

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, February 11, 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: Kail Decker–Asst. City Attorney, Capt. Runge, 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. Motion carried.

3. Approval of the minutes from the January 28, 2013 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the minutes from the January 28, 2013 meeting. Motion carried.

4. Application for an available “Class B” Combination by Pickled Restaurants, LLC at 1301 S. Broadway.

The Law and Police Departments had no objections.

Ald. De Wane inquired if the bar was going to have a theme to it.

Frank McIntyre, 527 Vroman Street, appeared and stated they are planning to sell deep fried pickles, and other pickled and food items.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application for an available “Class B” Combination by Pickled Restaurants, LLC at 1301 S. Broadway with the approval of the proper authorities. Motion carried.

5. Request by the owners of Pearly Gates, 3551 Finger Road, to hold an outdoor event on July 13.

The Law and Police Departments had no objections.

Jeff Fonferok, 3551 Finger Road, appeared and stated that this event is a fundraiser for veterans and they have held it before.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to approve the request by the owners of Pearly Gates, 3551 Finger Road, to hold an outdoor event on July 13. The approval of the request is subject to complaint. Motion carried.

6. Request by the owners of Shenanigan's Pub, 1279 Main Street, to have a tent behind their building on March 15-19 and to hold an outdoor event on March 16 and 17.

The Law and Police Departments had no objections; however Capt. Runge did ask that the Family Dollar be informed that this event was going to take place. Last year complaints were received at the police department that patrons of this event were parking in their lot.

Justin Boncher, 1279 Main Street, stated he would contact the Family Dollar regarding this event. He also stated he was in contact with them last year and they stated that were not the party that contacted the police with this complaint.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the request by the owners of Shenanigan's Pub, 1279 Main Street, to have a tent behind their building on March 15-19 and to hold an outdoor event on March 16 and 17. The approval of the request is subject to complaint. Motion carried.

7. Application for an Entertainment Facility License by Lavell Stokes at 913 E. Walnut Street.

Atty. Decker stated that he was informed by the clerk's office that Mr. Stokes withdrew his application today. Based on a felony conviction in 2003 for possession and intent to distribute cocaine the Law Department recommends denial, there is also a pending OWI charge.

Atty. Decker stated that an entertainment facility license would consist of a facility that catered to the youth and would have arcade games or billiards and does not have an alcohol license.

Ald. Brunette wondered if there was some confusion on the part of the clerk's office and wanted to know if he would be able to reapply if denied tonight. Atty. Decker stated that generally if a license is denied the applicant would not be able to apply again until a year has passed. The record would reflect that he was denied tonight because he did not appear before the Committee. Atty. Decker also stated that it was his understanding that Mr. Stokes did appear at the clerk's office and received back a portion of the license fees. Ald. Steuer stated that Mr.

Stokes could also appear at the next Common Council meeting if he is denied tonight.

Ald. Tom De Wane inquired if this location was in a residential area and if there was adequate parking for it because he didn't think it is a very good location for this type of facility. Atty. Decker stated the location of the facility could be another reason for denial.

Ald. Brunette stated he will be denying this application tonight based on the fact that Mr. Stokes did not appear and hoped that he would show up before the Common Council meeting to discuss why he would like this license.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to deny the application for an Entertainment Facility License by Lavell Stokes at 913 E. Walnut Street. Motion carried.

8. Appeal by Andrew W. Becks to the denial of his Operator License application (referred back from the February 5, 2013 Common Council meeting).

Atty. Decker stated that Mr. Becks was convicted of misdemeanors charges in Brown and Outagamie Counties of possession of THC and drug paraphernalia as well as fourth degree sexual assault.

Ald. Brunette stated that Mr. Becks was denied this license at the last meeting and that he was concerned because Mr. Becks did not take the responsible beverage server course. Mr. Becks did approach him at the Common Council meeting and showed him the certificate that he had recently passed the course and would like to come before this Committee again. Ald. Brunette reported that after he spoke with Mr. Becks he advised him to bring a letter with him or someone who would support his statement of sobriety.

Ald. Steuer opened the floor without objections.

Andrew Becks, 919 Gross Avenue, appeared and stated he took the recommendation of Ald. Brunette and did take this course. He distributed a letter of support from his treatment center.

