



AGENDA OF THE PROTECTION AND POLICY COMMITTEE

MONDAY, JULY 24, 2023, 5:00 PM

In person at City Hall, Room 207.

Virtual attendance also available via Zoom.

A. Zoom Meeting Information.

- I. Join Zoom Meeting Online:
<https://us02web.zoom.us/j/84613270889>

Or call in by phone: +1 312 626 6799

Meeting ID: 846 1327 0889

Passcode: 466377

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

B. Roll Call.

C. Approval of the Agenda.

D. Approval of Minutes.

- I. Approval of the minutes from the June 19, 2023 Protection & Policy Committee Meeting.

E. Regular Business.

- I. Consideration with possible action on a request by Napalese Lounge at 1351 Cedar St. to request an outdoor area on August 19 to the back parking area of the Napalese Lounge for a Summer Celebration.
2. Consideration with possible action on a request by Green Bay Sportservice, Inc. at 1265 Lombardi to request an outdoor area to parking lots 5 & 6 on the West-Northwest side of Lambeau Field for their Green Bay Packers Season Kickoff Concert.

3. Consideration with possible action on an application for a "Class B" Liquor and Class "B" Beer license for Hamlet Creek LLC at 3562 Finger Rd. with a license premises description as "FULL BAR IN MAIN ROOM, OUTDOOR BAR ON A SLAB OUTSIDE THE WEST EXIT" and to request a waiver to State Statute 125.68(3) in granting a "Class B" liquor license within 300' of a school (Filed Paperwork on 6/12/2023 and previously licensed as Sepia Wedding Chapel, LLC).
4. Consideration with possible action on a "Class B" Liquor & Class "B" Beer license for Jalisco Mexican Restaurant LLC at 2850 Humboldt Rd. with a license premises description as "office, basement, bar area, dining area, patio, and the lower level dining area, " with the approval of the proper authorities (Filed June 30, 2023 and previously licensed as Jimm Simms, LLC).
5. Consideration with possible action on a "Class B" Liquor & Class "B" Beer license for At the Tracks, LLC at 709 S. Broadway with a license premises description as "Commercial units 1, 2 & 3/back patio area/upstairs office," with the approval of the proper authorities (Currently a 23-24 license is granted at this location for Chefbop, LLC).
6. Consideration with possible action on General Ordinance No. 4-23, an ordinance creating Section 10-95, Green Bay Municipal Code, relating to massage establishments.
7. Consideration with possible action on an appeal by Jennifer Larsen regarding the denial of her operator's license.
8. Consideration with possible action on an appeal by Gregory Diring regarding the denial of his operator's license.
9. Consideration with possible action on an appeal by Jesse Robinhorst at 1905 Deckner Ave. regarding reinspection fees.
10. Consideration with possible action on an appeal by John Rome, 1315 S. Oakland Ave, regarding reinspection fees (filed with the Law Department on 1/11/2023 and previously discussed at the January 23 Protection & Policy Committee Meeting).

F. Informational.

1. Informational Only: The release of three 2022-2023 available "Class B" Liquor & Class "B" Beer licenses to the pool due to no action taken for the 2023-2024 license year.
2. The Clerk's Licensing Report.
3. The Liquor Violation Report.

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.



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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # E.1

Consideration with possible action on a request by Napalese Lounge at 1351 Cedar St. to request an outdoor area on August 19 to the back parking area of the Napalese Lounge for a Summer Celebration.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. NAPALESE SUMMER CELEBRATION



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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # E.2

Consideration with possible action on a request by Green Bay Sportservice, Inc. at 1265 Lombardi to request an outdoor area to parking lots 5 & 6 on the West-Northwest side of Lambeau Field for their Green Bay Packers Season Kickoff Concert.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Kickoff Concert Map 9.23.2023 (I)
2. 2023-07-18 1265 LOMBARDI REQUEST



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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # E.3

Consideration with possible action on an application for a "Class B" Liquor and Class "B" Beer license for Hamlet Creek LLC at 3562 Finger Rd. with a license premises description as "FULL BAR IN MAIN ROOM, OUTDOOR BAR ON A SLAB OUTSIDE THE WEST EXIT" and to request a waiver to State Statute 125.68(3) in granting a "Class B" liquor license within 300' of a school (Filed Paperwork on 6/12/2023 and previously licensed as Sepia Wedding Chapel, LLC).

BACKGROUND

- Location is not in a liquor moratorium area.
- Location is within 300' of a school and church.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. ORG APP-3562 FINGER RD
2. BUSINESS SECURITY PLAN-3562 FINGER
3. CLASS B LICENSE STIPULATION FORM SIGNED.MERRILLJ.372
4. outdoor area at 3562 finger rd
5. 125.68(3)
6. 2016-07-11-P&W
7. 2016-09-12-P&W Minutes
8. 3562 FINGER RD-NEXT TO CHURCH&SCHOOL

open for business, and no person who holds a manufacturer's or rectifier's permit may allow the sale or provision of taste samples of intoxicating liquor on the manufacturing or rectifying premises as provided in s. 125.52 (1) (b) 2., unless there is upon the premises either the licensee or permittee, the agent named in the license or permit if the licensee or permittee is a corporation or limited liability company, or some person who has an operator's license and who is responsible for the acts of all persons selling or serving any intoxicating liquor to customers. An operator's license issued in respect to a vessel under s. 125.51 (5) (c) is valid outside the municipality that issues it. For the purpose of this subsection, any person holding a manager's license issued under s. 125.18 or any member of the licensee's or permittee's immediate family who has attained the age of 18 shall be considered the holder of an operator's license. No person, including a member of the licensee's or permittee's immediate family, other than the licensee, permittee or agent may serve or sell alcohol beverages in any place operated under a "Class A" or "Class C" license or under a "Class B" license or permit unless he or she has an operator's license or is at least 18 years of age and is under the immediate supervision of the licensee, permittee or agent or a person holding an operator's license, who is on the premises at the time of the service.

(2m) USE BY ANOTHER PROHIBITED. (a) No person may allow another to use his or her "Class A" or "Class C" license or "Class B" license or permit to sell alcohol beverages.

(b) The license or permit of a person who violates par. (a) shall be revoked.

(3) RESTRICTIONS ON LOCATION. No "Class A" or "Class B" license or permit may be issued for premises the main entrance of which is less than 300 feet from the main entrance of a public or parochial school, tribal school, as defined in s. 115.001 (15m), hospital, or church, except that this prohibition may be waived by a majority vote of the governing body of the municipality in which the premises is located. The distance shall be measured by the shortest route along the highway from the main entrance of the school, church, or hospital to the main entrance of the premises covered by the license or permit. The prohibition in this subsection does not apply to any of the following:

(a) Premises covered by a license or permit on June 30, 1947.

(b) Premises covered by a license or permit prior to the occupation of real property within 300 feet thereof by any school, hospital or church building.

(c) A restaurant located within 300 feet of a church or school. This paragraph applies only to restaurants in which the sale of alcohol beverages accounts for less than 50 percent of their gross receipts.

(4) CLOSING HOURS. (a) *Wholesalers.* No premises for which a wholesale intoxicating liquor permit has been issued may remain open for the sale of intoxicating liquor between the hours of 5 p.m. and 8 a.m., except on Saturday the premises may remain open until 9 p.m.

(b) *"Class A" retailers.* No premises for which a "Class A" license or permit has been issued may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 6 a.m. A municipality may, by ordinance, impose more restrictive hours than those provided in this paragraph.

(c) *"Class B" and "Class C" retailers.* 1. Subject to subds. 3. and 6. and s. 125.51 (3r) (a) 3., no premises for which a "Class B" license or permit or a "Class C" license has been issued may remain open between the hours of 2 a.m. and 6 a.m., except as otherwise provided in this subdivision and subd. 4. On January 1 premises operating under a "Class B" license or permit are not required to close. On Saturday and Sunday, no premises may remain open between 2:30 a.m. and 6 a.m. except that, on the Sunday that daylight saving time begins as specified in s. 175.095 (2), no premises may remain open between 3:30 a.m. and 6 a.m. This subdivision does not apply to a "Class B" license issued to a winery under s. 125.51 (3) (am).

3. Between 12 midnight and 6 a.m. no person may sell intoxicating liquor on "Class B" licensed premises in an original unopened package, container or bottle or for consumption away from the premises or on "Class C" licensed premises as authorized under s. 125.51 (3r) (a). A municipal governing body may, by ordinance, impose more restrictive hours than are provided in this subdivision except with respect to the sale of intoxicating liquor authorized under s. 125.51 (3r) (a). This subdivision does not apply to a "Class B" license issued to a winery under s. 125.51 (3) (am).

3m. No premises for which a "Class B" license has been issued under s. 125.51 (3) (am) may remain open for the sale of intoxicating liquor between the hours of 9 p.m. and 8 a.m.

4. Hotels and restaurants the principal business of which is the furnishing of food, drinks or lodging to patrons, bowling centers, movie theaters, painting studios, racetrack grounds, as defined in s. 125.27 (5) (a), indoor horseshoe-pitching facilities, curling clubs, golf courses and golf clubhouses may remain open for the conduct of their regular business but may not sell intoxicating liquor during the closing hours under subd. 1. or, with respect to the sale of intoxicating liquor authorized under s. 125.51 (3r) (a), under subd. 3.

5. A municipality may not, by ordinance, impose different hours than those provided under subd. 1.

6. No person may serve wine after 9 p.m. on premises covered by a temporary "Class B" license issued as provided in s. 125.51 (10) (b).

(5) RESTAURANT SANITATION RULES. No applicant may obtain a "Class B" license or permit or a "Class C" license unless the premises complies with the rules promulgated by the department of agriculture, trade and consumer protection governing sanitation in restaurants. However, the department of agriculture, trade and consumer protection may not restrict the serving of cheese without charge in individual portions to customers as permitted by s. 97.01 (14g).

