

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, January 28, 2013
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Jim Mueller–Asst. City Attorney, Capt. Bongle, and other interested parties.

1. Roll Call.

Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane were present.

2. Approval of the Agenda.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the Agenda.

3. Approval of the minutes from the December 17, 2012 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the minutes from the December 17, 2012 meeting. Motion carried.

4. Application for a Class "B" Beverage and a "Class C" Wine License by The Noodle Shop Co.-Colorado, Inc. and a variance to the fence requirements for an outdoor area at 2450 E. Mason Street.

There were no objections from the Law or Police Departments.

Ald. Steuer opened the floor without objection.

Robert Rizzo appeared and stated he is the agent and that they are aware the fence requirement is six feet; however their sale of alcohol is very minimal and therefore they are requesting an exemption to that requirement.

Ald. Steuer returned to regular business.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to approve the application for a Class "B" Beverage and a "Class C" Wine License by The Noodle Shop Co.-Colorado, Inc. and a variance to the fence requirements for an outdoor area at 2450 E. Mason Street with the approval of proper authorities. Motion carried.

5. Notice of the change of agent for Harp and Eagle, LLC at 234 S. Washington Street.

There were no objections from the Law and Police Departments.

A motion was made by Ald. Boyce and seconded by Ald. Brunette to approve the notice of the change of agent for Harp and Eagle, LLC at 234 S. Washington Street. Motion carried.

6. Request by Keggers, LLC to amend their liquor license at 231 N. Broadway to include 233 N. Broadway as well as expanding their beer garden behind that building.

Capt. Bongle stated a Community Police Officer did meet with Will Liebergen to review Keggers' business plan; however they have a few more questions they want clarified. Capt. Bongle stated that neighboring businesses have contacted the Police Department with their concerns regarding littering in the rear of the building which faces the backside of Olde Ft. Square, as well as intoxicated individuals loitering there. Organizers of the Farmer's Market also wanted assurances that patrons will not be carrying alcohol beverages outside during their events as they are not a paying participating vendor.

The Police Department would like to request that Keggers provide security while the beer garden is in operation, and to closely monitor activity in the area surrounding the beer garden during bar closing time.

Capt. Bongle stated there is not a history of police calls to this business; however he was contacted by an individual today, who just became aware of this agenda item, and stated the business was noisy at times.

Discussion followed on holding periodic reviews of establishments, Atty. Mueller stated this would cause prejudgment issues and suggested the Committee refrain from doing this. Capt. Bongle stated that the police do keep an eye on problem businesses and will bring it to the attention of this Committee if there are excessive issues.

Ald. Steuer opened the floor without objection.

Will Liebergen, Sobieski, appeared and stated he is the owner and their intention is not to increase the size of the beer garden, he wanted to expand the area bands played in. Extra staffing and security will be in place during events with bands. He stated that both addresses are actually only one building. At closing time he or a bouncer will go out to the back lot and disperse any individuals that are loitering. He also checks for trash/beer bottles in the front and back of the building each morning. There are dumpsters in the back of the building shared

by other businesses, but dumping by unknown individuals does occur too. His dumpster area is enclosed.

He stated there was never a beer stand located outside the business, although there was one at the inside entrance of the business. It has now been moved further inside of the business due to the suggestion of a police officer. He does try to stop individuals from exiting the establishment with alcoholic beverages during the Farmers Market, but due to the sheer numbers of individuals at this event it is very hard to do.

Capt. Bongle stated the Farmer Market events are very family oriented and they really haven't had any problems with intoxicated individuals.

Mr. Liebergen stated not all of the individuals in the back of the building at closing time are his patrons. There is a parking lot that is owned by the City, as well as parking for renters in apartments located behind the building. He has contacted the City and inquired if they could install brighter lights in their parking lot. He installed a motion detector light in the rear of his building, the light doesn't reach the city owned lot.

When asked if Mr. Liebergen contacts the Police Department when incidents occur he stated that he does. So far he hasn't had any incidents inside the establishment, but he has called when there were issues happening outside the building. He is very involved in running his business and spends many hours there. Capt. Bongle confirmed that Keggers does contact the Police Department when issues have arrived.

Atty. Mueller inquired if Mr. Liebergen has his original signed business plan, Mr. Liebergen confirmed he did. Atty. Mueller suggested the Committee request a conditional approval that the business plan be amended to include the new premise and new business operation, as well as the licensed stipulation signed. This is done for all new applicants and the Law Department is trying to get existing approved applicants to sign as well.

Jeff Tilkens, 117 S. Chestnut, appeared and stated he was the Event Coordinator for On Broadway. Mr. Tilkens stated that Mr. Liebergen runs a good establishment and has been a good addition to Broadway. Their main concern right now is improving the Platten building. Approximately 16 apartment units will be included in the renovation of the building. A developer is in the process of renovating the Platten building, this is a five-star project and On Broadway wants to make sure everything flows smoothly.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the request by Keggers, LLC to amend their liquor license at 231 N. Broadway to include 233 N. Broadway as well as expanding their beer garden behind that

building contingent upon a business plan amendment and signed license stipulation and with the approval of the proper authorities. Motion carried.

