



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, FEBRUARY 4, 2019, 5:30 PM
CITY HALL, ROOM 207**

A. ROLL CALL.

Present: Craig Stevens, John VanderLeest, Randy Scannell, Mark Steuer, Excused:

Also present: Deputy City Attorney Joanne Bungert, Ald. Bill Galvin, Ald. Barb Dorff, Mayor Jim Schmitt, Assistant Director of Community and Economic Development Cheryl Renier-Wigg, Chief Building Official Paul Van Calster, Director of Public Works Steve Grenier, Lt. Steve Mahoney, Lt. Jason Allen, Police Chief Andrew Smith

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the February 4, 2019 Protection & Policy Meeting.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve the agenda for the February 4, 2019 Protection & Policy Meeting.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Randy Scannell, seconded by Ald. John VanderLeest to amend the agenda to have Item #6 moved to Item #1.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to approve as amended. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

C. APPROVAL OF MINUTES.

I. Approval of the minutes of the January 7, 2019 Protection & Policy meeting.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to approve the minutes of the January 7, 2019 Protection & Policy meeting. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

D. REGULAR BUSINESS.

I. Discussion with possible action on a resolution amending the procedure for accepting "Class B" Liquor licenses.

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to approve the resolution amending the procedure for accepting "Class B" Liquor licenses. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

The original motion stands.

2. Consideration with possible action on an application by Tapatio Jalisco, LLC at 1638 University Ave. for a Class "A" Beverage and a "Class A" Liquor License with a licensed premises as "store" (previously licensed as an individual Ruben Rodriguez).

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to approve an application by Tapatio Jalisco, LLC at 1638 University Ave. for a Class "A" Beverage and a "Class A" Liquor license with a licensed premises as "store," with the approval of the proper authorities. (Previously licensed as an individual Ruben Rodriguez). Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

3. Consideration with possible action on an application by Tapatio Jalisco, LLC at 1638 University Ave. for a "Class B" Combination License with a licensed premises as "restaurant, wait staff area, kitchen, "previously licensed as an individual Ruben Rodriguez).

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to approve an application by Tapatio Jalisco, LLC at 1638 University Ave. for a "Class B" Combination License with a licensed premises as "restaurant, wait staff area, kitchen," with the approval of the proper authorities. (Previously licensed as an individual Ruben Rodriguez). Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

4. Consideration with possible action on an appeal by Gary Wisneski regarding his reinspection fees.

Moved by Ald. Mark Steuer, seconded by Ald. VanderLeest to hold an appeal by Gary Winseski regarding his reinspection fees until later in the meeting. Motion carried.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to deny the appeal by Gary Wisneski regarding his reinspection fees. Motion carried 3-1.

Yes- Craig Stevens, Mark Steuer, Randy Scannell, No- John VanderLeest, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to take a seven minute recess. Motion carried.

5. Consideration with possible action on General Ordinance No. 3-19, an ordinance amending Section 2.06(9), Green Bay Municipal Code, relating to reference to committees.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to approve General Ordinance No. 3-19, an ordinance amending Section 2.06(9), Green Bay Municipal Code, relating to reference to committees. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

6. Discussion on a request by Ald. Wery stating "review with possible action on ordinance 27.203 regulation of noise for the purpose of amending with weekend hours (New daytime :09:00-20:00)," previously discussed at the November 26, 2018 & Jan. 7, 2019 Protection & Policy meeting.

Moved by Ald. John VanderLeest, seconded by Ald. Mark Steuer to receive and place on file the request by Ald. Wery stating "review with possible action on ordinance 27.203 regulation of noise for the purpose of amending with weekend hours (New daytime: 0:900-20:00), previously discussed at the November 26, 2018 & Jan. 7, 2019 Protection & Policy meeting. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

7. Consideration with possible action on a request by Overtime Grill & Pub at 1423 S. Broadway to temporarily extend their licensed premises to the parking lot for a private event June 29.

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to approve a request by Overtime Grill & Pub at 1423 S. Broadway to temporarily extend their licensed premises to the parking lot for a private event June 29, subject to complaint. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

8. Consideration with possible action on an appeal by Rachel Anker regarding the denial of her operator's license.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to approve an appeal by Rachel Anker regarding the denial of her operator's licence. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

10. Consideration with possible action on a request by Ultimate Mart, LLC at 1819 Main St. to amend their liquor license to read "1 story retail grocery and liquor at 1819 Main St.: including the exterior parking stalls specifically designated for the online merchandise order & pickup service and the pathway utilized to access the parking stalls."

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. VanderLeest to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to deny the request by Ultimate

Mart, LLC at 1819 Main St. to amend their liquor license to read "1 story retail grocery and liquor at 1819 Main St.: including the exterior parking stalls specifically designated for the online merchandise order & pickup service and the pathway utilized to access the parking stalls," on the basis that there is no municipal ordinance in place to adequately regulate this type of licensed activity.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

9. Consideration with possible action on a request by Skogen's Foodliner, Inc. at 2430 University Ave. to amend their liquor license description from "One story cement building SEP W&S Storage and checkouts" to "one story cement building, approximately 80,110 sq. ft., with separate wine and spirits storage and checkout, including designated stalls in parking lot for online grocery pickup," previously held at the October 8, 2018 Protection & Policy meeting.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by John VanderLeest, seconded by Ald. Mark Steuer to deny the request by Skogen's Foodliner, Inc. at 2430 University Ave. to amend their liquor license description from "One story cement building SEP W&S Storage and checkouts" to "one story cement building, approximately 80,110 sq. ft., with separate wine and spirits storage and checkout, including designated stalls in parking lot for online grocery pickup," on the basis that there is no municipal ordinance in place to adequately regulate this type of licensed activity.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

11. Consideration with possible action on an application for an "Class B" Combination License by V3, LLC at 2056 Main St. Suite 1 with a licensed premise description as bar, walk in cooler, storage. (Previously V3 Entertainment, LLC).

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to resume the session. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to close the floor. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Mark Steuer to approve an application for a "Class B" Combination License by V3, LLC at 2056 Main St. Suite I with a licensed premise description as "bar, walk in cool, storage," with the approval of the proper authorities (Previously V3 Entertainment, LLC). Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

12. Consideration with possible action on an application for a "Class B" Combination license by Kavarna Café, LLC at 143 N. Broadway with a licensed premises as "kitchen, dining zones, storage cooler." (Currently licensed as Kavarna, LLC)

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to approve an application for a "Class B" Combination license by Kavarna Café, LLC at 143 N. Broadway with a licensed premises as "kitchen, dining zones, storage cooler, with the approval of the proper authorities (Currently licensed as Kavarna, LLC). Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

13. Consideration with possible action on an application by Skaliwags High Cotton Club Limited at 121 N. Adams St. for a reserve "Class B" Combination License with a licensed premises as "restaurant, bar."