(8) SALE FROM ORIGINAL CONTAINER. (a) A person convicted of any of the following prohibited activities shall be fined not less than \$150 nor more than \$500 or imprisoned not less than 60 days nor more than 6 months or both:

1. Diluting any intoxicating liquor for purposes of sale as undiluted intoxicating liquor.

2. Refilling any original container which had previously been used for intoxicating liquor containing 21 percent or more of alcohol by volume.

3. Possessing diluted intoxicating liquor or refilled original containers on any premises covered by a "Class A" or "Class C" license or "Class B" license or permit.

(b) Possession of an original container which contains diluted intoxicating liquor or which has been refilled is prima facie evidence of intent to violate this subsection.

Cross-reference: See also s. Tax 8.43, Wis. adm. code.

(9) LABELS; CONTENTS; PACKAGING. (b) All containers of intoxicating liquor sold in this state shall be clearly and legibly labeled with the name and address of the manufacturer and the name of the intoxicating liquor. The label shall meet any other labeling requirements created by the federal alcohol administration act.

(c) No intoxicating liquor may contain any added ingredients or substances which are injurious to health or deleterious for human consumption.

(d) All packages or containers of intoxicating liquor delivered in this state shall bear seals affixed by the manufacturer so that the contents cannot be removed without breaking the seals.

(e) No person holding a license or permit issued under this chapter may possess or sell any package or container of intoxicating liquor which does not comply with pars. (b) and (d) or which

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, July 11, 2016
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Dorff, Ald. Galvin, Ald. Scannell, Ald. Zima
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Asst. City Atty Kristen Bohnert & City Atty. Vanessa Chavez
Captain Keith Knobel/Chief Andrew Smith-Police Dept.
Ald. Tom DeWane, Andy Nicholson, David Nennig
Other interested parties.

1. Roll Call.
The meeting was called to order Chairman Scannell at 5 p.m.
2. Approval of the Agenda.
A request was made by Ald. Scannell to take items out of order. They are shown in proper format here.

Moved by Ald. Zima , seconded by Ald. Dorff to approve the agenda as modified.
Motion carried.

3. Approval of the minutes from the June 6, 2016 meeting.
Moved by Ald. Dorff, seconded by Ald. Zima to approve the minutes from the June 6, 2016 meeting. Motion carried.

(Item #17 taken next on the agenda)

Ald. Scannell announced that action taken on all agenda items will go to the next City Council meeting as a recommendation for final action.

- 4 Request by the owners of the Loading Dock, 1405 N. Webster, to hold an outdoor event on July 16, 2016.

No objection from the City Attorney's Office or the Police Department.

Motion made by Dorff, seconded by Galvin to open the floor to allow interested parties to speak. Motion carried.

William Baker – 1405 N. Webster

Mr. Baker explained that this is a one-time event involving a birthday party with approximately 100 or less attendees. He does not plan to have additional security. If allowed, he would like to serve alcohol outside the bar. Temporary fencing was suggested so that the outside area is confined.

Motion made by Galvin, seconded by Dorff to return to regular order of business.
Motion carried.

Ald. Zima noted that at one time the City had a form for a business owner to make such a request.

Moved by Ald. Zima, seconded by Ald. Dorff to approve the request by the owners of the Loading Dock, 1405 N. Webster, to hold an outdoor event on July 16, 2016 with the caveat that alcohol can be taken outside as long as temporary fencing is provided; and that staff research the form suggested by Ald. Zima to allow such a one-time event. Motion carried.

5. Request by Saz's Hospitality Group to hold an outdoor event at Lambeau Field on September 3, 2016.

No objection from the City Attorney's Office or the Police Department.

City Attorney's Office explained this request is to have tents outside for the Wisconsin/LSU game to be held at Lambeau Field on September 3rd. Lambeau already has permission for outdoor events at NFL games.

Moved by Ald. Galvin, seconded by Ald. Dorff to open the floor to allow interested parties to speak. Motion carried.

Joe Brueggemann of Saz's Hospitality - Milwaukee

Joe Brueggemann stated that the Packer Organization has requested that Saz's provide a beer garden south of the field for this event. He was unsure if he needed a license.

When asked by Ald. Zima if the City receives any revenue from this type of event, Mr. Brueggemann responded that he was unsure, although mentioned impact fees.

Legal noted that the purpose of this request is to grant a license for this activity.

Moved by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Moved by Ald. Dorff, seconded by Ald. Galvin to approve the request by Saz's Hospitality Group to hold an outdoor event at Lambeau Field on September 3, 2016.

Ayes: Dorff, Galvin, Scannell

Nays: Zima

Motion carried 3-1.

6. Request by the owners of Hyatt Hotel, 333 Main Street, to include an outdoor space as part of their licensed premises.

Legal Department recommended approval pending a decision from the RDA who owns the proposed location. Police Department voiced no objections, noting that a fence would be required if this is to be a permanent feature.

Ald. Zima asked that legal counsel bring back information related to present price of leasing.

Moved by Ald. Scannell, seconded by Ald. Galvin to open the floor to allow interested parties to speak. Motion carried.

Jennifer Vieira-333 Main St.

Jennifer Viera, Director of Operations, Hyatt explained that with the expansion of the Convention Center, the Hyatt is looking to ensure a liquor license for weddings and other outside events. She was unsure of leasing costs, but agreed to provide such information.

Ald. Galvin stated that the concern of the committee is with people wandering in and out of an outdoor area with alcohol. Ms. Viera stated there would be security present.

Ald. Zima suggesting holding the item until leasing information is known.

Ald. Scannell asked if anything is scheduled in the near future and Ms. Viera stated not at this time.

Moved by Ald. Scannell, seconded by Ald. Zima to return to regular order of business. Motion carried.

Ald. Zima stated he would like a formal plan to be in place, again suggesting some type of application form which would address if the value is worthwhile and to assure that security is in place.

Ald. Galvin asked if there would be a "blueprint" of the proposed fencing, also asking if such was legal on City property.

Ald. Galvin suggested approval be based on acceptance from the RDA. It was noted that the RDA meets tomorrow, however, this item would not be on their agenda. Holding a special meeting of this committee or changing the date of the regular meeting after the RDA meets was suggested. RDA will meet next on August 1st. The next regular meeting of this committee was scheduled for Thursday, August 4th at 3 p.m. and this item will be on the agenda (changed from August 1st).

Motion made by Ald. Galvin, seconded by Ald. Dorff to hold approval of the request by the owners of the Hyatt Hotel, 333 Main Street, to include an outdoor space as part of their licensed premises until August 4, 2016 pending a plan and approval by the RDA. Motion carried.

7. Request by Ald. Scannell, on behalf of Downtown Green Bay, Inc. to allow more than two food trucks for Thursday Lunch with Morty the Moose on Main.

No objections from the City Attorney's Office or the Police Department.

This event is held every Thursday throughout the summer. The present ordinance restricts food trucks to two unless special event.

Moved by Ald. Dorff, seconded by Ald. Galvin to suspend the rules to allow interested parties to speak. Motion carried.

Jeff Merkens, Executive Director- Downtown Green Bay

Mr. Merkens explained this is a request from Old Main Street which he has helped to coordinate. The Morty the Moose event will be held on Thursdays the month of August from 11 a.m. to 2 p.m. (possibly into September). Nearby restaurants and businesses have given approval and are supportive of events in the Main Street District.

When asked if parking is available, Mr. Merkens indicated there is adequate parking for 40 to 60 vehicles. He also noted that food trucks are required to be permitted by the city.

Moved by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Moved by Ald. Zima, seconded by Ald. Galvin to approve the request by Ald. Scannell, on behalf of Downtown Green Bay, Inc. to allow more than two food trucks (maximum of five) for Thursday Lunch with Morty the Moose on Main during the months of August and September. Motion carried.

8. Renewal application for a "Class B" Combination License by Kathleen Broder at 1332 S. Broadway.

No objection from either the City Attorney's Office or the Police Department.

Moved by Ald. Dorff, seconded by Ald. Galvin to approve the Renewal application for a "Class B" Combination License by Kathleen Broder at 1332 S. Broadway. Motion carried.

9. Application for a "Class B" Combination License by McNeils GB, LLC at 708 Bodart. (Currently Bullseye Pizza Pub).

No objection from either the City Attorney's Office or the Police Department.

Moved by Ald. Scannell, seconded by Ald. Zima to open the floor to allow interested parties to speak. Motion carried.

Shaun McKeefry-708 Bodart St.

Shaun McKeefry, owner of McNeils, confirmed Ald. Galvin's inquiry that this will be a bar and pizza business.

Moved by Ald. Galvin, seconded by Ald. Dorff to return to regular order of business. Motion carried.

Moved by Ald. Zima, seconded by Ald. Dorff to approve the Application for a "Class B" Combination License by McNeils GB, LLC at 708 Bodart. (Currently Bullseye Pizza Pub). Motion carried.

10. Application for a "Class A" Liquor and Class "A" Beverage License by Krist Oil Co. at 1180 E. Mason Street. (Currently Astor Park Mini Mart)

No objection from either the City Attorney's Office or the Police Department.

Moved by Ald. Zima, seconded by Ald. Dorff to approve the Application for a "Class A" Liquor and Class "A" Beverage License by Krist Oil Co. at 1180 E. Mason Street. (Currently Astor Park Mini Mart). Motion carried.

11. Application for an available "Class B" Combination License by Board and Brush Creative Studio-Green Bay, LLC at 235 N. Broadway.

No objection from the City Attorney's Office or the Police Department.

When asked by Ald. Zima the type of business, it was explained Board and Brush will be a studio where individuals can paint and do arts and crafts. Alcohol is available.

Ald. Zima confirmed this is a new liquor license, asking if there is still a moratorium in place. He noted that several years ago an effort was made to reduce liquor licenses in this area. Legal explained there is no ordinance, however, at one time resolutions were in place. Zima questioned the need for liquor at this type of business.

Ald. Galvin noted this appears to be a current trend while doing this type of activity.

A business plan was noted to be on file which includes hours of operation and that only 24 customers are allowed at one time.

Ald. Zima asked if approval could be given with the caveat that the business surrender their license if they close and not be allowed to sell it to a new owner. Response was made that it is not legal to sell a liquor license to another business and it is a requirement to contact the city for a transfer.

