

**MINUTES**  
**PROTECTION & WELFARE COMMITTEE**  
**Monday, February 9, 2015**  
**City Hall, Room 207**  
**5:00 p.m.**

**MEMBERS PRESENT:** Ald. Wery, Ald. Tim De Wane and Ald. Steuer  
**MEMBERS EXCUSED:** Ald. Scannell  
**MEMBERS ABSENT:** Ald. Scannell  
**OTHERS PRESENT:** Patrick Leigl—Asst. City Attorney, Capt. Bongle, and other interested parties.

**NOTE: Item #7 was taken after Item #3**

1. Roll Call.

Ald. Wery, Ald. Tim De Wane, and Ald. Steuer were present.

2. Approval of the Agenda.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to approve the agenda. Motion carried.

3. Approval of the minutes from the January 26, 2015 meeting.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to approve the minutes from the January 26, 2015 meeting. Motion carried.

4. Application for a "Class A" Liquor and a Class "A" Beverage License by Thao Pao Lee at 316 S. Broadway. (postponed from the January 26, 2015 meeting)

Atty. Leigl stated the City Attorney's Office recommends denial due to the fact that the premises are within 300' of a church which is against the City Ordinance. Atty. Leigl reminded the Committee that amendments to the Ordinance to allow certain locations the ability to appeal was voted down at the Common Council meeting on February 3, 2015; therefore the applicant is ineligible to apply.

Capt. Bongle stated he met with staff members of the Church and they objected to having a liquor store next to them. There is an alternate school held in the church and they expressed concerns that alcohol may be obtained by minors. Capt. Bongle stated the Green Bay Police Department also recommends denial.

A motion was made by Ald. Steuer and seconded by Ald. Wery to deny the application for a "Class A" Liquor and a Class "A" Beverage License by Thao Pao Lee at 316 S. Broadway. (postponed from the January 26, 2015 meeting) Motion carried, with Ald. Tim De Wane opposing.

5. Request by Staff to discuss with possible action on Municipal Ordinance 33.08(2) as it pertains to grandfathering the premises of the alcohol licensing restrictions.

Atty. Leigl stated there was an issue at the last meeting regarding approval of a Class "A" Beverage License at 606 Dousman Street. The premise meets the nonconforming use standards with the grandfather clause; which means when Municipal Ordinance 33.08(2) was passed regarding the 300' rule they were already selling alcohol at that location. The question here is if that rule will still apply when new owners take over the premises. Atty. Leigl stated that the City Attorney's Office initial study of the State Statutes show that it applies to a premise, not an owner; however they would like to research this further before making a recommendation to the Committee.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to refer back to the City Attorney's Office for further research Municipal Ordinance 33.08(2) as it pertains to grandfathering the premises of the alcohol licensing restrictions. Motion carried.

6. Application for a Class "A" Beverage License by Dousman Fuel, Inc. at 606 Dousman. (Currently Express Convenience) (postponed from the January 26, 2015 meeting)

Atty. Leigl stated the initial opinion of the City Attorney's Office is that the license does stay with the premise and the new owners are eligible for the license because of the grandfather clause.

Ald. Steuer stated he doesn't have any issues allowing the license due to the City Attorney's Office opinion.

Ald. Wery opened the floor without objection.

Sarbjit Singh, 4052 Cattail Court, Appleton, appeared. Atty. Leigl informed Mr. Singh that he would be eligible to sell beer from the premise; however he is not allowed to sell liquor. Mr. Singh acknowledged that he understood this.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to approve the application for a Class "A" Beverage License by Dousman Fuel, Inc. at 606 Dousman. (Currently Express Convenience) (postponed from the January 26, 2015 meeting) Motion carried.

7. Application for a "Class B" Combination License by Thunder Kitten LLC at 1423 S. Broadway. (currently Chanmina LLC)

The City Attorney's Office and the Green Bay Police Department didn't have any objections.

Ald. Wery opened the floor without objection.

Darrell Schmunck, 1248 Dousman Street, appeared and stated his wife came up with the name Thunder Kitten.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to approve the application for a "Class B" Combination License by Thunder Kitten LLC at 1423 S. Broadway with the approval of the proper authorities. (currently Chanmina LLC) Motion carried.

8. Request by Staff to discuss a Municipal Ordinance as it pertains to "Pedal Pubs"/Commercial Quadricycles.

Atty. Leigl informed the Committee that the State made an exception to the open carry policy in regards to Commercial Quadricycles and they are currently allowed to operate in Green Bay. The Statute does allow the Municipality to regulate the pedal pubs locations, time of operation, as well as the ability to allow or deny the permit. The Municipality can also adopt an ordinance to ban them.

Ald. Wery opened the floor without objection.

Will Liebergen appeared and stated he operates a business located at 231 N. Broadway. Mr. Liebergen distributed photographs of pedal pubs and stated that they are operating in Milwaukee and Minneapolis.

Ald. Steuer inquired if Mr. Liebergen could foresee any safety concerns or draw backs related to pedal pubs. Mr. Liebergen replied that he has thought about issues that could occur such as littering or the driver being intoxicated. Mr. Liebergen stated that his bartenders are not allowed to drink during working hours and the same rules would apply to the driver of the pedal pub. Mr. Liebergen also stated if the City does create an ordinance they should consider placing trash cans along routes pedal pubs are allowed on, only allowing certain containers on board, drivers must obtain operator license, proof of liability insurance provided, and license be issued to only the pedal pub. Mr. Liebergen stated he believes pedal pubs will be another attraction for tourists to come to Green Bay.

Mr. Liebergen stated that he would like to know if the City will create an ordinance before he applies for this license. Mr. Liebergen stated for instance he would like to know if a pedal pub would be restricted to one location.

Mr. Liebergen stated the following answers to questions from the Committee: Identification will be checked, individuals will only be allowed on and off starting at his location, he may consider working with wineries and restaurants in which case individuals will be dropped off and picked up at these locations; rental of the pedal pub would be considered with his drivers in charge, scenic tours would be available, and the pedal pub would be stored in the parking lot of his tavern.

Ald. Tom De Wane stated that this license would not be any different than the one issued to the Foxy Lady.

Atty. Leigl stated the City Attorney's Office would like to research this statute further as they have questions regarding liability issues and the restrictions and regulations that Municipalities are allowed before creating an ordinance.

A motion was made by Ald. Steuer and seconded by Ald. Tim De Wane to refer to the City Attorney's Office to draft an ordinance pertaining to "Pedal Pubs"/Commercial Quadricycles. Motion carried.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to adjourn the meeting at 5:36 p.m. Motion carried.

For all licensing issues, the Committee may potentially convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wisconsin Statutes, for the purpose of considering information with respect to licensing for a person. The applicant has the right to demand that the meeting be held in open session. The applicant may also request that the meeting be held in closed session. The Committee may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

If there are any questions regarding the agenda, please call Dawn, City Clerk's Office, at 448-3010.

**ACCESSIBILITY:** Any person wishing to attend who, because of a disability, requires special accommodation should contact the City Safety Manager at 448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.

Please take notice that it is possible that additional members of the Council may attend this committee meeting resulting in a majority or quorum of the Common Council. This may constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.

The audio tape and minutes of this meeting will be available at [www.greenbaywi.gov](http://www.greenbaywi.gov)