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve an application by Skaliwags High Cotton Club Limited at 121 N. Adams St. for a reserve "Class B" Combination License with a licensed premises as "restaurant, bar," with the approval of the proper authorities. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

14. Consideration with possible action on a request by Ald. Scannell to create an ordinance regarding vaping.

Moved by Ald. Mark Steuer, seconded by Craig Stevens to refer to staff to draft an ordinance to regulate vaping to prevent selling to minors and prohibit minors from possessing vaping paraphernalia. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

15. Consideration with possible action on a request by Ald. Scannell to create an ordinance regarding sober servers.

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. John VanderLeest, seconded by Ald. Mark Steuer to close the floor. Motion carried.
Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Randy Scannell to open the floor for discussion.
Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to close the floor. Motion carried.
Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Randy Scannell to refer to staff to draft an ordinance that would fine non-sober servers with an alcohol limit in excess of 0.4%. The motion failed for a second.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to receive and place on file a request by Ald. Scannell to create an ordinance regarding sober servers. Motion carried 3-1.
Yes- Craig Stevens, John VanderLeest, Mark Steuer, No- Randy Scannell, Abstain- None

16. Discussion with possible action on General Ordinance No. 1-19, an ordinance creating section 29.513, Green Bay Municipal Code, relating to leaving keys in a vehicle, previously discussed at the January 7, 2019 Protection & Policy Meeting.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to open the floor for discussion.
Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to close the floor discussion.
Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to open the floor for discussion. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Steven to close the floor. Motion carried.
Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

Moved by Ald. Mark Steuer, seconded by Ald. Craig Stevens to refer to staff to amend General Ordinance No. 1-19, an ordinance creating section 29.513, Green Bay Municipal Code, relating to leaving keys in a vehicle, to reduce fine to \$50 and to provide a 2-year sunset clause. Motion carried 3-1.

Yes- Craig Stevens, Mark Steuer, Randy Scannell, No- John VanderLeest, Abstain- None

E. INFORMATIONAL.

I. Liquor Violation Report from the Police Department for January 28, 2019.

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to receive and place on file the Liquor Violation Report for the Police Department for January 28, 2019. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

F. ADJOURNMENT.

Moved by Ald. Craig Stevens, seconded by Ald. Mark Steuer to adjourn at 9:12 p.m. Motion carried.

Yes- Craig Stevens, John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

VERBATIM MINUTES:

- Okay.
- And we're rolling.
- All right, we are now in session. The Public and Policy Committee meeting for February 4th, 2019, city hall room 207, is now in session. It's 5:30, roll call, Alder Stevens?
- Here.
- Alder VanderLeest?
- Here.
- Alder Steuer?
- Here.
- Alder Randy here. For the agenda, I'd like to make a-- Well, let's approve it first and then we can amend it.
- Approve the agenda.
- Motion to approve the agenda by Alder VanderLeest.
- Second.
- Second by Alder Stevens, all in favor?
- [All] Aye.
- One second, I'm sorry, one second.
- Yep.
- Aldermen VanderLeest, Stevens.

- Motion to move, it actually approved?
- Yep, in a minute.
- So that was approved.
- Yep, and I'd like to amend the agenda to move item number six to the top of the list as number one.
- Second that motion.
- Seconded by Alder VanderLeest, motioned by myself, Alder Randy. All in favor?
- [All] Aye.
- Opposed? Motion to approve amended agenda by Alder Stevens, seconded by Alder VanderLeest. All in favor?
- [All] Aye.
- To?
- Approve the amended agenda, Stevens, VanderLeest.
- Okay.
- When you're ready, let us know.
- Okay, you're on to approval of minutes.
- Motion to approve the minutes for our January 7th, 2019 Protection and Policy meeting.
- So moved.
- So moved by Alder Steuer.
- Seconded.
- Seconded by Alder VanderLeest, all in favor?
- [All] Aye.
- Opposed? We have our minutes approve-ed.
- Okay.
- Did you say "okay"?
- Yes.
- Okay, on to regular business. Discussion on a request by Alder Wery stating, "review as possible action on ordinance 27.203, "regulation of noise, for the purpose of amending "with weekend hours, new daytime," I take it that's military, "900 to 2000 hours, previously discussed "at the November 26th, 2018 "and January 7th, 2019 Protection and Policy meeting." Staff?

- Yes, so this was referred to staff to bring back recommendations. I can refer this now to or defer to our public works director, Steve Grenier, who has submitted a memo to the committee outlining concerns with the proposed ordinance changes.

- Okay.

- As I outlined in the memo, the staff to the committee, DPW does not support this proposal. It does have the ability to adversely impact and unnecessarily restrict necessary work functions of the department. In particular, there are two critical tasks that we undertake on weekends that would be adversely impacted. First is construction. What I can tell you is with last year alone, more than half of the available weekends during the construction season were requested by contractors to work on. This council has cast the Department of Public Works with increasingly amount of work product we are putting out in the construction projects that we are completing in a year and last year alone, more than half of the available weekends were requested for work. To limit us and our contractors is going to be counterproductive. Also, we conduct a lot of solid waste activities on the weekend, and currently, under 27.203, sub four sub C, waste collection is presumed to be reasonable during nighttime hours, Monday through Friday, it's specifically called out. However, during collection of bulk, and anytime that we have a situation like we had last week, we got adverse weather conditions, heavy rains, things of that nature, we do find it necessary to come in and work on Saturdays. On Saturdays, the Brown County transfer station, where we have to deliver that waste, is only open until noon. To stop our drivers from working from six o'clock in the morning and push them back until nine o'clock, we will never get through the routes and that's going to force those guys, we're going to have to suspend after getting half of the route collected, plus we're going to have to leave that material in the trucks over the weekends. There are actually some other items within this ordinance and regular work product that the City of Green Bay completes through the Department of Public Works that aren't addressed. If anything, there are a couple of additional exceptions that need to be listed in there to ensure that we are compliant with our own ordinance, so at this point in time, DPW would not support further restricting those weekend hours.

- Questions?

- Thanks, Steve, for coming in. Did you have a chance to talk to Alder Wery about this at all?

- No, I have not.

- Okay, I think initially when this came forward, it was more or less with, I don't know if they were really reflecting on what you folks do as far as the timeframe and that for the type of work that you're doing. I think it was for other reasons. I'm just wondering if you had talked to him, and if so, what the results were, but you said you haven't.

- No, I haven't.

- Okay, that's all I have.

- Any other questions?

- The memos to staff, we have nothing in our packet. Would that be available for, will that be in the council packet?

- We'll definitely make it available in the council packet. I thought it was her duty.

- Yes, I thought it was. It should have been part of the packet.

- We don't have it, but you went over it, so.

- It'll be in everyone's mailbox tomorrow morning.
- Okay, and also in the council packet.
- Absolutely.
- I think that's fine, excellent. Thank you. Motion?
- I make a motion that we receive in places on file. The ordinance that stands, that we're using right now, I think is appropriate. I know a lot of contractors that are in the private sector, they start at 0600 hours and they work Saturdays and some of them work Sundays depending on the weather conditions, so I make a recommendation to keep it.
- I'll second it.
- Okay, motion by Alder VanderLeest, receive in place on file, seconded by Alder Steuer, any other discussion? I think the ordinance is made for a reason to start at six. It'd be nice if we could bump it, you know? People could sleep, it'd be nice if we could do it every day 'til nine, but just not practical, so yeah, I'm for it. All in favor?
- [All] Aye.
- Opposed? Okay, that carries, thank you.
- Okay. Discussion with possible action on a resolution amending the procedure for accepting "Class B" liquor licenses. Staff?
- Yes, so as you may be aware, we are down to only one available liquor license from "B" in the reserves. Because of this, we've been looking into developing a policy or procedure to be able to fairly and efficiently review multiple applications when our available licenses are low, and we discovered that there was a resolution adopted by the council in 2005 that set forth a procedure. However, we determined that it would no longer satisfy a rational basis review, and could expose the city to liability. Accordingly, we have drafted this amended resolution to establish a procedure for the acceptance and review of "Class B" liquor licenses, which would satisfy a constitutional, rational basis review and it would provide a process that is both fair and efficient. So this resolution would preempt any prior resolution, setting forth a procedure moving forward for the review of "Class B" available applications.
- Has the police looked at this as well? PD's not really involved, are they per se?
- No, so this basically outlines a procedure for the committee and for council by which, when we have multiple applications coming forward, it sets forth criteria to review applications and that, when we have applications that meet all the criteria and are pretty much the same, then whoever is first in time would be first in line, to make it fair.
- And your job would stay the same, as far as security planning and everything is correct.
- Yep.
- Okay. Yes, Alder Steuer?
- Thank you, Chair. Joanne, I've just got to ask, in your estimation, what's the turnover yearly for licenses? Is there any?