Moved by Ald. Dorff, seconded by Ald. Galvin to open the floor to allow interested parties to speak. Motion carried.

Katie Forman – 235 N. Broadway

Katie Forman, owner, explained that art is the primary focus of this business, also providing creativity and a social experience. The cost to attend classes is \$65. There will be one employee to work with every six people. In addition to wine, soda and water would be provided. Stated she understood the requirements of a liquor license.

Moved by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Moved by Ald. Zima, seconded by Ald. Galvin to approve the Application for an available "Class B" Combination License by Board and Brush Creative Studio-Green Bay, LLC at 235 N. Broadway with the condition that the license be returned to the City unless sold to same kind of business. Motion carried.

12. Application for a Class "B" Beverage License by Gather on Broadway at 139 N. Broadway.

Ald. Galvin stated that because his daughter recently had a wedding reception at this establishment, he would abstain from the vote.

No objection from the City Attorney's Office, or the police Department.

Ald. Zima stated that again this is an application for a liquor license on Broadway. He noted that the City OWI Task Force was created to reduce the number of alcohol related businesses on this street. He suggested a review of former moratoriums.

Ald. Scannell indicated that if this were a tavern he would be concerned, however, this is a business where wedding receptions and other gatherings will be held. Serving liquor is not the focus.

Captain Keith Knobel explained this is not viewed as a bar by the Police, nor is the Board and Brush above, but rather a place where larger group luncheons and wedding receptions can be held and where alcohol is an option.

Ald. Zima noted that the effort made to clean up Broadway has been successful and he does not want to see that revert. He again asked if the owner would consider returning the license to the City in the event the business closes.

Moved by Ald. Dorff, seconded by Ald. Scannell to open the floor to allow interested parties to speak. Motion carried.

Tom Everman- 139 N. Broadway

Stated that this building last housed a Segway tour business. The space was renovated to accommodate this new business. When asked about the size of events, the response was that numbers will range from 16 for private dining to 350 for weddings and other larger gatherings.

Tony Ehrbar of 139 North Broadway addressed parking availability.

When asked by Ald. Zima if there would be any problem with forfeiting the license if the building sold, the response was they would not.

Moved by Ald. Zima, seconded by Ald. Scannell to return to regular order of business. Motion carried.

Moved by Ald. Zima, seconded by Ald. Dorff to approve the Application for a Class "B" Beverage License by Gather on Broadway at 139 N. Broadway, subject to them giving their license back to the City unless sold to same type of business.

Ayes:

Abstain: Galvin

Motion carried.

(Agenda items 13 and 14 taken out of order)

14. Request by Ald. Scannell to amend Section 33.08 (2) RESTRICTIONS ON LOCATION. (Amd. GO 11-00) (Amd. GO 25-10) No alcohol license shall be issued for a premises when any portion of the structure housing the premises would be less than 300 feet from any portion of a structure housing any established public school, parochial school, hospital, or church.

Ald. Scannell stated he brought this item forward as he believes the ordinance was meant to address convenience stores and taverns. He is aware of a business which wishes to open in said areas, a type of one stop wedding shop which is not in the business to sell alcohol.

Ald. Zima asked if Scannell is suggesting a change in ordinance or rather if he would like an exemption. Scannell suggested an amendment which would allow this type of business.

It was suggested that at this time an exemption be made for the business and that a future change to the ordinance be considered which would include specific events to be excluded.

Attorney Bohnert distributed the current ordinance along with the State Statute which regulates restrictions on location. She explained that the current ordinance does not allow the Council to make an exemption, however, they could waive the requirement until the ordinance is amended.

Ald. Zima stated he would prefer a provision for waiver, rather than a change to the ordinance. Attorney Bohnert highlighted the language from state statute which could be used as a basis for amendment. The process of change would take two months.

Moved by Ald. Zima, seconded by Ald. Galvin to open the floor to allow interested parties to speak. Motion carried.

Gina Krahn - 35621 Finger Road for Sepia Wedding Chapel

Explained the majority of her business is weddings, family reunions, etc. usually held on weekends. Food is catered, and she would like to provide liquor. She has a good relationship with the school next door and at times they have shared parking.

Moved by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Ald. Scannell asked how the committee wished to proceed – to amend the law and define specific businesses to be allowed, or to provide exemptions on an individual basis.

Ald. Galvin stated he preferred the exemption process on a case to case basis which would allow more control. Although Ald. Zima stated he would prefer a two-thirds vote to pass, others had no issue with a majority vote.

Ald. Dorff asked for examples of other issues requiring a 2/3rds vote, the response was there are not a lot and those that do relate to resolutions, moratoriums, etc.

Motion by Ald. Zima, seconded by Ald. Galvin to approve the request by Ald. Scannell to amend Section 33.08 (2) RESTRICTIONS ON LOCATION. (Amd. GO 11-00) (Amd. GO 25-10) No alcohol license shall be issued for a premises when any portion of the structure housing the premises would be less than 300 feet from any portion of a structure housing any established public school, parochial school, hospital, or church to be waived by a two-thirds vote of the governing body. Motion carried.

13. Application for a “Class B” Combination License by Sepia Wedding Chapel, LLC at 3562 Finger Road.

Per discussion in #14 above, it was suggested to hold approval of this application for two months or until after ordinance is amended.

Moved by Ald. Zima, seconded by Ald. Galvin to hold the Application for a “Class B” Combination License by Sepia Wedding Chapel, LLC at 3562 Finger Road until the first P&W meeting after the GBMC meets or Section 33.08 of the Ordinance is amended. Motion carried

15. Appeal by Leslie Newton to the denial of her Operator License application.

City Attorney’s Office recommended denial based on arrest, conviction, municipal court records, and records on CCAP for this individual.

Police Department concurs with this recommendation due to the pattern of violations related to operating after revocation, intoxication, etc. over many years.

Moved by Ald. Dorff, seconded by Ald. Galvin to open the floor to allow interested parties to speak. Motion carried.

Leslie Newton – 234 Berger Street, Green Bay

Ms. Newton explained she has been offered a position in management at Applebee’s Restaurant which requires a liquor license. Although she already is allowed to serve liquor, she needs a license to future her goals.

Ald. Dorff asked about the aforementioned charges and Ms. Newton explained that at the age of 16 she had a “heavy foot” and was pulled over several times and was put on probation. She continued to drive. Dorff noted several charges were reduced and Atty. Bohnert explained the system used by the DA’s office.

Ald. Dorff asked why so many altercations with the law and Ms. Newton explained her situation. When asked what’s different now, she stated that about two years ago she lost everything and began to find a way to straighten out. She is on medication through her physician, and has been to counseling, however, has not stuck it out. Ms. Newton provided letters of recommendations from Applebee’s and from the DA.

Ms. Newton stated she is fighting not only for a bartender license, but also for her future.

Ald. Zima stated he would be in favor of approval.

Ms. Heideman, Everest Drive, Green Bay
Stated that Ms. Newton will not be tending bar in her management position, noting that it is, however, a requirement to have a license. She has seen Ms. Newton go through ups and downs but feels she is on an upswing at this time.

Moved by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Ald. Zima stated that as Ms. Newton’s position is in a supervisory role and the establishment has put their faith in her, he would support approval of the request for an operator license.

Moved by Ald. Zima, seconded by Ald. Dorff to reopen the floor.
Motion carried.

Leslie Newton – Stated that Applebee’s did run a background check which they approved and accepted.

Moved by Ald. Dorff, seconded by Ald. Zima to return to regular order.
Motion carried.

Ald. Galvin indicated that he is not in favor of approving this request, stating that although Ms. Newton has taken steps to improve her life, he feels more time is needed before a liquor license is granted. He feels she has shown disregard for obeying laws in the past.

Ald. Dorff opined that Ms. Newton seems to accept her situation and has family and employer support. She would like Ms. Newton to have a second chance, stating she would support the request.

Ald. Zima stated that past experience has shown that when an employer backs his employee, the request is usually granted noting that they are putting their license at risk if the individual fails.

Ald. Scannell stated that although he would also have liked to see more time pass since the last incident, this is a position of management which requires a level of maturity and skills. Ms. Newton will not just be serving alcohol behind a bar. He also stated that Ms. Newton's letters of recommendation speak well for her and that she has the support of many. Giving these reasons, Scannell stated he would support the request.

Motion made by Ald. Zima, seconded by Ald. Dorff to approve the Appeal by Leslie Newton to the denial of her Operator License application.

Ayes:

Nays: Galvin

Motion carried 3-1

16. A discussion and possible action regarding an ordinance relating to the Green Bay Public Arts Commission.

A draft ordinance was included in packet material. Atty. Bohnert noted that Atty. Quarles of the Law Department drafted the ordinance and has recommended that item (h) be amended to state, "that all City Departments . . . on installation and maintenance . . .".

When Ald. Zima asked why this is necessary, it was explained that it is for advisory reasons and is a more coordinated way to assure the efforts of public and private entities. Ald. Scannell, who helped work on the document, stated that in the future issues will not come to Protection & Welfare but instead go directly to the standing committee involved who will then report to the City Council. It was explained that the ordinance will refer issues to professionals in the specific area. One alder will serve on the Commission who can report directly to the Council. Many communities in the state have approved such an ordinance.

Moved by Ald. Dorff, seconded by Ald. Zima to open the floor to allow interested parties to speak. Motion carried.

Matt Bero - South Monroe

Noted there has been in a lot of planning to make the Public Arts Commission a cohesive effort and that they see no downside. Pointed out that Milwaukee & Madison have had Public Arts Commissions for the last 20 years. Any art that is placed in the City in a public space can be moved or changed by request.

Ald. Zima asked what is lacking that this should be implemented. Several examples were given, one being new areas to be activated

Moved by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Ald. Scannell opined that the ordinance will serve as an advocate, a promoter, will channel art, and will be a benefit to the City.

Motion made by Ald. Dorff, seconded by Ald. Galvin to approve the Ordinance relating to the Green Bay Public Arts Commission with amendment to Section (h). Motion carried.