7. Application to keep three dogs at 2460 Valiant Lane.

Atty. Mueller stated the Law Department doesn't have any objections and that approval has been received from the Police and Inspection Departments.

Ald. Brunette stated he recalls that the resident of this address came before the Committee last fall to obtain a license to operate a dog sitting service at this address, the license was denied because of the zoning ordinance. He also stated that the owner is a very responsible pet owner and doesn't have any issues granting this application.

Cindy Delvaux, 2460 Valiant Lane, appeared and stated she rescued a Husky and that the neighbors have been supportive of her having three dogs.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application to keep three dogs at 2460 Valiant Lane with the stipulation that upon the death of one of the dogs the applicant must appear back before this Committee for permission to keep more than two dogs. Motion carried.

8. Appeal by Andrew W. Becks to the denial of his Operator License application.

Atty. Mueller recommends denial due to an arrest record which substantially relates to the licensed activity. The record included an OWI in 2012, misdemeanors of possession of marijuana and possession of drug paraphernalia in 2010, and a 4th degree sexual assault charge in 2000.

Capt. Bongle stated the Police Department also recommends denial for the same reasons.

Ald. Steuer opened the floor without objection.

Andrew Becks, 919 Gross Avenue, appeared before the Committee. He clarified that he received a 2010 DUI in Ashwaubenon. He stated he was at a friend's house when it was raided and he was charged with possession of paraphernalia and THC. He was placed on probation and went through treatment and has been sober for three years. He is subject to random drug and breathalyzer checks.

Mr. Becks distributed a letter of recommendation from Oneida Bingo and Casino located on West Mason Street. He also distributed a copy of his application which stated he passed the drug check. He reported that the casino stated he has to obtain this operator license in order to keep his job. He began working

part time last November and in January a full time position became available. They are aware of his record and approved his gaming license.

Mr. Becks stated he was a former employee of the casino but was fired due to abusing their tardy/absence policy two years ago. He is a life-long resident of Green Bay and owned his own home until he lost his job at the casino and the house went into foreclosure. He is currently living with his parents and is also employed part-time at Burger King earning minimum wages. When asked if he holds a current responsible beverage server license in Wisconsin Mr. Becks replied he doesn't have a current one at this time but plans to retake the test.

Discussion centered on Mr. Becks' last conviction and how much time has passed since then. Ald. Brunette stated he doesn't feel enough time has passed since the last conviction, Mr. Becks hasn't taken the opportunity to apply for the beverage server license and he is concerned with the alcohol conviction, Ald. Steuer concurred.

Mr. Becks stated he takes responsibility and is trying to turn his life around. He stated he will be terminated from his current job if he doesn't get licensed and doesn't know if the casino would offer him a different position.

Mr. Becks was informed that this Committee is going to deny the request and that their recommendation will go before the City Council meeting on February 5, he was encouraged to attend the meeting and perhaps bring another letter or additional support from his employer.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to deny the appeal by Andrew W. Becks to the denial of his Operator License application. Motion carried.

9. Request by Ald. Sladek to revise the Green Bay Municipal Code to incorporate Wis. Admin. Code NR 19.60 relating to feeding of wild animals.

Atty. Mueller stated that the amendment for the ordinance on the prohibition on feeding of wild animals is in the Committee's packet under 8.14 which was originally the prohibition of feed deer. The new ordinance is basically adopting the State law, under the Wisconsin Administrative Code from the Department of Natural Resources Chapter NR 19.60. One of the differences is that our ordinance prohibited feeding of deer, the State law states you can feed deer unless you are in a CWD zone. The issue with our ordinances is it had a State pre-emption issue. We didn't enforce the prohibition of deer feeding because the State law basically invalidated our ordinance. CWD wards are found mostly in southern Wisconsin.

Ald. Steuer stated that Ald. Sladek could not attend tonight's meeting and requested to postpone this item until the next meeting.

Atty. Mueller added that the ordinance's general prohibition against feeding wild animal except for deer, birds and small animals with bird feeders such as squirrels and rabbits.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to postpone until the next meeting the request by Ald. Sladek to revise the Green Bay Municipal Code to incorporate Wis. Admin. Code NR 19.60 relating to feeding of wild animals. Motion carried.

10. Request by Ald. Wiezbiskie to develop an ordinance to address the issue of spreading manure on fields, and any other nuisance dumping or spreading that is occurring.

Atty. Mueller and Ald. Wiezbiskie request that this item be postponed until the next meeting as there is still work with different agencies that needs to be completed.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to postpone until the next meeting the request by Ald. Wiezbiskie to develop an ordinance to address the issue of spreading manure on fields, and any other nuisance dumping or spreading that is occurring. Motion carried.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to adjourn the meeting at 6:05 p.m. Motion carried.

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