- I would not--
- Or the place, I don't know.
- Big into gas. I'm just looking at kind of a housekeeping type thing, as far as numbers.
- Knowing what I know, I would probably say less than five.
- Less than five yearly?
- Yeah.
- All right, well, that's part of the issue, that's tight.
- And reserved license classes?
- 10,000, and we have 22 of those. There's also a cap on that.
- And how many of those are used?
- Only one. I believe Bobby Tam has that one.
- Who does?
- Bobby Tam, or Capital Buzz, I'm not sure who.
- So the cap, is it a bowler or a baseball cap? Any other questions? Take a motion, this will go on to council then, correct?
- Yep.
- So just to--
- To approve and then council would--
- Motion to approve?
- And then the resolution motion would pass.
- Motion.
- By Alder Stevens.
- I'll second.
- Seconded by Alder Steuer. No further discussion? All in favor?
- [All] Aye.
- Excuse me?
- Opposed?
- Randy?

- I'm sorry?
- Could you open the floor so I can--?
- Oh, I'm sorry, okay, I'm sorry. I didn't see you.
- Motion to open the floor?
- Definitely take out--
- Yeah, I'll make a motion.
- Motion to open the floor by Alder Steuer, seconded by Alder VanderLeest. Sorry, all in favor?
- [All] Aye.
- Opposed? Okay, yes?
- Don Mjelde, 840 South Broadway, Green Bay. Basically, I was just wondering, what was the old resolution for amending the procedure, and what's the difference between the one from 2005 and the one today? Everything on here looks pretty standard. I think it's kind of unprecedented, we haven't reached this point since my tenure as Tavern League president, so. We're a-growing!
- So the 2005 one, one of the criteria that was removed was the number of jobs created, the value of nature of improvements to the property, if any, removed the criteria of groups to which the proposed establishment intends to cater to, existence of outdoor facilities and live entertainment, unique character of the services or operation of the establishment, and then we added in that one, applicants are equally favorable, the preference would be given to the first in time. So it removed criteria that we felt would not satisfy a rational basis review by treating particular businesses or groups differently, and then tacked the other criteria that would be fair.
- And she was accurate, the spot fiberglass turnover ratio of the city per year, so thank you very much.
- Anything further, it's all good?
- Nope, that all sounds great, so thanks.
- Thanks for your input.
- Motion to close.
- Motion to close the floor by Alder Steuer.
- Seconded.
- Seconded by Alder VanderLeest, all in favor?
- [All] Aye.
- Opposed? We're back to, did you catch who made the motion and second for approving? Otherwise we do it over, because I don't remember.
- I was first.

- Okay, so it'd be Stevens and...?
- I didn't catch the close the floor, that was to close the floor.
- To close the floor, Alder Steuer made the motion, Alder VanderLeest seconded. Anybody want to third it?
- Double check that I have the votes and the motions. All rusty.
- That's all right.
- So the original motion to approve was made by Alder Stevens, seconded by Alder Steuer, and that was manners.
- Okay.
- So we're good for that one.
- We should vote now, I think.
- Re-vote?
- Yeah, because we opened the floor, right? Well, we didn't take any of the action off.
- You're not making any changes, so I think the original vote stands.
- So we're good?
- Mm-hmm.
- Okay. Let's move on to our next item.
- Okay.
- A little froze here, there we go. How do I do this? I got it, it was a little slow, but I'm there now.
Consideration with possible action on an application by Tapatio Jalisco, LLC, at 1638 University Avenue for a Class "A" Beverage and a "Class A" Liquor License with the license premises as "store", previously licensed as an individual, Ruben Rodriguez. Staff?
- Staff has no objections.
- [Police Officer] PD concurs.
- Motion to approve.
- Motion to approve by Alder Stevens.
- Seconded.
- Seconded by Alder Steuer. All in favor?
- [All] Aye. Opposed? That passes unanimously. Three, now this is a "Class B", so is this the last one?

- No, so these aren't available licenses, so it's changing ownership.
- Oh, they're just--
- They were previously licensed as an individual and then it's moving to an LLC.
- Right, right. We really can't issue another license until we get council approval, first thing?
- I'm not sure I understand.
- Well, once we get into the reserves, though. So we have one--
- We have one available, which is not on the agenda tonight because we needed to have the resolution in place--
- That's what I was--
- Before we take off--
- That's what I wanted to--
- The last one. The motion will be on the February 28th, the last one in February.
- Yep, okay. Then consideration with possible action on an application by Tapatio Jalisco, LLC, at 1638 University Avenue, for a "Class B" combination license, with the licensed premises as "restaurant, "waitstaff area, kitchen". Previously licensed as an individual, Ruben Rodriguez. Staff?
- Staff has no objections.
- [Police Officer] Police concur.
- Motion to approve.
- Motion to approve.
- Motion approved by Alder Steuer, seconded by Alder Stevens. All in favor?
- [All] Aye.
- Opposed? That passes unanimously. Consideration with possible action on an appeal by Gary Wisneski regarding his re-inspection fees. Staff, hi?
- Sir, Paul Van Calste is on his way. He's over 15 minutes out. Is that okay if we hold this until he gets here?
- Yes, we can certainly.
- I'm sorry, I just--
- I asked for seven minutes and he wouldn't be able to inspect, so he wouldn't give me seven minutes.
- Ooh, all right, I really want Paul to be here for this one. If that would be all right if we could just move that until he gets here. He's on his way right now.

- All right, motion to hold this item until Paul comes and then we'll put him in right after the item we're on. Motion by Alder Steuer, seconded by Alder VanderLeest. We wouldn't be able to make any decision until we had his input anyways, so you're kind of stuck, we're all stuck. All in favor?

- [All] Aye.

- Opposed? That passes, so we're holding that until he gets here. Item number... Well, this'll be four. Consideration with possible action on General Ordinance number 3-19, an ordinance amending Section 2.06 of Section nine, Green Bay Municipal Code, relating to reference to committees. Staff?

- Yes, so there has been some confusion in the past, excuse me, when communications are referred from alders at Council that could be addressed by more than one committee, when it kind of straddles a couple different topics, and so this ordinance would just alleviate that by designating a primary committee, who would then report out to Council. It's just kind of a housekeeping item, to make the process a little bit more clear.

- So Joanne, would that be... When would that take place? Would that take place at Council or when somebody brings this forward?

- Basically, the determination would be made when it's referred to a committee. That determination would be made at staff.

- At staff, okay.

- To make one committee the primary committee and if another committee has input on that particular item or that particular issue, that other committee can also have a discussion, it can also be on their agenda, but then they would report to the primary, and then the primary would report out to Council versus both--

- I figured those handle it.

- Reporting to Council.

- Let's handle that, Staff. That's fine, that's all I needed, thank you, that's all.

- Any other discussion, questions? Okay, motion?

- Motion to approve.

- Motion to approve by Alder Steuer, seconded by Alder Stevens, all in favor?

- [All] Aye.

- Opposed? That passes unanimously. Consideration with possible action on a request by Overtime Grill & Pub at 1423 South Broadway, to temporarily extend their licensed premises to the parking lot for a private event on June 29th. Staff?

- Law department doesn't have any objections. We'll defer to PD if they have any questions for the applicant.

- [Police Officer] Our question would be, pretty much, fencing or any type of barrier, plus if there will be security or what type of security on the parking lot for this event.

- Motion to open the floor.

- Motion to open the floor.