(Move to #18 on the agenda)

17. A discussion and possible action regarding an ordinance relating to the replacement of lead water service lines.

It was explained that the development of an ordinance will provide a vehicle to contact residents who may need replacement of lead water service lines. At this time, lines needing replacement have been identified and involve approximately 250 homes. Partial funding has been established for this program through the City and there is the potential of additional dollars through a DNR Safe Drinking Water Loan grant.

Ald. Zima noted that the cost of the program is not specifically addressed in the ordinance. Staff explained that this document is primarily a vehicle to inform residents of the issue and is a first step. When further funding is identified, this committee will be informed. It is estimated to cost approximately \$6,000 per home and the City has committed to provide \$300,000. Of the total number of homes involved, 40 relate specifically to the City.

Motion made by Zima, seconded by Dorff to approve an Ordinance relating to the Replacement of Lead Water Service Lines pending financing being available. Motion carried.

(Back to #4 on the agenda)

18. A discussion and possible action regarding Pedal Pubs in Green Bay.

At the last meeting staff was directed to review other cities who have Pedal Pubs and report back.

Captain Keith Knobel stated he spoke to the Police Chief who supports the idea of Pedal Pubs although has concerns he thinks can be alleviated through a very stringent ordinance. The Chief visited the City of Milwaukee to review where they have Pedal Pubs in the 3rd ward. He spoke to officers who stated they had no issues, however, it was noted that they operate in an area with little traffic. Pedal Pubs in Madison were also reviewed and again it was found that they operate in areas of little traffic.

Captain Knobel questioned what area the individual has in mind for Green Bay if Pedal Pubs were to be approved. The Chief asked that any business plan and ordinance include an acceptable level of operation to not worry about the safety of pedestrians and those on bicycles.

Ald. Galvin reported that he visited Milwaukee and rented a Pedal cab with his family and friends, 15 in all. They went to the Pedal Tavern, located at the edge

of the 3rd ward who owns six of these units. They were there at the time of a Brewer game and Summerfest and found it to be a good experience

Galvin stated he talked with the Manager at the Pedal Tavern who explained that they run about 40 trips with the vehicles on Saturday, and another 30 to 40 during the week. There was always one coming in and out, loading up and heading out. Galvin and his party went about one mile on the pedal cab visiting three establishments where they had something to eat and drink, after which they returned to the Pedal Tavern for a meal. He stated rules allow for three 12 oz cans per individual on the vehicle and no hard liquor. Drinking has to be done on the unit and cannot be taken off the vehicle. They brought snacks on the cab and enjoyed music, interacting with individuals on the route. Galvin explained that the Pedal Tavern has pre-saved parking for the cabs to allow for safe on and off. He found the experience enjoyable and safe and had nothing negative to report. Galvin stated he could see this as a benefit in the Green Bay area.

Ald. Dorff indicated her concerns were addressed by Ald. Galvin related to vehicle operation in traveled areas. She questioned use on bridges and Galvin stated that use on Tower Drive would not be appropriate, suggesting that test runs be done on the others.

Related to the concern of alcohol use, Galvin indicated that passengers wear wrist identification and those establishments where they stopped offered a discount on food and beverages, one being a sangria wine bar and another a draft beer bar.

Ald. Zima asked if there was a designated driver and Galvin indicated that in the beginning there was, however, by the end of the time spent there, they had switched to water. He noted that two of the groups used Uber service to get home and back. Police officers were seen in the area and overall it was a friendly atmosphere, enjoyed by patrons and others visiting restaurants, etc.

Moved by Ald. Dorff, seconded by Ald. Galvin to open the floor to allow interested parties to speak. Motion carried.

Will Liebergen – 231 N. Broadway

Operates a bar at 231 North Broadway in Green Bay. He noted that the committee appears to be moving toward a better appreciation and understanding of the use of pedal pubs. He confirmed that the vehicle used by Ald. Galvin was not motor assisted, stating that the ones he hoped to have in Green Bay would be and, therefore, would be more accessible in and out of traffic or on bridges.

When asked the speed of the units, Mr. Liebergen thought between 5 to 7 miles per hour. He pointed out that downtown Green Bay is relatively traffic free as compared to Milwaukee and Madison.

Ald. Zima asked if Mr. Liebergen had routes in mind. He replied that North and South Broadway would be considered as they are relatively quiet other than between Walnut and Dousman. He also noted that a 4 mile route near the paper mills is a consideration as there are establishments on the route in addition to

bike lanes. Another would be a route to the downtown area over one bridge and back over another. He stated there would be routes to offer, however, would also be based on customer request, wine, ice cream, chocolate, boutiques, shopping, etc. He noted there are many options, many of which are not alcohol related.

When asked where vehicles would be housed, Mr. Liebergen stated that his establishment has a back parking lot where they would be kept with access on Hubbard Street.

Mr. Liebergen informed the committee that current State Statute allows for pedal pub operation, however, he brought the idea before this committee to assure it would be a safe operation in Green Bay and held to high standards. He suggested that an ordinance include the requirement of a liquor license or ties to an establishment, and an operator's license to assure accountability.

A citizen also spoke regarding his opposition of pedal pubs. The citizen stated although he understands the Police Chief supports the pedal pub vehicles, he opined it is just another opportunity to drink in different places. He also expressed concern with the traffic routes and interruption with car traffic.

Moved by Ald. Zima, seconded by Ald. Dorff to return to regular order of business. Motion carried.

Ald. Galvin suggested that the matter be referred to staff develop and ordinance after review of those used in Milwaukee, Madison, and Minneapolis. It should include route ideas, hours of operation, how many vehicles can operate, etc.

Ald. Zima questioned why someone would make the investment, noting that Green Bay is not the size of the other cities which have the population to make this type of venture successful. He does see potential around the Packer Stadium and Bay Beach, however, questioned other routes and traffic concerns on Broadway which is basically two lanes. Although not totally opposed, questions the benefit and fit to the Green Bay area.

Moved by Ald. Dorff, seconded by Ald. Galvin to open the floor to allow interested parties to speak. Motion carried.

Tyler 2675 Kathy Drive, Green Bay

Co-owner of Green Light, an organization to promote positive disruptive change and enrich adversity in the Green Bay area. Stated that although Green Bay is not as large as Milwaukee and Madison, it is the third largest city in the state. The community has three colleges and there is a continuous fight to bring culture to the area. It is known that Green Bay is not expanding as quickly as DePere or Ashwaubenon. Pedal Pubs have proved successful in other areas and the ordinance suggested is stricter than State Statute. He pointed out that the accident in the Minneapolis area involved an individual who was intoxicated and who was charged with misdemeanor felonies. He would like to see the City give this idea an opportunity as it will give people something else to do and draw

individuals to the community to see the changes to the waterfront related to condos and other business opportunities.

Brian Johnson – South Irwin, Executive Director – On Broadway

Mr. Johnson stated On Broadway, Downtown Green Bay, Old Main Street, and the Visitor & Convention Bureau all support the idea of Pedal Pubs. The main concern relates to their safe operation. Mr. Johnson shares that concern and is looking for input from the committee and Council to assure safety. He opined that alcoholism is not related to this activity stating that people will find a way to drink if they want to. He stated that when amenities are hindered in a community, it does not better their position.

Moved by Ald. Dorff, seconded by Ald. Galvin to return to regular order of business. Motion carried.

Motion made by Ald. Galvin, seconded by Ald. Dorff to refer to staff to develop an ordinance related to the request that the City Council consider Pedal Pubs in Green Bay after review of those used in Milwaukee, Madison, and Minneapolis. It should include route ideas, hours of operation, how many vehicles can operate, etc. Motion carried.

Motion made by Ald. Dorff, seconded by Ald. Galvin to adjourn at 7:45 p.m.

Respectfully submitted by:

Rae G. Knippel
Transcription

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, September 12, 2016
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Dorff, Ald. Galvin, Ald. Scannell, Ald. Zima
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Asst. City Atty Kristin Bohnert
Police Department Captain Brad Florence
Other interested parties

1. Roll Call.
The meeting was called to order Chairman Scannell at 5 p.m.
2. Approval of the Agenda.
Moved by Ald. Dorff, seconded by Ald. Zima to approve the agenda as presented. Motion carried.
3. Approval of the minutes from the August 4, 2016 meeting.
Moved by Ald. Zima, seconded by Ald. Dorff to approve the minutes from the August 4, 2016 meeting as presented. Motion carried.
4. Consideration with possible action a request by Ald. Zima that the City Attorney provide a lettered opinion to the City Council, as well as the citizens of Green Bay, regarding the constitutionality of the following:
 - a. The City of Green Bay's Code of Conduct
 - b. The application of the City of Green Bay's Ethics Code outside of financial conflicts.This was previously discussed at the August 4, 2016 Protection & Welfare meeting and was referred back after the City Council meeting on August 16.

City Attorney Vanessa Chavez stated that the Law Department could not undertake this request because it involves a conflict of interest under the Rules of Professional Conduct governing attorneys, and as a result, notified the Committee that the request could only be filled by hiring outside counsel if the Council so chose. A response to a related request for the actual authority for the Code of Ethics and Code of Conduct was provided. Statute 19.59 states that the City can adopt an ethics ordinance, which was not to be limited exclusively to those actions identified by the state. Statute 62.11 (3) provides for the authority to regulate members of the body by controlling attendance, disorderly conduct, rules of order, etc. And Roberts Rules of Order generally allows a body to govern its own conduct.

Ald. Zima disputed that a conflict of interest exists under the Rules of Professional Conduct and clarified his position stating that he is asking the Law Department for a lettered opinion which would be his "armor" to protect him if he takes action under the Ethics Code or the Code of Conduct. Atty. Chavez

clarified that the members of the Council are entitled to legislative immunity for their actions so he would not be held personally responsible.

