the notice, that the bicycle is not abandoned;
 - (3) The date and time after which the bicycle may be removed under sub. (c).
- (c) A bicycle shall be deemed as “not abandoned” if the owner of the bicycle, removes the bicycle so as to no longer appear to be abandoned, or within 48 hours of the affixing of a Notice of Abandonment, the owner notifies the agency affixing that notice, that the bicycle is not abandoned.
- (d) *Removal.* If a bicycle remains in violation of sub. (a) more than 48 hours after the Notice of Abandonment has been affixed in compliance with sub. (b), that bicycle may be removed by any police officer; the Director of Public works or their designee, or the Parks Director or their designee, and immediately thereafter delivered to the police property room. However, before any designated person removes a bicycle they shall first determine whether their agency has designated the bicycle as “not abandoned.” A bicycle designated “not abandoned” may not be removed. A bicycle removed under this section shall remain in the custody of the police department until it is retrieved by the owner or otherwise disposed of according to law.

Sec. 40-110 Special Rules Applicable to Bicycles

- (a) *Parking.*
 - (1) Bicycles parked on streets shall be against the curb in areas where vehicle parking is permitted.

- (2) Bicycles parked on sidewalks shall be placed in racks for their support or next to buildings or at the curb and in a manner which affords the least obstruction of pedestrian traffic.
- (3) Bicycles parked on public ways shall not be secured to any object within fifteen (15) feet of a crosswalk or to any tree located on public sidewalk or terrace whether paved or not.
- (4) Bicycles shall not be secured to any City-owned property signal poles, light poles, sign poles, or other City-owned infrastructure not so designed as a bicycle rack.
- (5) Bicycles shall not be parked on the terrace adjacent to any bus stop, freight loading zone, truck loading zone, passenger loading zone, loading zone for people with disabilities, taxi stand or any parking place for persons with disabilities so as to interfere with the unloading or loading of persons or property.

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

SECTION 5. Effective date. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2023.

APPROVED:

Eric Genrich, Mayor

ATTEST:

Celestine Jeffreys, Clerk

law



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # F.I

The Liquor Violation Report.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 23LiqVio
2. Report June 19 2023

2023 LIQUOR VIOLATIONS

Subject's Name	Tavern Name And Address	Date/Type Violation	Status of Case
Sukhjot (NMI) Singh 23-211395 2321139553401	Dousman Express 606 Dousman Street	Bartending without an Operator's License	Court Date: 5/4/23; Dismissed without Prejudice
Upinderjit (NMI) Singh 23-211395 W2023-534-012	Dousman Express 606 Dousman Street	No Licensed Operator on the Premises (Owner)	Issued Written Warning
Marco A. Vargas 23-211037 2321103772801	Dino Shell 1828 S Ashland Avenue	Bartending without an Operator's License	Court Date: 5/2/23; 5/3/23 Guilty by Default, \$187
Marco A. Vargas 23-211037 2321103772802	Dino Shell 1828 S Ashland Avenue	Sale of Alcohol to Underage Person(s)	Court Date: 5/2/23; Guilty by Default, \$502
Juan Perez Maldonado 23-210493 W2023-557-023	Taqueria Maldonado's 1706 Main Street	Violation of Stipulation/Agreement	Issued Written Warning
Fatehajeet (NMI) Singh 23-214991 2321499153401	Marathon Gas Station 610 E. Walnut St.	No Licensed Operator on the Premises (Owner)	Court Date: 05/24/23; Guilty by Default, \$187
Fatehajeet (NMI) Singh 23-214991 2321499153402	Marathon Gas Station 610 E. Walnut St.	Violation of Stipulation/Agreement	Court Date: 05/24/23; Guilty by Default, \$691
Shanta P. Jackson 23-214991 W2023-534-014	Marathon Gas Station 610 E. Walnut St.	Bartending without an Operator's License	Issued Written Warning
Keishia K. King 23-214991 W2023-534-013	Marathon Gas Station 610 E. Walnut St.	Bartending without an Operator's License	Issued Written Warning

CITY OF GREEN BAY POLICE DEPARTMENT

TO: PROTECTION AND POLICY COMMITTEE

FROM: COMMUNITY POLICING

DATE: June 19, 2023

From May 22, 2023, to June 19, 2023, there have been no liquor violations, no DA referrals, no ordinance violations and no property referrals.