- Motion to open the floor by Alder Stevens, seconded by Alder Steuer, all in favor?
- [All] Aye.
- Opposed? Okay, it's open, have you filled out a form?
- I sorta did that, yeah.
- We'll just do it after.
- Do that after and state your name and address.
- Overtime bar. I'm looking to have a--
- Could you please first state your name and address?
- Randall De Greef, 1423 South Broadway.
- Okay, and?
- I'd like a one-day permit for an outdoor event. It's for my son's wedding. It's going to be a 10, 20 by 60, food will be catered by Mark, and just a one day event, actually. Not open to the public, private event. I'll be blocking off the parking lot with barriers.
- Time frame?
- It'll be about one o'clock, done by 10.
- That's a quick wedding.
- I can afford it one time, that's it. There'll be a DJ outside. Music will be done long before 10 o'clock. I know the ordinance is 10 o'clock for that. No alcohol will be served outside. There will be a kegerator for beer if that's permissible, and that's kind of why I'm asking for a permit for that.
- [Police Officer] And with the kegerator?
- A server out there.
- Okay.
- Yeah, a licensed server.
- And even with the tangle, they sure it's going to be private?
- Absolutely, pretty sure.
- Nobody going to come walking up and--?
- Nope, that's a good one for sure.
- [Police Officer] Police have had say.

- Anything else you care to add?
- I think that's good.
- Extend our congratulations.
- Thank you so much.
- Motion to close the floor? Alder VanderLeest, seconded by Alder Stevens, all in favor?
- [All] Aye.
- Opposed? What's your pushes, gentlemen?
- Motion to approve.
- Motion to approve by Alder Stevens, seconded by Alder Steuer, all in favor?
- [All] Aye.
- Opposed? That passes unanimously.
- Thank you.
- Consideration with possible action on a request by Skogan's Foodliner, Inc. at 2430 University Avenue to amend their liquor license's description--
- Um...
- Did I miss one?
- Yeah, number eight.
- Yeah, I'm sorry. Okay, consideration with possible action on an appeal by Rachel Anker regarding the denial of her operator's license. Staff?
- Yes, law department recommends denial of this appeal based on multiple felony drug convictions and other offenses that substantially relate to license activity as they indicate a propensity for repeated criminal behavior and disqualify the appellant as a habitual law offender and as a convicted felon under chapter 1.5.04 and I think you should have a copy of the denial memo, yep, in front of you.
- Yep.
- Make a motion to open the floor.
- Wait, wait, let them...
- [Police Officer] Police concur with law
- I apologize.
- Yep, that's fine. Motion to open the floor by Alder Steuer.

- Seconded.
- Seconded by Alder Stevens.
- All in favor?
- [All] Aye.
- Opposed? Okay, the floor's now open, so anybody here for this? Please step up. State your name and address and if you haven't filled out one of the forms, please fill those out before you go.
- My name's Trevor Commons, 1105 Klaus Street. I am Rachel's employer. I've sat at these meetings before where you've given people second chances. She deserves one, simple as that. She's a good employee, haven't had any problems with her. I don't know her record, but I don't believe it's alcohol-related. Those are my two cents.
- How long has she been working with you?
- Three years. And it kind of hinders us because we can't schedule her by herself, being that she doesn't have a liquor license, so I think it'd be good for her too. She could earn more income.
- Any other questions?
- I'd like to talk to her.
- Oh, well, anything else for this gentleman?
- You asked the question already.
- I got ya, I beat ya to it, ha ha ha! Sorry. Thank you.
- Thank you.
- Anyone else here for this? Please state your name and address.
- Rachel Anker, and 1267 Danena Drive. I went through a lot of-- Sorry, I'm like, super nervous.
- That's okay, take your time, no hurries.
- I've changed my life a lot since then. This is something that happened over five years ago. I went through four years of probation with no troubles. I was on an electric monitor when I was at Frets with no problems, and part of my probation, I went through two years of ABA counseling and behavioral counseling. I graduated college and held my job through all of it. I'm a functioning member of society, and I feel that the denial is saying otherwise, and I'm just hoping for another chance, or for a chance just in general. I've never had my bartender's license for Green Bay. I'd just like to be able to prove myself.
- Have you had a bartender's license for any other establishment?
- Ashwaubenon gave me an operator's license and I've had that for close to two years, I want to say.
- Okay. Questions?

- Rachel, thanks for coming in. I know it's not easy, but I appreciate you coming in. You mentioned Frets, that's where you're working right now?

- Mm-hmm.

- Do you have any other letters or anything from besides employers and anybody that you worked with?

- I have one from my--

- With you? And not work per se, but just any other letters of reference or anything that you've--

- From anybody.

- Anybody.

- I have one from my other boss.

- Okay.

- But like I said, you took some counseling and different things like that. I just was wondering if you have any documentation.

- Oh, I have... I did bring... That's the thing that they gave me, that they said I had the counseling and it says when I started, how many sessions I had, what I was treated for, and the duration.

- You went through it.

- And that's my discharge from Perdition.

- Okay, these are the things that are good, now that we can look at them. Okay, anything else?

- I think that's all of that, yes.

- If you'd like, you can have those back.

- Yeah, we just needed to see them. That's all I have at this moment.

- Anything else you'd care to add?

- Nothing.

- Thank you, thank you. Anyone else here for this item? Motion to close the floor?

- Second.

- No, no Motion by Alder VanderLeest to close the floor, seconded by Alder Stevens, all in favor?

- [All] Aye.

- Opposed, okay, the floor is now close-ed. What do you think, gentlemen?

- That convinced me, bringing that documentation forward. I'm all prepared to approve.

- Second.
- Seems like she certainly has changed her life around, ooh, I want to ask her what the degree was in. Oh well.
- You want to open the floor for that?
- Nah, nah, it's not that important, just curious. Doesn't matter, she got a degree, congratulations. I think she's turned her life around, she's already been issued a license from Ashwaubie, had it for two years, no problems. I have no problem here. Anything else, anybody else? All in favor?
- [All] Aye.
- Opposed? Okay, it passes unanimously. I should say that everything we do here is just a recommendation to the Council, which will be meeting on February 18th, so that's where the final say is.
- Bring your documentation.
- Thank you.
- We're all set.
- All set.
- Now...
- Skogen's. Consideration with possible action on a request by Skogen's Foodliner Inc at 2430 University Avenue to amend their liquor license description from "one story cement building SEP"--
- [Voice] Welcome to City Hall, where we'll find you.
- W&S?
- [Voice] Here, I have a little bit of a cold, everybody. We'll talk tonight about how the City of Green Bay works.
- What in the world?
- I am not sure.
- Do we have ghosts?
- [Voice] This room that you're in right now is the City Council chambers, so this is where--
- Yes, thank you. I wonder if they can hear us, hello?!
- Actually, it's fortuitous, because my computer froze.
- "Fortuitous", I haven't heard that word in a while.
- Fortuity?
- Fortuity.

- To a tee?

- Fortuity. We'll just wait it out. All right. Description from "one story cement building, "SEP W&S Storage and checkouts" to "one story cement building, "approximately 80,110 square feet "with separate wine and spirits storage and checkout "including designated stalls and parking lot "for online grocery pickup". Previously held at the October 18th, 2018 Protection and Policy meeting, thank you. Staff?

- I lost my place. Okay, so the Click and Collect ordinance that was set forth to regulate this type of activity was defeated at the last council meeting. It was not adopted. Accordingly, the staff recommends that this request be denied as we do not have an ordinance to adequately regulate click and collect sales.

- [Police Officer] Police concur.

- Did you want to speak on this?

- Sure, yes.

- Motion to open the floor?

- I motion to open the floor.

- Opened by Alder Steuer, seconded by Alder VanderLeest. All in favor?

- [All] Aye.