Zima stated it is the duty of the Law Department to inform him if he and the Council are heading in the right direction. Zima further stated he is uncomfortable in participating in something where he is not legally on firm ground, stating it is the duty of the Law Department to make a recommendation. Atty. Chavez responded it is her duty to advise the Council about the constitutionality of an ordinance before it is adopted, but once it is adopted, it becomes her duty to uphold and defend those ordinances until repealed, amended, or declared void by a court of competent jurisdiction. She stated that she cannot simultaneously uphold the ordinance while also reviewing it to try and poke holes in the ordinance because it would compromise her duty of loyalty to the City. She therefore recommended that the Council hire outside counsel to conduct the requested review. Atty. Chavez noted that she could provide recommendations for revisions, which is different than asking to review the constitutionality.

Ald. Zima asked for a lettered opinion from the Legal Department as to the City Attorney's position on this matter regarding the authority for the Code of Conduct and Ethics Code, and a review of the constitutionality which the Council can rely on. Ald. Zima acknowledged that the position letter may only set forth the basis for the conflict of interest and the recommendation to hire outside counsel, but he wanted this in writing. Ald. Zima also requested that the Law Department review the Ethics Code and Code of Conduct and recommend revisions. Atty. Chavez agreed to draft the lettered opinion, though she noted that under the ordinance, the revisions to the Codes should be directed to the Ethics Board rather than the Protection and Welfare Committee.

Ald. Dorff reiterated Atty. Chavez's opinion that this is not the right committee to ask for revisions to the ordinance, that such request would fall to the Ethics Board.

Motion made by Ald. Zima to refer back, however, Chairman Scannell asked that discussion by the committee be completed before any action is taken.

As there was no further discussion, Ald. Zima asked that the matter be referred back to staff to provide an opinion on what authority the City Council has.

Ald. Dorff asked if this action is appropriate or if the referral should be to the Ethics Board if asking for revisions. Atty. Chavez stated the proper procedure would be to refer to the Ethics Board. Ald. Zima found a conflict with this and Atty. Chavez stated that ordinance specifies that any changes to ordinances be referred to the Ethics Board.

Motion made by Ald. Zima, seconded by Ald. Dorff to refer back to staff the request by Ald. Zima that the City Attorney provide a lettered opinion to the City Council as well as the citizens of Green Bay regarding the authority for the Code of Conduct/Ethics Code as well as suggested revisions of the ordinances.

Motion carried.

5. Consideration with possible action a notice of the change of agent for Krist Oil Company at 1190 E. Mason Street.

No objections from the City Attorney's Office or the Police Department.

Motion made by Ald. Zima, seconded by Ald. Dorff to approve the notice of the change of agent for Krist Oil Company at 1190 E. Mason Street.

Motion carried.

6. Consideration with possible action on an application for an available "Class B" Combination License by Sepia Wedding Chapel, LLC, at 3562 Finger Road. This was previously discussed at the July 11, 2016 Protection & Welfare meeting and placed on hold until Section 33.08 was amended.

Asst. City Attorney Bohnert reported that Section 33.08 has been amended and will now need a two-thirds vote for approval from the City Council at their next meeting. The Law Department has no objections to granting this request for a license. Police Department also voiced no objections.

Ald. Zima clarified that the language in Section 33.08 will only apply to the Sepia Wedding Chapel and that licensing will not pass on to a future owner who may have a different type of business.

Motion made by Ald. Dorff, seconded by Ald. Zima to approve the application for an available "Class B" Combination License by Sepia Wedding Chapel, LLC, at 3562 Finger Road with the caveat that the license will not pass on to a future owner who may have a different type of business. Motion carried.

7. Consideration with possible action on an application for a "Class A" Liquor License by Dousman Fuel, Inc., at 606 Dousman Street, (Currently has beer only.)

Atty. Bohnert stated the City Attorney's Office has no legal objection to this request, however, pointed out that Dousman Fuel is located across from Fort Howard School. Approval will be contingent on a 2/3rds majority vote of the Council.

Police Department stated they had no objections, however, did voice a minor concern regarding accessibility to the general public. The applicant has agreed to hold alcohol behind counter which they find acceptable.

Ald. Dorff asked if there has been any response from the school. Atty. Bohnert indicated she is unaware if they have been contacted.

Although the business has a beer license which was grandfathered in, Ald. Zima questioned why the City would wish to escalate liquor business. Atty. Bohnert explained that since the business already has a beer license, there is no legal objection, however, there may be a question of policy.

Jaime Fuge

From: Paul Van Calster
Sent: Thursday, July 6, 2023 10:16 AM
To: David Buck
Cc: Jon LeRoy; Jaime Fuge
Subject: RE: 3562 Finger Rd-

Thank you David.

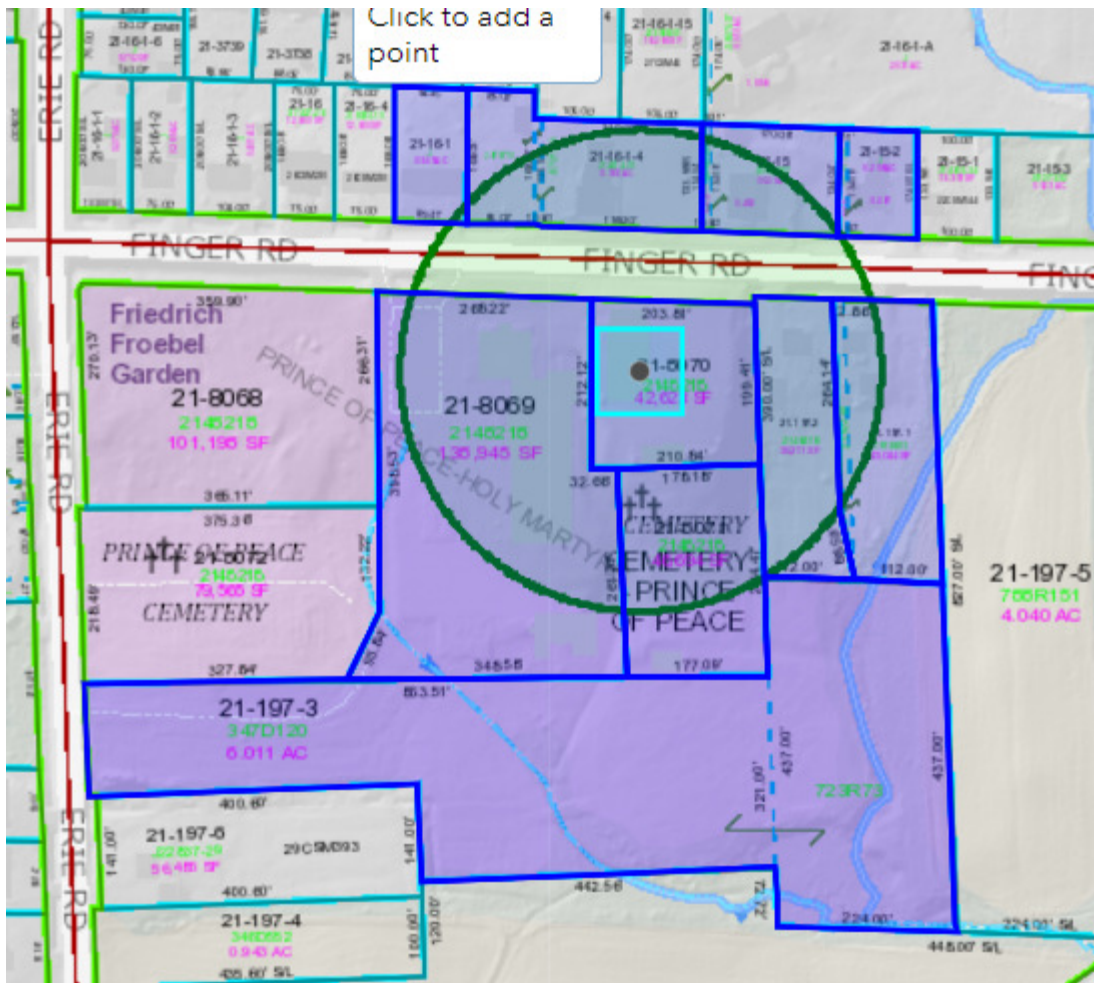
Paul Van Calster, P.E.
Chief Building Official

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: David Buck <David.Buck@greenbaywi.gov>
Sent: Thursday, July 6, 2023 10:01 AM
To: Jaime Fuge <Jaime.Fuge@greenbaywi.gov>
Cc: Paul Van Calster <Paul.VanCalster@greenbaywi.gov>; Jon LeRoy <Jon.LeRoy@greenbaywi.gov>
Subject: RE: 3562 Finger Rd-

Yes, the GBAPS Friedrich Froebel Garden of Early Learning Center is next store at 3542 Finger Road. Also, the New Salvation Church of God is across the street at 3565 Finger Road.



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: Wednesday, July 5, 2023 12:33 PM

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

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

Subject: RE: 3562 Finger Rd-

Good Afternoon Guys,

Please let Jaime know for 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: Monday, July 3, 2023 12:46 PM
To: Paul Van Calster <Paul.VanCalster@greenbaywi.gov>
Subject: 3562 Finger Rd-

Is this within 300' of a school, hospital, or church? I believe it is right across the street to the New Salvation Church of God and right next to the Garden of Early Learning.

Thank you,

Jaime Fuge
Green Bay Deputy Clerk



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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # E.4

Consideration with possible action on a "Class B" Liquor & Class "B" Beer license for Jalisco Mexican Restaurant LLC at 2850 Humboldt Rd. with a license premises description as "office, basement, bar area, dining area, patio, and the lower level dining area, " with the approval of the proper authorities (Filed June 30, 2023 and previously licensed as Jimm Simms, LLC).

BACKGROUND

-Location not in moratorium area.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 2850 humboldt rd-org app
2. CLASS B - LICENSE STIPULATION.WALVORTN.557-2850 HUMBOLDT



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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # E.5

Consideration with possible action on a "Class B" Liquor & Class "B" Beer license for At the Tracks, LLC at 709 S. Broadway with a license premises description as "Commercial units 1, 2 & 3/back patio area/upstairs office," with the approval of the proper authorities (Currently a 23-24 license is granted at this location for Chefbop, LLC).