Ald. Brunette informed Mr. Becks that this Committee normally would not allow someone with a recent offense this license, and that he should take this as an opportunity to change his life and stay on track.

Cathleen Becks, 919 Gross Avenue, appeared and stated she was Mr. Beck's mother and that he has remained sober since his OWI.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to approve the appeal by Andrew W. Becks to the denial of his Operator License

application (referred back from the February 5, 2013 Common Council meeting). 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 (postponed from the January 28, 2013 meeting).

Atty. Decker stated he was approached by Ald. Sladek requesting revision of this ordinance and that he came up with a proposal to adopt a law that is consistent with State laws.

Ald. Sladek appeared and stated that this request was based on complaints he received from residents on the west side of the City regarding flocks of wild turkeys creating damage to homes, vehicles and lawns. They discovered that a resident had been feeding them and when he was approached by a Community Police Officer and informed that he was breaking a State law he stopped the feeding, and the flock is no longer the size it once was. Ald. Sladek wanted to update our ordinance to be consistent with the State in order for it to be enforceable and that a citation could be given out to individuals breaking it.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve 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 (postponed from the January 28, 2013 meeting). 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 (postponed from the January 28, 2013 meeting).

Atty. Decker stated that the City could not adopt an ordinance that is more stringent than the State law and further study would have to be done to see what would be allowable.

Ald. Wiezbiskie appeared and stated that he received complaints from citizens on the far east side of town near farmlands that spread manure and the odor that emanates from this. He reported that he has been doing some studying on his own and discovered that when manure is placed on the ground, it must be turned over and mixed into the dirt. When the ground is frozen the manure must then be placed into a storage space. The City does not currently have an ordinance to prevent spreading during the period when the ground is frozen or to place it in a holding tank. The County and State does have an ordinance in place and he would like to see the City adopt this ordinance and have City nuisance inspectors be responsible for making sure that citizens comply. There is currently a land owner who is stockpiling manure that is not in a storage area and this has the potential of contaminating Baird Creek.

Atty. Decker stated that Chapter 243 of the Natural Resources Administrative Code addresses winter storage of manure. With the research he has done so far he believes that the City can adopt the same standards as the State and County. He stated that Inspector Nelson is a qualified expert in this field and expressed concerns that unqualified inspectors do not get involved.

Discussion followed on having Inspector Nelson view this particular farm and to have staff work with Brown County officials on their recommendations/suggestions before bringing this item to the next Council meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane 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 (postponed from the January 28, 2013 meeting). Motion carried.

11. Request by staff to amend Green Bay Municipal Code 16.07(1) relating to building sanitary sewers.

Atty. Decker stated that a proposed amendment be added to the ordinance which at this time requires service from the right-of-way directed to every building which creates a situation that is not necessarily required if you meet certain conditions.

Steve Grenier, Director of Operations, appeared and stated that current conditions of Green Bay Municipal Code 16.07(1) require that an individual sanitary sewer lateral be brought into every parcel. In 2006 a developer in a subdivision off of Huron Road ran into some financial difficulties and work stopped. Another developer is interested in this property and is proposing to divide it into smaller parcels than was originally proposed, which would increase the lot density, but decrease lot size. Storm and sewer main laterals, as well as the road and gutter are already laid, however there are not enough laterals to service the proposed lots. The road would have to be cut into to lay 22 laterals, which could cause premature failure to the road before it has even been traveled on.

Director Grenier stated that his staff has been working with the Law Department and the developer to come up with a mutual agreement to allow two parcels to share a single lateral. The current ordinance does not allow this. They are asking that this be amended to be allowed under very select circumstances with review and approval by the Department of Public Works.

Director Grenier stated there are no other developers looking to have this done, however the potential does exist. They are not looking to allow this as a standard condition for new subdivisions, only for an existing infrastructure that has been installed but not dedicated to the public or as accepted as public right-

of-way. In allowing this, one of the conditions that must be met is that it must be disclosed at time of sale or land transfer that it has a shared lateral on the property.

The subdivisions seeking to have this done are the Baird Creek Preserve and Stone Garden, dedication has been accepted on Stone Garden.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the request by staff to amend Green Bay Municipal Code 16.07(1) relating to building sanitary sewers. Motion carried.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to adjourn the meeting at 5:46 p.m. Motion carried.

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