- Opposed? That's open, fill that out if you didn't.

- Yeah, I got one.

- Okay, and your name and address, please.

- It's Rick Teegarden, 2945 Emmaline Drive, Green Bay. So I guess my question would be, if we don't have an ordinance in place, how do we proceed to get an ordinance in place? I think in previous conversations, you know that we have 32 stores and approximately 25 of those stores have Click and Go. We're down to probably three of those 25 not having the ability to sell wine and spirits with the Click and Go program, with the Green Bay north store being one of the three. I guess, how can--?

- Well, you know, this got shot down once before, we brought it back and it passed, barely, and it got to the second reading and then got shot down again. We can try a third time, I don't know what kind of success. I would suggest before we try a third time that maybe any stores who are interested in this speak to alders and the mayor's office and try and get the support rounded because right now, I think if we just went for it right now, we're not going to get anywhere, unfortunately.

- I actually checked out the mayor just a few days ago and had a short little conversation, but yeah. So you're saying we proceed?

- We're stuck, we're stuck right now, those three stores are stuck right now, sorry.

- Well, they're not all in Green Bay, just us. We just have the two other ones, that are going through the same process.

- My advice would be to talk to some alders who voted against it, talk to someone in the mayor's office who passed the deciding vote, and perhaps after those conversations, contact staff.

- Or an alder.
- An alder, you can contact me, to put in another communication, we'll give 'er another run.
- All right, well, thank you very much. We'll do that.
- Thanks, sorry. Yes, Alder Dorff?
- Thank you, I just would like to know, can any of the alders put in another communication, or can it only be someone that voted?
- I don't think so.
- No, okay, well then I will be putting in another communication at the next Council meeting to come back to this committee to reconsider it.
- I would recommend not doing it at Council, because then it has to be published and that costs money. Just go to clerks and office and put in a communication or send it to me or whatever.
- About the ordinance?
- Yeah, sure.
- I will be putting that in, then, thank you.
- That's it, then, thank you. Mr. Meer, did you have a--?
- I got some special guests, I know you're in the middle of a meeting, and thank you for checking in. We have the Weeble scouts from St. Bernard Parish that are here learning from the government, and I'm like, you picked a good night. So, they spent some time in my office and I was just explaining how the committees work, and full Council, debates, the executive office, so I didn't want to interrupt, I just told them this was a good night to stop in and say hello to one of their twelve local representatives. They just want to wave goodnight.
- All right.
- Motion to close.
- Motion to close the floor by Alder Steuer, seconded by Alder Stevens, all in favor?
- [All] Aye.
- Opposed? The floor is now close-ed, so a motion to deny?
- Motion to receive placement file.
- Well, we'll be--
- Moving to deny.
- To deny, motion denied by Alder VanderLeest.
- Seconded.

- Seconded by Alder Steuer, all in favor?
- [All] Aye.
- Opposed? I should almost oppose it just for fun.
- I forgot to mention, to deny a liquor license, we need to state on the record the basis for that denial.
- So the basis would be that we have no ordinance to regulate this license.
- Perfect.
- We're not denying, we're just amending it.
- Well, we're denying because this is being denied. It doesn't affect their other license.
- It's just for the delivery.
- They're just amending it.
- We're denying the amend.
- Okay.
- Consideration with possible action on a request by Ultimate Mart, LLC, at 1819 Main Street to amend their liquor license to read, "one story retail grocery and liquor "at 1819 Main Street, "including the exterior parking stalls specifically designed "for the online merchandise order and pickup service "and the pathway utilized to access the parking stall". I take it this is the same?
- Yes, the same. The staff recommendation would be the same, to deny.
- I concur.
- Anybody here just to speak on this? Okay, motion to open the floor?
- Motion to open the floor.
- By Alder Steuer, seconded by Alder Stevens, all in favor?
- [All] Aye.
- Opposed, okay, make sure you fill out the form, please, if you haven't.
- I did.
- Okay, state your name and address, please.
- Yes, my name is Breanna Cotton, I work for one of these supermarkets, my address is 875 East Wisconsin Avenue, Milwaukee. I'm here for the same request for our pickup service in order to provide a full service to the community. We would really like to include this at the store, as well as it's already been approved at the Ashwaubenon store and developing stores. We'd really like to be able to provide citizens of Green Bay the

same things we provide everybody else. I heard, obviously I was here for the last motion, so I look forward to further discussion on this.

- Me too. Any questions or anything? Okay, thank you.

- Thank you.

- Motion to close?

- Motion to close.

- Motion to close by Alder Steuer.

- Second.

- Second by Alder VanderLeest, all in favor?

- [All] Aye.

- Opposed? Floor is now close-ed, motion to deny? Alder VanderLeest, seconded by Alder Stevens. All in favor?

- [All] Aye.

- Opposed, okay, that's pretty good timing.

- And the basis is the same that there's no ordinance.

- This is the same, there's no ordinance to enforce. And we voted. And now we can go back, number four on our old agenda. Are we ready to go?

- Yes, we are ready to go.

- Consideration with possible action on an appeal by Gary Wisneski regarding his re-inspection fees. Staff, you're up. I hope you caught your breath.

- I did, yes. The package should be with the information you have. I don't have anything new to add at this point. I'll just have to comment on whatever Gary has to say, because everything's in the packet that's prepared for you.

- Okay, does anyone have any questions for staff on this?

- Not at this moment, maybe afterwards.

- Thanks, then. Take a motion to open the floor?

- Motion to open the floor.

- Second.

- Motion by Alder Steuer, second by Alder Stevens, all in favor?

- [All] Aye.

- Opposed? Okay, the floor's now open.

- Gary Wisneski, 773 East River Drive, De Pere, Wisconsin.

- Thank you.