BACKGROUND

-709 S. Broadway is in the Broadway Moratorium area, however, qualifies for an exemption due to surrender by the prior licensee of the license issued for that premises.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 709 S BROADWAY OUTDOOR PICTURES
2. Broadway Moratorium 9-16-97
3. 709 S BROADWAY ORG APP
4. Signed Stipulations.LENTZAN.464-2023718143012837



RESOLUTION LIMITING THE NUMBER OF
LICENSED ESTABLISHMENTS IN THE BROADWAY AREA

Green Bay, Wisconsin
September 16, 1997

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

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

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

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

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

Hammer Inn	1208 State Street
Thirsty's	1234 State Street
Loch's Bar	1238 State Street
Cropsey's Bar	1336 State Street

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

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

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

NOW, THEREFORE, BE IT RESOLVED as follows:

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

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

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

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

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

4. Prohibition Not to Apply to Restaurants.

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

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

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

Adopted 9/14/97

Approved 9/17/97

13/ David H. August
Mayor

13/ David H. August
Clerk

LMS:bc



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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # E.6

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

1. Draft 04-23 Regarding Massage Establishments
2. Draft 04-23 Regarding Massage Establishments redline

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.
- c. Massage Establishment licenses issued by the City shall be prominently displayed on the premises during all hours of operation.

(2) *Term.* The license term shall be for one year beginning on May 1 through April 30 of the following year.

(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 March 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 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.

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

(6) *Application contents.* All applications shall be complete, and 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 9:00 P.M. and 7:00 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 by the licensee 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 by the licensee 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.
 - 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.
- (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 May 1, 2024.

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

APPROVED:

Eric Genrich, Mayor

ATTEST:

Celestine Jeffreys, Clerk

law

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.

c. **Massage Establishment licenses issued by the City shall be prominently displayed on the premises during all hours of operation.**

(2) *Term.* The license term shall be for one year beginning on May 1 through April 30 of the following year.

(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 March 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, **and shall be complete.**

(6) *Application contents.* All applications shall **be complete, and** 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 **9:00 P.M. and 7:00 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 **by the licensee** 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 **by the licensee** 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 May , 2024.

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

July 24, 2023

PREPARED BY

AGENDA ITEM # E.7

Consideration with possible action on an appeal by Jennifer Larsen regarding the denial of her operator's license.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Jennifer Larsen-OPR Application
2. appeal-jennifer larsen
3. counseling completion
4. Initial Apperance form
5. interlock installation
6. my counselor



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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # E.8

Consideration with possible action on an appeal by Gregory Diring regarding the denial of his operator's license.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 2023-07-18 GREGORY DIRING APPEAL STATEMENT
2. GREGORY DIRING APPLICATION
3. 2023-07-18 COMMUNICATION TO DIRING
4. 2023-07-18-SUPPORTING DOCUMENTATION



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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # E.9

Consideration with possible action on an appeal by Jesse Robinhorst at 1905 Deckner Ave. regarding reinspection fees.

BACKGROUND

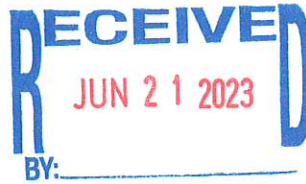
RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 2023.06.21 APPEAL LETTERS AND CHARGES
2. 2023-07-17 T. MEVES INSPECTION RECAP W PHOTOS

Jesse Robinhorst
1905 Decker Av.
Green Bay WI
6-21-2023



To Protection And Policy,

I would like To Appeal My Reinspection Fees
of \$950.00 And A Reimbursement of \$350.00
I've Been Disable And out of work since
Aug. 2021 And AM waiting on Another surgery-
I Have been working with ~~Abor~~ Neighbor Works
For The Past Five months n Problem HAS been
Rectified. Just waiting on contractor Now.

A handwritten signature in black ink, appearing to read "J Robinhorst".



Clerk & Treasurer's Office
100 North Jefferson Street - Room 106
Green Bay, Wisconsin 54301-5026
clerk@greenbaywi.gov
www.greenbaywi.gov

Phone 920.448.3010
Fax 920.448.3016

As the City Clerk for the City of Green Bay, Wisconsin and having access to all of the public records and files in connection with special assessments for public improvements not on the tax roll(*) in said municipality, I do hereby certify that as of **Thursday, June 22, 2023**, the Common Council of Green Bay has approved no special assessment work of any kind either instituted or completed which might result in a lien, and that there are no deferred charges not shown on the tax roll for installations of public works for the following real estate:

Parcel Number: 21-2558

Street Address: 1905 DECKNER AVE

Legal Description: SMITH BROS GARDEN ADDN LOT 1 & WLY 10 FT OF LOT 2 BLK 1
EX ST IN J13198-34

THIS SEARCH EXTENDS TO DECKNER ONLY

EXCEPT:

Proj/ Inv/ Bond	Inv/ Assess Date	Year	Balance Amt	Type
161212	10/06/2022	2022	50.00	MUNIS-INSGB
162295	10/26/2022	2022	50.00	MUNIS-INSGB
162816	11/07/2022	2022	50.00	MUNIS-INSGB
162926	11/09/2022	2022	50.00	MUNIS-INSGB
163183	11/16/2022	2022	50.00	MUNIS-INSGB
163433	11/22/2022	2022	50.00	MUNIS-INSGB
163567	11/28/2022	2022	50.00	MUNIS-INSGB
163617	11/29/2022	2022	50.00	MUNIS-INSGB
163929	12/05/2022	2022	50.00	MUNIS-INSGB
163982	12/06/2022	2022	50.00	MUNIS-INSGB
164086	12/08/2022	2022	50.00	MUNIS-INSGB
164212	12/12/2022	2022	50.00	MUNIS-INSGB
164250	12/13/2022	2022	50.00	MUNIS-INSGB
165429	01/16/2023	2023	75.00	MUNIS-INSGB
165475	01/17/2023	2023	75.00	MUNIS-INSGB
165692	01/19/2023	2023	75.00	MUNIS-INSGB
165858	01/25/2023	2023	75.00	MUNIS-INSGB

(*) This certification does not include any possible, delinquent special assessments which are due and payable to the Brown County Treasurer's Office, or Charges for water and sewer usage, or various, miscellaneous charges currently due and payable.

It is hereby expressly understood that this certification is issued subject to errors and omissions and shall not be binding upon the City of Green Bay. In accordance with Section 19.35 Wisconsin Statutes, you are entitled to examine the public records of this office and verify the information obtained therefrom to your own satisfaction. Note that special assessments deferred after May 20, 1997, will be recalculated and charged the prevailing rate at the time of payment.

CITY CLERK

A handwritten signature in cursive script, appearing to read "C. Jefferys". The signature is written in dark ink and is positioned below the printed title "CITY CLERK".

REAL ESTATE PROPERTY TAX BILL FOR 2022

CITY OF GREEN BAY

Total Due For Full Payment

Bill #: 6105026

By January 31, 2023

Parcel #: 21-2558

\$2,670.44

Alt. Parcel #:

-- OR --

JESSE J ROBINHORST
1905 DECKNER AVE
GREEN BAY WI 54302-3529

Pay First Installment

By January 31, 2023

\$1,699.38

Make Check Payable and Mail to:

CITY OF GREEN BAY
TAX COLLECTION
100 N JEFFERSON ST ROOM 106
GREEN BAY WI 54301-5026
(920) 448-3055



Tear off this stub and include with your first or full payment. If receipt is needed, send a self-addressed stamped envelope.
If payment is made by check, receipt is not valid until check has cleared all banks.

MAIL: City of Green Bay, Tax Collection, 100 N Jefferson St, Room 106
Green Bay, WI 54301-5026

ONLINE: www.browncountywi.gov/propertytax
Use Guest sign-in. Enter Parcel# only in Property# field for best results.
VPS Convenience Fees: E-check \$1.25, Personal Visa Debit Cards \$3.95, and
Credit Cards/Other Debit Cards 2.55%

IN PERSON: City Hall Clerk's Office (available Mon-Fri 8:00AM-4:30PM, except holidays)
Parking is available at the hooded meter spots on north-side of City Hall

DROP BOX: Located on the Northeast entrance of City Hall (available any time)

NOTE: Homeowners check for Lottery Credit deduction on Primary Residence only.
For mailing address changes go to www.browncountywi.gov/addresschange
Receipts are available at www.browncountywi.gov/propertysearch
Postponed 2nd installment payments will be collected by Brown County.