Sincerely,

**LT. STEVE MAHONEY & LT. ERIN BLOCH
DISTRICT POLICING**

sp



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # F.2

The Clerk's Licensing Report.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 6.19.23 CLERK'S OFFICE LIQUOR LICENSING REPORT

**Licenses Granted By Common Council, but not yet
Issued as of (6/14/2023):**

COMPANY NAME	TRADE NAME	ADDRESS	TYPE	APPROVER	LICENSE GRANTED
Confetti's, Inc. (Renewal)	Confetti's	217 E. Walnut St.	"Class B" Liquor & Class "B" Beer License	Inspections	License Start Date of 7/1/2022. Extension granted until May 2023
Allegedly LLC	Allegedly	2056 Main St.	Class "B" Beer License	Payment, Pickup	Granted 12/20/2022, anticipated opening date of May 19.

Summary of Licenses Granted and Issued for Available Liquor Licenses:

The City of Green Bay has a quota of 172 available “Class B Liquor” and Class “B” Beer licenses under state law.

The City of Green Bay issued 171 of the 172 available “Class B Liquor” and Class “B” Beer licenses.

The City granted 1 license that has not yet been issued (see page 1).

The Clerk’s Office cannot take any more applications for available liquor licenses at this time.

The City of Green Bay set forth by resolution that available liquor licenses are considered to those who apply with fully completed applications and first in time.

Liquor License Checklist:

(<https://greenbaywi.gov/264/Liquor-Sales---New-Establishments>)

The Clerk’s Office shall only accept the number of applications that we have available licenses.

Summary of Licenses Granted and Issued for Reserve Liquor Licenses:

The City of Green Bay has a quota of 32 Class B Combination Liquor and Beer Reserve licenses under state law.

The City of Green Bay has 2 Class B Combination Liquor and Beer Reserve issued.

The City of Green Bay has 1 Class B Combination Liquor and Beer Reserve application pending (on this agenda).

A Reserve liquor license in the City of Green Bay costs \$10,000 (one-time non-refundable issuance fee) plus the license fee prorated. The license shall not be transferred or surrendered.



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

MEETING DATE

June 19, 2023

PREPARED BY

AGENDA ITEM # F.3

Report by GBPD and GBFD regarding Nalox-ZONE box discussion.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Dose of Reality Flyer
2. Naloxone Handout

Carrying NARCAN® — a Lifesaving Dose of Reality

The opioid epidemic is growing. The use of illegal opioids (including heroin and some forms of fentanyl) and the misuse of prescription opioids are impacting people across communities, incomes, ethnicities, races, and age groups. In 2020 alone, Wisconsin saw 1,227 opioid-related overdose deaths. How can you help? By carrying NARCAN®, a safe, effective method for rapidly reversing the effects of an opioid overdose.

How does NARCAN® work?

NARCAN® safely reverses the effects of an opioid overdose for 30 to 90 minutes, and only affects people with opioids in their body. It comes in an easy-to-use nasal spray.

Who should carry NARCAN®?

Anyone can carry NARCAN®. In fact, many health experts feel NARCAN® should be a part of every home's first-aid kit. You should carry NARCAN® if:

- You, a friend, or a family member takes or uses opioids.
- You are a health and safety professional (EMS, fire, law enforcement), health care practitioner, or a home health care provider.
- You encounter people who take or use opioids like homeless shelter staff, hotel staff, convenience store workers, and librarians.

When should NARCAN® be given?

The sooner NARCAN® is used, the more successful it can be. NARCAN® should be administered as soon as there are signs of an overdose, like breathing problems, unresponsiveness, snoring, or cold or discolored skin around the lips and fingernails. You may need to deliver more than one dose.

Can I get in trouble for helping someone?

Wisconsin laws state that any person may possess a medication to reverse an opioid overdose, such as NARCAN®. They may also administer or give it. Under the Wisconsin Good Samaritan Law, you cannot be held civilly liable for a good faith effort to provide assistance in a life-threatening situation. State law also provides limited immunity from criminal prosecution for certain amounts of controlled substance possession and the possession of drug paraphernalia for a person who aids another person who experienced an overdose from a controlled substance.

Do you need a prescription for NARCAN®?

No prescription is required.

Where can I get NARCAN® in Wisconsin?