- I've been bombarded with re-inspection fees. I don't know why, it was given three different dates in which to complete the work that the tenant has caused to my rental properties. Yet they were only out there four times for inspections, one more than what they were originally going to schedule, and I got four re-inspection fees. It was a lot of work, there was a lot of trash. I hauled out about 16 garbage bags and three full pickup trucks out of there. A lot of repair caused by the tenant. A lot of cleaning needed to be done and they didn't give us a whole lot of time to do it. Brenda was the inspector for that particular property. She called one day to get the place inspected, or re-inspected, and I couldn't make it, my manager couldn't make it, so she gave her the combination, the lockbox combination, so she could just open it up, get the key, and go in to take a look at it. I didn't know why she wanted to go back in there, because we weren't done yet, but she went back in there, saying the place isn't done. Well, she gave us three different dates to get the stuff done. She gave us three inspection fees on that, even though we still had a couple more dates to go. Second time, she set up a appointment when I'm driving in my truck, I had nothing to write with, and she gave me a date and I asked her to give me a call when she's on her way so I can meet her. That day of that inspection, I called her at nine o'clock in the morning saying, "listen, what time is it? "Because I want to make sure I'm there." I waited all morning for that call, she never called me. Finally, I get a call, I'm sitting by my desk, I get a call, I'm in De Pere, she says, "we're here, where are you?" I says, "I'll be right there. "I was expecting a call so I could meet you." I get another call when I'm in Ashwaubenon, halfway there, and they says, "where are you? "We want to get in this place." I told them, I said, "Well, "use the combination and get in." "We don't have the combination." My manager gave it to her, what did she do with it? Expecting we'd know what that combination was right off the top of my head? I said, "it's in my phone, give me a minute. "I can look it up, call me back." Taking me about 45 seconds, I almost had it, but then nothing, they left on me. I get all the way down there, they couldn't wait. I asked Jason, he was with her. I asked him, "give me seven minutes, I'll be there." They couldn't give me seven minutes. The inspection person asked for 15 here, they got it. I couldn't have seven? You know, I didn't do anything wrong. I didn't even rent to this lady, I didn't damage the place. It says right in this inspection report that it's the tenant's responsibility to keep it clean. Did she get any fines, did she get any orders to do the cleaning, did she get any of these fees? Nothing. They come onto me, talking to me over the phone, like I'm some kind of lowlife and I don't deserve anything. That's the way I've been treated. I feel like I'm nothing to nobody, and I'm not that way. I was awarded last week as Volunteer of the Week for the Brown County Volunteer Center. I give a lot of my time to different organizations, Saint John Homeless Shelter for two years. Meyer Theatre, I volunteered for, Evergreen Theater, I volunteered for. If I got to pay this money out, it's coming from the donations that I give out to this community, because I'm not taking the money from the food from my table to pay these fees. I just think they're excessive. I talked to Cheryl Renier-Wigg, I said, "what is it with all these fees?" She says, "well, get used to it, "because we're going to be giving them all right and left." So I don't know if this is Green Bay's having financial problems, that they're looking at this as another way of taxing the people, but I just don't think it's right. I think I should be treated better than what I have been treated over the phone and in person with the inspection department. So I'm asking for these fees to be dropped. They got done, they got completed, it was a lot of work. I got it done within a pretty reasonable amount of time. The last inspection fee I got from the plumbing inspector, Jason, I believe his name was. All along, he accused me of being the one who did some illegal plumbing. I told him, I did not, yet he talks to me and he accuses me like I'm the one that's doing the plumbing work, and I didn't do any work on the plumbing. Instead of him just warning me, saying, "you ever do it again, "we're going to give you a fine," he gives me another inspection fee. He says, "I don't even have to go out there "to get that re-inspection fee. "All I have to do is open the file, "I'm going to give you another one." And he did, he opened the file, gave me another one, then after he did it, he gave me a warning, "Do not do any inspections." I mean really, do you have to be that bad to be a Green Bay inspector? I'm at a loss as to why they have to behave in such a way. I'm not a criminal, I didn't do this work, all this damage. It's my own property that got damaged, too. I've lost a lot of money fixing

this place up and that was destroyed by a tenant that I didn't rent to. My manager did. So I'm asking for these fees to be dropped. I'm just asking for the City of Green Bay to be reasonable. I was reasonable, more than reasonable. They make mistakes, they don't write down the combination, they don't come on time, they get away with everything. I can't get away with anything. I'm just asking to be treated equal here, you know? That was a lot of work, I can show you the pictures the city had of the damage done and the trash and everything. Pages and pages of it, and they expected me to get it done in less than a month's time. Here's pictures of it, here's orders, here's a copy of my announcement. I just don't think they were very reasonable. I just don't think they're very nice people. It's not what I would think Green Bay would want to be known for.

- I have a couple questions.

- Yep, yep, let's start with Alder VanderLeest.

- I was going to ask you, Gary, how did the City of Green Bay Inspecting Department get involved with this project, with your property?

- You know, there was a phone call. This is what I was told, because I wasn't witnessing any of this first hand. There was a phone call by the tenant. They thought somebody was in their basement, so they called the police department. Police came in to inspect, to see if anybody was there, they brought their dogs to make sure there was no one hiding in the basement, and it was all clear that there wasn't anybody there. But they were shocked, I believe, by the way this lady kept the house, and I think I would have been, too, if I woulda had a chance. Well, I did have a chance to see it after she cleaned up some of it. That's how they got involved, is the police department, after seeing the housekeeping skills that she had, they called the inspection department.

- Okay, there's a pretty extensive type of cleanup, from the pictures.

- Yeah.

- What is the actual amount of the fees that you were assessed as far as the re-inspection fees? How much are the fees total?

- It's either 200 or 250. I'm not sure if there was four of them or five of them.

- I thought it was 200.

- Four of them, then?

- So 200, I'm asking him.

- 200. Any other questions?

- That's all the questions I have, thank you.

- Alder Stevens?

- Out of curiosity, was this resident still here while this was all going on?

- She was here for part of it. They had a problem getting in and inspected originally, Brenda did, because the mother wasn't home, the child wasn't going to let her in, so she came back later that day to get in to do the inspection, and put orders right on there that she needed to clean the place up. I'm sorry, does that answer your question?

- Sure, and out of curiosity, how often do you inspect your own properties?

- I hire--
- Because the photos we're seeing here... This doesn't happen overnight.
- I'm not a slumlord, I hire a very professional manager to take care of these properties.
- Does she still work here?
- She slipped up. Told me that she slipped up. Obviously she did on picking this one, and I wasn't happy about it, because it doesn't cost her anything out of her pocket to let a bad one slip by, but it cost me an awful lot and I'm not happy about it.
- Well, don't get me wrong. I'm in the same type of business you're in. This is quite a lot.
- Other questions?
- Not right now.
- Alder Steuer?
- Thank you.
- So thank you.
- Well, thanks, Gary, I'm going to ask.
- Few more questions.
- There's a couple things here. You have 12 other units and they said there's been 18 complaints over the last number of years. Can you talk about that a little bit?
- Sure I can.
- Just for information.
- Summarize it. You know, the City of Green Bay is looking for low income housing for people in this area. They want reasonable rents. I understand that, but in the meantime, they're attracting people from other areas that are a little bit undesirable, from Racine and Milwaukee and Chicago and stuff. Some of these people are good. They're hard to check out when they're from Cook County and you're looking online to see where they lived in the past three times, from their activities. So some of them slip through, and when they do, you give them a five-day eviction notice, and when you give them a five-day eviction notice, the majority of them call the inspection department and before the inspection department gets here, they will damage the property and point out every single thing that they broke and every single thing that was wrong, in one way or another, through wear and tear or whatever the case may be, and it's revenge. It's revenge from getting back at the landlord. They want to give as much grief and as much expense as they can for revenge for getting evicted. If the inspection department come right out, right away when they get there, say, "have you been evicted?" You know, probably 60% would say yes, and now they know why they're there. They don't care why they're there. They're there for one reason and one reason only, to keep the housing code up to standard. They don't care who broke it, how it got done. They just want everything up to standard code. That's their job.
- The reason I asked is that we as alders, we go out in our districts quite a bit.

- Enough questions?

- All in all, but I'm just--

- Okay, go ahead.

- Getting to the point, just looking at, the properties have had that type issue, and I guess, for me, if you have 18 complaints and you're saying it's revenge-related, I can't see maybe every one of those being like that. I guess this is a he-said, she-said kind of thing. We're just trying to gather data here.

- The one before this was open to people, took a hammer or some hard object and smashed all the strikers in the doors so they couldn't lock. So I got written up on 719 Oakland to fix these doors, they don't lock properly. Well come on, it's common sense. Would they have rented that place if none of the doors locked? Just a coincidence the front door, back door, and the garage surface door don't lock, and they're all damaged strikers. And the one before that was Monroe Street. It was a tenant that's getting evicted and they called the city and the city found some things, they got fixed right away, the other thing was steps on the back of the unit, because originally the porch didn't have a door on it. Homeless people were coming under the porch and sleeping there at night. Police couldn't control that, the behavior of the people, so landlord must have put doors on it, because when I bought it, there were doors on it. Putting doors on it made the steps illegal, so I got written up for illegal steps that I need to replace.

- All right, that's all I have for now, but thanks.

- I need a clarification. Okay, this looks like this all started November 1st of last year. Was this tenant still occupying this unit?

- Yes.

- And when did she vacate the property?

- I don't know. I would believe it was sometime in November, though.

- Okay, because their inspections are 10 days, so this should have been cleaned up in 10 days. If she was still there, she should have been helping you.

- We didn't even start cleaning until she was out of that place.