STATE OF WISCONSIN
REAL ESTATE PROPERTY TAX BILL FOR 2022
CITY OF GREEN BAY
BROWN COUNTY

BILL NO. 6105026

SEQ# 24806

Correspondence should refer to parcel number
PARCEL#: 21-2558

Property Address
1905 DECKNER AVE

Assessed Value Land 28,400	Ass'd Value Improvements 79,200	Total Assessed Value 107,600	Ave. Assmt. Ratio 0.9548	Est. Fair Mkt. Land 29,700	Est. Fair Mkt. Improvements 82,900	Total Est. Fair Mkt. 112,600	A star in this box means unpaid prior year taxes																																																																																							
<table><tr><td>Taxing Jurisdiction</td><td>2021 Est. State Aids Allocated Tax Dist.</td><td>2022 Est. State Aids Allocated Tax Dist.</td><td>2021 Net Tax</td><td>2022 Net Tax</td><td>% Tax Change</td><td>Gross Property Tax First Dollar Credit</td><td>2,010.16 -68.03</td></tr><tr><td>CITY OF GREEN BAY</td><td>20,996,476</td><td>21,030,432</td><td>807.18</td><td>815.82</td><td>1.1%</td><td>Lottery Credit</td><td>-223.30</td></tr><tr><td>NORTHEAST WI VTAE</td><td>7,132,654</td><td>7,420,438</td><td>76.58</td><td>74.75</td><td>-2.4%</td><td>Net Property Tax</td><td>1,718.83</td></tr><tr><td>GREEN BAY SCH DIST</td><td>147,850,851</td><td>157,043,333</td><td>784.78</td><td>757.41</td><td>-3.5%</td><td>STORM WTR MGMT</td><td>143.28</td></tr><tr><td>BROWN COUNTY</td><td>2,501,522</td><td>2,563,129</td><td>374.98</td><td>362.18</td><td>-3.4%</td><td>OTHER CHARGES</td><td>350.00</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>DELINQ WATER</td><td>205.99</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>DELINQ SEWER</td><td>250.44</td></tr><tr><td>Total</td><td>178,481,503</td><td>188,057,332</td><td>2,043.52</td><td>2,010.16</td><td>-1.6%</td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>First Dollar Credit</td><td>67.69</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>Lottery & Gaming Credit</td><td>240.08</td></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td><td>Net Property Tax</td><td>1,735.75</td></tr></table>							Taxing Jurisdiction	2021 Est. State Aids Allocated Tax Dist.	2022 Est. State Aids Allocated Tax Dist.	2021 Net Tax	2022 Net Tax	% Tax Change	Gross Property Tax First Dollar Credit	2,010.16 -68.03	CITY OF GREEN BAY	20,996,476	21,030,432	807.18	815.82	1.1%	Lottery Credit	-223.30	NORTHEAST WI VTAE	7,132,654	7,420,438	76.58	74.75	-2.4%	Net Property Tax	1,718.83	GREEN BAY SCH DIST	147,850,851	157,043,333	784.78	757.41	-3.5%	STORM WTR MGMT	143.28	BROWN COUNTY	2,501,522	2,563,129	374.98	362.18	-3.4%	OTHER CHARGES	350.00							DELINQ WATER	205.99							DELINQ SEWER	250.44	Total	178,481,503	188,057,332	2,043.52	2,010.16	-1.6%									First Dollar Credit	67.69							Lottery & Gaming Credit	240.08							Net Property Tax	1,735.75
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School taxes reduced by school levy tax credit	\$ 144.62	IMPORTANT: Be sure this description covers your property. This description is for property tax bill only and may not be a full legal description.			Net Assessed Value Rate (Does NOT reflect credits) 0.018681742	TOTAL DUE FOR FULL PAYMENT PAY BY January 31, 2023 \$ 2,670.44																																																																																								
JESSE J ROBINHORST 1905 DECKNER AVE GREEN BAY WI 54302-3529				1997439 1772710 ACRES: 0.217 9,457 SQ FT SMITH BROS GARDEN ADDN LOT 1 & WLY 10 FT OF LOT 2 BLK 1 EX ST IN J13198-34 RETAIN THIS PORTION AS YOUR COPY																																																																																										
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CITY OF GREEN BAY
TAX COLLECTION
100 N JEFFERSON ST ROOM 106
GREEN BAY WI 54301-5026

TAX BILL ENCLOSED
for 21-2558

PRESORTED
FIRST CLASS MAIL
US POSTAGE PAID
UMS

FORWARDING SERVICE REQUESTED

JESSE J ROBINHORST
1905 DECKNER AVE
GREEN BAY WI 54302-3529

**GREEN BAY CITY TREASURER**

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

INVOICE

Invoice Date	Invoice No.
09/21/2022	160630
Customer Number	
59602	
Invoice Total Due	
\$50.00	
Customer PO	Due Date
	10/21/2022

JESSE J ROBINHORST
1905 DECKNER AVE
GREEN BAY, WI 54302-3529

000001&2022200160630000000050005

✂ Please Detach and return top portion with your payment ✂

City of Green Bay, Green Bay, WI 54301

Invoice Date: 09/21/2022

Customer Number: 59602

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
REINSPECTION FEE FOR 1905 DECKNER AV - CASE #119819 ON 9/20/2022 BY TIM MEVES [TIM.MEVES@GREENBAYWI.GOV (920) 448-3331] - FOR A CURRENT OUTSTANDING BALANCE OF \$350	1.00	\$50.00	EACH	\$50.00	\$0.00	\$0.00	\$50.00

Please put Invoice Number on your check.
Make checks payable to City of Green Bay.

Invoice Total:

\$50.00

THIS AMOUNT MUST BE PAID WITHIN 30 DAYS OR THE TOTAL WILL BE PLACED ON THE CITY OF GREEN BAY TAX ROLL AS A SPECIAL TAX UNLESS AN APPEAL HAS BEEN MADE. IF YOU HAVE ANY QUESTIONS CALL THE INSPECTION DIVISION AT 920-448-3300. THANK YOU.

ORIGINAL
COPY

**GREEN BAY CITY TREASURER**

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

INVOICE

Invoice Date	Invoice No.
08/10/2022	158968
Customer Number	
59602	
Invoice Total Due	
\$50.00	
Customer PO	Due Date
	09/09/2022

JESSE J ROBINHORST
1905 DECKNER AVE
GREEN BAY, WI 54302-3529

00000182022200158968800000050005

✂ Please Detach and return top portion with your payment ✂

City of Green Bay, Green Bay, WI 54301

Invoice Date: 08/10/2022

Customer Number: 59602

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
REINSPECTION FEE FOR 1905 DECKNER AV - CASE #119819 ON 8/9/2022 BY TIM MEVES [TIM.MEVES@GREENBAYWI.GOV (920) 448-3331] - FOR A CURRENT OUTSTANDING BALANCE OF \$300	1.00	\$50.00	EACH	\$50.00	\$0.00	\$0.00	\$50.00

Please put Invoice Number on your check.
Make checks payable to City of Green Bay.

Invoice Total:

\$50.00

THIS AMOUNT MUST BE PAID WITHIN 30 DAYS OR THE TOTAL WILL BE PLACED ON THE CITY OF GREEN BAY TAX ROLL AS A SPECIAL TAX UNLESS AN APPEAL HAS BEEN MADE. IF YOU HAVE ANY QUESTIONS CALL THE INSPECTION DIVISION AT 920-448-3300. THANK YOU.

ORIGINAL
COPY

**GREEN BAY CITY TREASURER**

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

INVOICE

Invoice Date	Invoice No.
08/04/2022	158798
Customer Number	
59602	
Invoice Total Due	
\$50.00	
Customer PO	Due Date
	09/03/2022

JESSE J ROBINHORST
1905 DECKNER AVE
GREEN BAY, WI 54302-3529

00000182022200158798900000050005

✕ Please Detach and return top portion with your payment ✕

City of Green Bay, Green Bay, WI 54301

Invoice Date: 08/04/2022

Customer Number: 59602

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
REINSPECTION FEE FOR 1905 DECKNER AV - CASE #119819 ON 8/3/2022 BY TIM MEVES [TIM.MEVES@GREENBAYWI.GOV (920) 448-3331] - FOR A CURRENT OUTSTANDING BALANCE OF \$250	1.00	\$50.00	EACH	\$50.00	\$0.00	\$0.00	\$50.00
Please put Invoice Number on your check. Make checks payable to City of Green Bay.				Invoice Total:	\$50.00		

THIS AMOUNT MUST BE PAID WITHIN 30 DAYS OR THE TOTAL WILL BE PLACED ON THE CITY OF GREEN BAY TAX ROLL AS A SPECIAL TAX UNLESS AN APPEAL HAS BEEN MADE. IF YOU HAVE ANY QUESTIONS CALL THE INSPECTION DIVISION AT 920-448-3300. THANK YOU.

ORIGINAL
COPY

**GREEN BAY CITY TREASURER**

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

INVOICE

Invoice Date	Invoice No.
07/28/2022	158402
Customer Number	
59602	
Invoice Total Due	
\$50.00	
Customer PO	Due Date
	08/27/2022

JESSE J ROBINHORST
1905 DECKNER AVE
GREEN BAY, WI 54302-3529

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✕ Please Detach and return top portion with your payment ✕

City of Green Bay, Green Bay, WI 54301

Invoice Date: 07/28/2022

Customer Number: 59602

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
REINSPECTION FEE FOR 1905 DECKNER AV - CASE #119819 ON 7/27/2022 BY TIM MEVES [TIM.MEVES@GREENBAYWI.GOV (920) 448-3331] - FOR A CURRENT OUTSTANDING BALANCE OF \$200	1.00	\$50.00	EACH	\$50.00	\$0.00	\$0.00	\$50.00
Please put Invoice Number on your check. Make checks payable to City of Green Bay.				Invoice Total:		\$50.00	

THIS AMOUNT MUST BE PAID WITHIN 30 DAYS OR THE TOTAL WILL BE PLACED ON THE CITY OF GREEN BAY TAX ROLL AS A SPECIAL TAX UNLESS AN APPEAL HAS BEEN MADE. IF YOU HAVE ANY QUESTIONS CALL THE INSPECTION DIVISION AT 920-448-3300. THANK YOU.

ORIGINAL
COPY

**GREEN BAY CITY TREASURER**

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

INVOICE

Invoice Date	Invoice No.
07/15/2022	157757
Customer Number	
59602	
Invoice Total Due	
\$50.00	
Customer PO	Due Date
	08/14/2022

JESSE J ROBINHORST
1905 DECKNER AVE
GREEN BAY, WI 54302-3529

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✕ Please Detach and return top portion with your payment ✕

City of Green Bay, Green Bay, WI 54301

Invoice Date: 07/15/2022

Customer Number: 59602

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
REINSPECTION FEE FOR 1905 DECKNER AV - CASE #119819 ON 7/14/2022 BY TIM MEVES [TIM.MEVES@GREENBAYWI.GOV (920) 448-3331] - FOR A CURRENT OUTSTANDING BALANCE OF \$150	1.00	\$50.00	EACH	\$50.00	\$0.00	\$0.00	\$50.00
Please put Invoice Number on your check. Make checks payable to City of Green Bay.				Invoice Total:		\$50.00	

THIS AMOUNT MUST BE PAID WITHIN 30 DAYS OR THE TOTAL WILL BE PLACED ON THE CITY OF GREEN BAY TAX ROLL AS A SPECIAL TAX UNLESS AN APPEAL HAS BEEN MADE. IF YOU HAVE ANY QUESTIONS CALL THE INSPECTION DIVISION AT 920-448-3300. THANK YOU.