NARCAN® is available for purchase without a prescription at many pharmacies in Wisconsin. It is also available for free through the NARCAN® Direct Program. Find locations near you offering NARCAN® at: <https://dhs.wisconsin.gov/opioids/safer-use.htm>

We can all help prevent opioid-related deaths by carrying NARCAN®, calling 211 to find resources, treatment options, and support, and by talking with others. When we talk openly about opioids, we can prevent opioid-related deaths. Learn more about opioids and NARCAN® at doseofrealitywi.gov



WISCONSIN DEPARTMENT
of HEALTH SERVICES



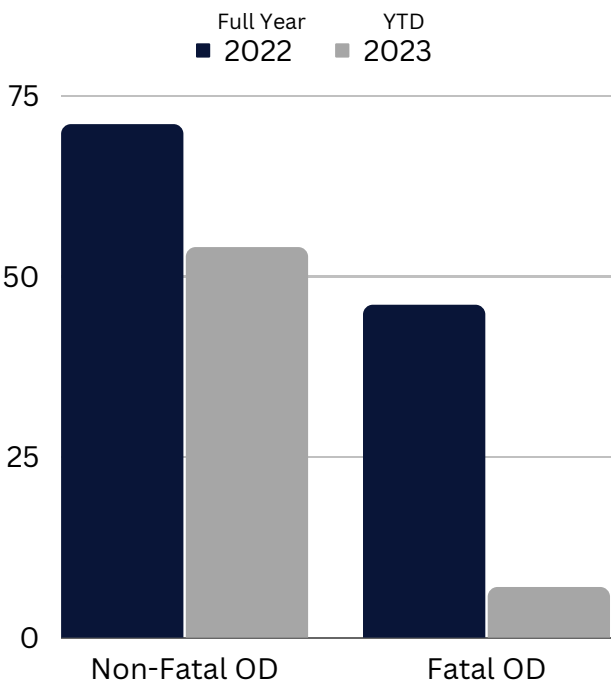
P-03093 (02/2022)

**dose
of
reality**

Prevent opioid harm.
It starts with real talks.

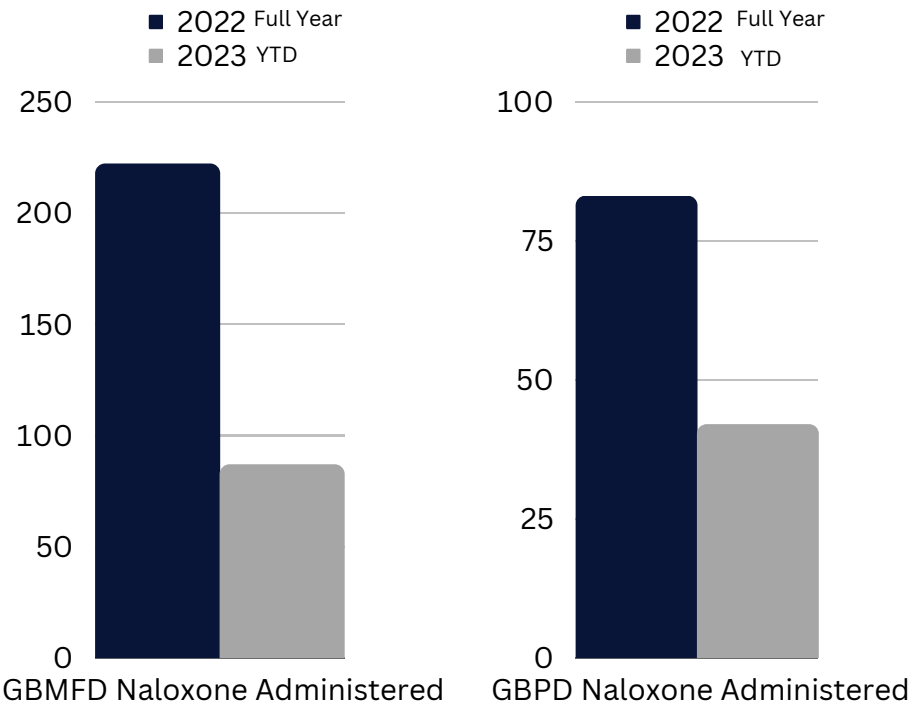


OVERDOSE CHART



- **Non-Fatal Overdoses**
 - 2022: 71 2023 YTD: 54
- **Fatal Overdoses**
 - 2022: 46 2023 YTD: 7

NALOXONE ADMINISTERED



- **GBMFD Naloxone Doses**
 - 2022: 222 2023 YTD: 87
- **GBPD Naloxone Doses**
 - 2022: 83 2023 YTD: 42