- I'm just saying a lot of this is the tenant's responsibility as well as the owner. Okay, thank you for clarifying.

- Alder VanderLeest?

- Gary, one other question. On the properties you own in Green Bay, is this the only re-inspection fees that you owe the City of Green Bay at this time?

- That's the only ones I ever got in my life.

- Okay, well then thank you for that information.

- Any other questions? Anything else you care to add?

- Not at this time.

- Okay, we'll leave the floor open. Anything from staff? Okay.

- I'd like to talk to staff.
- Questions, then?
- Would you like to come up, sir? As far as the timeframe that Gary was dealing with, there's four inspection fees related to this?
- Yep.
- Was there any confusion as far as in other words, getting in the place or whatever?
- There was, in the last incidence where they tried to get in, they couldn't get in. The combination that they gave them on the phone didn't work, and then he was going to look up another one. There wasn't enough time. He didn't call back and then our guys called him, and it was still five minutes later and he didn't have it, so they decided to leave.
- For that one, they needed two inspectors?
- Brenda was going as the chief inspector for the inside of the building, Jason was there as the plumbing inspector checking out the plumbwork that was done.
- Well, I'm just going to ask, it just seemed like Gary was talking about a little disconnect between your department and him, on previous times when he was driving over and that type of thing. Can you relate much on that as far as the seven minutes that he needed to get over there?
- Not without polling phone logs to see whether it was truly seven minutes.
- Well, sometimes that type of thing can happen.
- It was a set appointment that was scheduled, which is why Brenda and Jason went at that time. He didn't write it down or forgot. He said he called the office, which is entirely possible and quite probable, but by nine o'clock, they're out in the field already. They don't check their desk phones when they're out in the field. They do when they come back at the end of the day, and not driving around.
- Well, I realize that they have a certain number of inspections that they do during the course of the day, but there's no way to contact them while they're out in the field, let's say something came up?
- He could have called the front office, and the front office could call the inspectors in the field. They don't give their cellphone numbers.
- No, I understand that.
- It's too much.
- I was going to ask Gary, if he cut this fee in half, from \$200 to \$100, would you be comfortable with that? Because he did have to make four trips out there. They didn't make four trips out there, and I know there was some confusion, so if they would cut that fee from \$200 to \$100?
- Brenda wouldn't have had to if she would have called me when she was on her way, I would have been there. Jason, this last one I got, he didn't have to give it to me. He could have gave me a warning not to do any plumbing and be done with it, close the file, but no, he wanted to give me one more, saying I looked at the file, now I gave you a warning. I'd be willing to pay one. I think it's more than reasonable.

- Would you re-consider half, in other words half of the fees that they're asking for? They're asking for \$200, is that correct? Would you be comfortable with cutting it in half?

- No, I wouldn't.

- You said no?

- I mean, she had the combination. She could have went in and she didn't.

- There was some confusion on the combination, whatever, that they didn't get in. But they still had to make four trips out there.

- But she scheduled for three different times to go out there. She didn't go out there in January, the last time she was supposed to, because we got it done before that. So I mean, if you take the three times and three different dates that she had to go inspect the place, that'd be three times. I'll pick the one inspection fee that she had to go for a fourth time.

- They went for two inspection times and those are the two that they charged her. This whole thing started back in November, gave him until middle of December to make corrections, and then the re-inspection date was set for that December. It wasn't done, the inspection fee was charged, then they did the second one with a set time, and he wasn't there. Those are the two trips, with two inspection fees for each of them.

- Well, looks like that re-inspection was 45 days after the initial complaint. That's quite a long time.

- Alder Steuer?

- Okay, thanks. Paul, I... The floor's still open, correct?

- Right.

- Gary, what we're trying to do here is maybe find some kind of compromise here. I mean, I know that you feel that it's unjustified. I kind of concur with Alder VanderLeest on this as far as trying to find a happy medium, and I agree with Alder Stevens as far as the fact that the pictures that I see here seem like this took some period of time to get to that point. He's in the apartment business and he sees things, so I just feel like there was some, I don't want to say negligence, but just a lack of effort, maybe through your property manager. I concur with Alder VanderLeest.

- Stick that type of discussion. Let's get the information.

- That's all. That's all I've got.

- Let me show you one more piece of evidence. It shows that everything was corrected on 12-28. On 01-02, Jason went ahead and gave an inspection to me after everything was done, re-inspection fee just because he turned on his computer.

- Oh, the 01-02 inspection that you're referring to was actually from the 27th. With the holidays and stuff in there, the invoicing and whatnot, it occurred on the second, but actually the inspection was from the 27th.

- I think one question I have, Paul, is that some of these inspection fees, some could take one minute, some could take half hour. Is there any rhyme or reason as far as timeframe for some of this?

- For what, the dollar amount?

- Yeah, the dollar amount. In the mark of time, I know they're all different.
- They're all different. So right now, the \$50 is the flat fee that has been established in the past, not under me, but I'd like to look at that. It's been established as that's quote-unquote the max that we can charge right now for an inspection fee based on time and mileage and whatnot that goes into it. I don't think it's high enough, based on everything that goes into the inspection.
- That's all I have right now.
- If a property owner needs more time, is there a process? can they call and say, can I get another week?
- Yeah, we advocate working with us to come up with a plan to make the improvements or changes or corrections that have to be done. By the time we get to the inspection, re-inspection process, those avenues haven't been, I mean, they've been pursued, but with no results, so this is when we go into the re-inspection fee process, because we got to make a point. We can't keep going around. In the past, we used to go back for free, but you don't get anywhere, the issues still stand, you don't get resolution on what you're trying to resolve.
- Just a minute, you'll get a chance. And when it comes to the renters, what responsibilities? They're partly responsible too. How do we factor that in, can we?
- We don't, really. Yes, they did some of it, but our onus is on the homeowner. The landlord is the one that's doing the rental, and is accountable for the building. If we had to track down and prove on every case that the tenant did that, it wasn't the landlord, so on and so forth, we would get nowhere.
- Would that be more on the landlords, you go after them?
- Yes, it's after the fact, they can pursue that, the individual that they chose to rent to.
- As well as going after the management company?
- Correct.
- Alder Galvin. Alder Galvin has something.
- I'm sorry, Alder Galvin?
- [Galvin] The landlords can also have them charged in municipal court with criminal damage to rental property, and they can also have them charged for failure to pay rent. That way, they're convicted. It follows them through CCAP, so when other landlords in the future are going to do a background check on them, they can see these crimes, they've been charged and convicted of it. So that was a tool that was put in place several years ago to assist the landlord. They again have to be the ones all that file the complaint and follow through with the charges.
- Thank you, that's helpful. Why a CCAP? Why not a B-Cap?
- I hope that's a very normal thing. Gary, after listening to some of this, what Alder Galvin brought up and what Paul's brought up, do you still feel unjustified that things didn't work out your way? I mean, like I said, you could pursue it, you could pursue these tenants.
- That's a joke, you know.

- Well, I'm just asking. I'm just asking what your--

- Of course we're going to go to CCAP and put it out there so other landlords don't get burnt by this lady, but that's \$90 that I'm going to forfeit in addition to all the money that she cost me just so other landlords don't get burnt. You mentioned the fact that there was no work done when they did an inspection, so of course they're going to do a re-inspection fee so that you get this landlord going here. That's not the case in this case. There was quite a bit of work done when they came and inspected the first time. There was a quite a bit more done the second, as a matter of fact. She added some more stuff to the list. There was progress and there was two different, like I said, there was three different times that it should be corrected by, last one being January 14th. It was closed before the first of January. Everything was done, so she didn't have to come out on the 14th of January to do any inspections. You've seen the inspection right there.