ORIGINAL
COPY

**GREEN BAY CITY TREASURER**

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

INVOICE

Invoice Date	Invoice No.
05/18/2022	154990
Customer Number	
59602	
Invoice Total Due	
\$50.00	
Customer PO	Due Date
	06/17/2022

JESSE J ROBINHORST
1905 DECKNER AVE
GREEN BAY, WI 54302-3529

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✕ Please Detach and return top portion with your payment ✕

City of Green Bay, Green Bay, WI 54301

Invoice Date: 05/18/2022

Customer Number: 59602

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
REINSPECTION FEE FOR 1905 DECKNER AV - CASE #119819 ON 5/17/2022 BY TIM MEVES [TIM.MEVES@GREENBAYWI.GOV (920) 448-3331] - FOR A CURRENT OUTSTANDING BALANCE OF \$100	1.00	\$50.00	EACH	\$50.00	\$0.00	\$0.00	\$50.00

Please put Invoice Number on your check.
Make checks payable to City of Green Bay.

Invoice Total:

\$50.00

THIS AMOUNT MUST BE PAID WITHIN 30 DAYS OR THE TOTAL WILL BE PLACED ON THE CITY OF
GREEN BAY TAX ROLL AS A SPECIAL TAX UNLESS AN APPEAL HAS BEEN MADE. IF YOU HAVE ANY
QUESTIONS CALL THE INSPECTION DIVISION AT 920-448-3300. THANK YOU.

ORIGINAL
COPY

**GREEN BAY CITY TREASURER**

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

INVOICE

Invoice Date	Invoice No.
05/09/2022	154779
Customer Number	
59602	
Invoice Total Due	
\$50.00	
Customer PO	Due Date
	06/08/2022

JESSE J ROBINHORST
1905 DECKNER AVE
GREEN BAY, WI 54302-3529

000001&2022200154779300000050005

✂ Please Detach and return top portion with your payment ✂

City of Green Bay, Green Bay, WI 54301

Invoice Date: 05/09/2022

Customer Number: 59602

Description	Quantity	Price	UOM	Original Bill	Adjusted	Paid	Amount Due
REINSPECTION FEE FOR 1905 DECKNER AV - CASE #119819 ON 5/6/2022 BY TIM MEVES [TIM.MEVES@GREENBAYWI.GOV (920) 448-3331] - FOR A CURRENT OUTSTANDING BALANCE OF \$50	1.00	\$50.00	EACH	\$50.00	\$0.00	\$0.00	\$50.00
Please put Invoice Number on your check. Make checks payable to City of Green Bay.				Invoice Total:		\$50.00	

ORIGINAL
COPY

Hi Jaime, Lacey, please see below.

March 31, 2022: Complaint received by Inspection Office of residence without siding since 2019.

March 31, 2022: Initial inspection performed. 3 of 4 exterior walls without siding installed.....exposing foil faced insulation sheathing (see attached pics).

April 1, 2022: Written 30-day notice to replace missing siding mailed to property owner – Mr. Jesse Robinhorst. Complete by date May 5, 2022.

April 13, 2022: Returned call to property owner. Stated he has been out of work since August 2021 due to injury and is experiencing financial issues. Reminded him that property condition existed 2 years prior, in 2019.

May 6, 2022: Reinspection. Violation not corrected. First reinspection fee issued.

May 17, 2022

– Jan 24, 2023: 23 subsequent reinspection's performed. Compliance not achieved. Reinspection fees issued with each property visit.

July 20, 2022: Reinspection: Owner not home nor answered his phone. Unable to leave a voice message. Taped business card to rear door with note requesting that he address a letter to me detailing the circumstances for not making the siding repairs in 3+ years. No letter received to date.

August 17, 2022: Reinspection. Issued municipal court citation IN003510 to property owner for failure to reside residence. Initial court date September 19, 2022. Defendant missed court appearance – found guilty by default. Later paid forfeiture amount to court.

January 26, 2023: Returned phone call to Mr. Robinhorst. He explained some friends are providing him with funds for purchasing window wrap and siding materials and will assist him with the Installation.

January 27, 2023: Phone call from Mr. Robinhorst. Stated "he won't be able to count on his friends for install help – as they have jobs and family obligations that keep them busy."

January 30, 2023: Referred Mr. Robinhorst to NeighborWorks after learning that grant monies recently became available for energy related projects.

June 20, 2023: Per NeighborWorks, project approved, and a contractor selected (Compound Construction). Awaiting notification of contractor start date.

Thank you,

Tim Meves
Housing/Zoning Inspector
City of Green Bay

Community & Economic Development Department
(920) 448-3331
greenbaywi.gov











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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # E.10

Consideration with possible action on an appeal by John Rome, 1315 S. Oakland Ave, regarding reinspection fees (filed with the Law Department on 1/11/2023 and previously discussed at the January 23 Protection & Policy Committee Meeting).

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. sharpscans@greenbaywi.gov_20230116_141828
2. P&P Notice 7.19.2023
3. 2023-07-19 T. MEVES STATEMENT REGARDING ROME CASE

Jaime Fuge

From: Jaime Fuge
Sent: Wednesday, July 19, 2023 5:00 PM
To: johntoosweet@aol.com
Subject: Protection & Policy Committee Meeting

Dear Mr. Rome,

We just spoke on the phone today regarding the Committee Meeting Monday, July 24, at 5 p.m.

As a recap, you may recall filing an appeal with the City of Green Bay earlier this year for inspection fees. Your appeal was heard by the Protection & Policy Committee and January 23, 2023, and was held until May to give you time to complete the required work. Inspections staff was recently at your property and notified the Committee that the work has not been completed. The Protection & Policy Committee will review your appeal and the actions to date at its next meeting on Monday, July 24 at 5 p.m. in Room 207 of City Hall (100 N. Jefferson St). Your attendance is encouraged, as you will be given an opportunity to speak regarding your appeal.

Thank you,
Jaime Fuge
Green Bay Deputy Clerk

From: Tim Meves <Tim.Meves@greenbaywi.gov>
Sent: Thursday, July 6, 2023 8:33 AM
To: William Paape <William.Paape@greenbaywi.gov>
Subject: FW: 1315 S Oakland Av, July 6, 2023, 8:25 A.M.

Front façade appears to be close to being done, work begun on right side. Rear, left side, and roof repairs not completed.

From: Tim Meves <Tim.Meves@greenbaywi.gov>
Sent: Thursday, July 6, 2023 8:27 AM
To: Tim Meves <Tim.Meves@greenbaywi.gov>
Subject: 1315 S Oakland Av, July 6, 2023, 8:25 A.M.









Tim Meves
Housing/Zoning Inspector

City of Green Bay
Department of Community and Economic Development
[100 N Jefferson St, Rm 608](#)
Green Bay, WI 54301

timme@greenbaywi.gov

(p) [\(920\) 448-3331](tel:(920)448-3331)

(f) [\(920\) 448-3117](tel:(920)448-3117)

(w) www.greenbaywi.gov



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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # F.I

Informational Only: The release of three 2022-2023 available "Class B" Liquor & Class "B" Beer licenses to the pool due to no action taken for the 2023-2024 license year.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 1238-111 MAIN ST NON-RENEWAL COMMUNICATION
2. 1911 university 4.20.2023 mail communication
3. 1911 UNIVERSITY AVE LIQUOR LICENSE RENEWAL NOTICE 5.8.2023 E-MAIL
4. 1860 UNIVERSITY CLOSED
5. 1860 UNIVERSITY 4.21.2023 MAIL COMMUNICATION TO AGENT AND LEGAL ADDRESS



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

MEETING DATE

July 24, 2023

PREPARED BY

AGENDA ITEM # F.2

The Clerk's Licensing Report.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 7.19.2023 CLERK'S OFFICE LIQUOR LICENSING REPORT

**Licenses Granted By Common Council, but not yet
Issued as of (7/19/2023):**

License Type	Company Name	Trade Name	Address	Type	Approver
Class A Beer & Class A Liquor	DOLGENCORP, LLC	DOLLAR GENERAL STORE #21045	1641 MAIN ST	Liquor License	Inspections Renewal
Class A Beer & Class A Liquor	FAMILY DOLLAR STORES OF WI	FAMILY DOLLAR	550 N MILITARY AV	Liquor License	Inspections, New License approved 6.6.23
Class A Beer & Class A Liquor	FAMILY DOLLAR STORES OF WI LLC	FAMILY DOLLAR	1285 MAIN ST	Liquor License	Inspections, New License approved 6.6.2023
Class B Liquor-Reserve & Class B Beer	LEGACY GREEN BAY, LLC	THE LEGACY HOTEL	1004 BRETT FAVRE PASS	Liquor License	Inspections, granted waiver to open Oct. 2023
Class B Beer & Class B Liquor	MADRID TAPAS AND WINE BAR LLC	MADRID TAPAS	225 E WALNUT ST	Liquor License	Inspections, Renewal
Class B Beer& Class B Liquor	ROGELIO PEREZ JR	ROCKY'S TAQUERIA	1679 MAIN ST	Liquor License	Inspections, New and Renewal Approved on 5/16/2023)

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

The City granted 2 license that has not yet been issued (see page 1).

The City has 5 pending liquor license applications.

The City will release 3 available liquor licenses into the pool. The City can take start taking applications for the available liquor licenses Wednesday, August 2, 2023, at 7:30 a.m. (start of business day).

The City of Green Bay may only take the number of applications to number of licenses available. Applications are considered to those who apply with fully completed application and first in time.

Liquor License Checklist:

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

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 that has been granted, but not yet been issued.

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

July 24, 2023

PREPARED BY

AGENDA ITEM # F.3

The Liquor Violation Report.

BACKGROUND

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Report July 24 2023
2. 23LiqVio

CITY OF GREEN BAY POLICE DEPARTMENT

TO: PROTECTION AND POLICY COMMITTEE

FROM: COMMUNITY POLICING

DATE: July 24, 2023

From June 19, 2023, to July 24, 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

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