- Well, it did sound like, Paul was mentioning that there were times that were set up for you to be there and for whatever reason, you weren't. Even though you said, "well, you know, "I was here, I was there," what have you, you know, we're all busy, but I think when they set up the times and you weren't there--

- Well, I know. Sorry.

- Go ahead.

- I was there for the closing one, where Brenda went through and the plumber went through, and said everything looks good. I tried to be, I called her at nine o'clock in the morning to make sure I could catch her before she leaves for her day so that she can return my call and give me the exact time so I'm there, but she informed me that she didn't come in until noon and she didn't even bother going to her office to answer any of the messages, she went straight out to the field, and that's why she didn't catch my message at nine o'clock because she didn't go in until noon that day. But she still told me she would call me when she was on the way and she didn't. She called me after she was sitting there, after she got there, which didn't give me enough time to get there to meet her. A technicality, yes, but it's like... She didn't return my phone call, you know. Sure, I made a couple mistakes, she made a couple mistakes. Let's call it a wash, it's freezing out there. I got the work done, less than two months time. That's what they want, they want results and they got it.

- Was there--

- I have a question.

- I'll play.

- So when you have to go to the property to do the inspection, because you have a re-inspection here, do you notify them that you're coming out to make sure the work is done?

- In this particular case, I don't know if they did, but in this one, they had a set time. This one I know they did. But in general, do I know?

- It's like 10 days, right?

- It all varies, that's one of the things we're working on to get tighter so that there is less variability in what the times are for this, for cleaning things up and addressing issues.

- That's all I have.

- I got something, but it's for later, it's not really pertinent here. Maybe something to think about.

- Motion to close.

- Anything else, anything else? Just one. When this all started and they gave you 45 days, you were part of that discussion, and if you needed more time, was there a reason why you didn't call and negotiate that with staff?

- I don't think time was the issue here. It's just communication and getting there at the right time. Because like I said, we got it done before the end of December, and her last case, last inspection that she has here for number seven, keeping the living on sanitizing cluttered state, gave until January 14th to get that done. I did get it done in time, that's not the issue, it's just that they're throwing this stuff out like, these fees, they're throwing them out like they're desperate to stay in business.

- But the re-inspection fees start after a time has been set for you to get the work done, and if you needed more time before they start re-inspecting, that could have all been avoided if you called and talked to staff about saying, "I've got so much, I'm making pretty good progress, "I've got so much done, I need this much more time, "15 more days, 16 and a half more days," whatever. Then they don't even come out to re-inspect until after that time.

- I did call her in the morning at nine o'clock to say that I can meet you, I don't need the time, we can go ahead and do the inspection at nine o'clock, but she didn't check her messages.

- But they did come out and there was still work to be done.

- They didn't have building, since she didn't bring the code with her, and she didn't bother going through the door and she wasn't willing to wait seven minutes for me to get there to let them in.

- But at that time, all the work was done?

- They just didn't go in.

- We're convoluting two different things. The first re-inspection fee was December 12th. So way back in November, wrote the orders, get it cleaned up, we're coming back on the 12th. They went back on the 12th, still had all these issues that were unresolved. They gave him more time and set up another re-inspection, that was the 27th. Then at that one, it passed, but they couldn't get in, so they had to come back with a pass. They couldn't get in, so they came back the last time they did it.

- And that passed?

- Yes.

- Right, but what I'm trying to get at, is that even before we get to the re-inspect, I mean, you went once and there was still work to do.

- Right.

- If you had contacted staff and extended that time, they wouldn't have even have come out once, because even if they come out once, there's a fee, correct?

- That was my question.

- No, there isn't. So let's say that on November, when we did the orders, on December 12th, we were coming back for the re-inspection. If it passes, good, everything's done, no re-inspection fee. It got a re-inspection fee because it didn't pass. And the re-inspection fee on the 27th was because they couldn't get in. They wasted a trip to go back there.

- I have a question. So if everything was done within, say, this 45 days here, you wouldn't have charged that \$50 fee?

- Correct.

- So would you be willing to accept \$150? For this whole inspection? Just take the \$50 off for that one day?

- For which day?

- The 12th.

- They go in twos, so both Brenda and Jason went there, because of the issues, and Brenda and Jason went on the second one, so it's \$200 dollars. There were plumbing issues that were illegally done, and that's part of the side story that's not all in here, trying to get to the bottom of how that happened. There was nothing provided to explain who did the work, and Jason was trying to get to the bottom of it and figure that out. So no, there's two inspections by each of them.

- So the inspection fees, the \$200, are for the inspection department. Inspection is above and beyond that?

- No, that is their--

- That was all part of it?

- Yeah.

- Okay.

- Two people went, so there were two \$50 re-inspections.

- So why did two people go?

- Because there was a plumbing violation and Brenda has the housing and zoning relative to all the pictures you saw.

- Got it.

- Plumbers don't get into that part. They each have their own responsibility.

- Alder Dorff?

- Thank you. I'll put it in the form of a question, since we're in Jeopardy here. So we have a process in the city. We have an inspection fee process that we've approved. We think that we are doing the right thing. As you've stated, if you don't have the fee, there's no teeth to it, so nothing happens. So let's see, how can I put this in the form of a question? Why would we reduce the amount of the fee? Why would we not support our department and our inspectors who we should be trusting, who are trained to do this or experienced in doing this, and they're just following the process that we, as alders, that we as the City have put in place? Why should we not charge the full fee? That's my question.

- I can't answer that. It would be charged.

- Thank you.

- I mean, the last time there was goodwill to it.

- That one had--
- That was different.
- This is pretty straight up.
- Any other questions for anyone involved? Any other last statements you'd care to make before we close the floor?
- I just think they went overboard on the fees. I mean, if there was one time that you'd write off, there would be \$100, because there's \$100 a crack, it was two times that. If they would have waited the seven minutes, let me let them in or if they would have brought the code, or used the code that they were given, there wouldn't have been that second fee. There would have only been the one fee. It's \$100 a crack, that's not \$50 a crack, it's 100.
- Right, because there's two of them.
- And they're just-- It's not like they went there and nothing was done. I got nearly all the work done. The second time they went there, it was done.
- Gary, I just had a question of, this whole thing with the plumbing, to me it seems like the work was done by someone and there was no permit for it. What's your take on that?
- No, the work was done, the work was done by a guy that rents from me.
- Which, by code, you can't do. You got to have a license to come and do the work, which Gary knows.
- No, it was minor plumbing. It states in the state laws that minor plumbing is allowed by tenants. Matter of fact, it's their responsibility to do the minor plumbing when you want to put little rubber gaskets in because it's leaking, you got a trap to put on. Minor plumbing, you don't have to have a license for it. What I did not know is, you don't have to have a license to put a rubber gasket in, but he informed me that you do have to have a license to put a trap on. That, I did not know, and this guy went ahead and did it. Well, I thought he did it, his buddy did it, but I paid cash so when he asked me who did it, I told him who did it, I cooperated with him, I told him where he lived, I didn't have his phone number, but instead he didn't want to believe me that this guy did it, then turned around, gave me a warning anyway.
- I think part of it is the fact that you have 12 different units and these are things that ignorance is not an excuse. I think in something like this, that's something that, no matter how trivial you think it is, I still think it's important that you know that. That's just my take, that's all I got.
- Anything else?
- I had a manager to handle this, and I'm sorry that she didn't do a better job. I just think that the City of Green Bay should be a little more reasonable and not so cold-hearted as they are.
- Thank you.
- Motion to close the floor.
- Motion to close the floor by Alder Steuer, seconded by Alder VanderLeest, all in favor?
- [All] Aye.

- Oppose-ed? The floor is now close-ed. Gentlemen, what are you thinking?

- I think it's kind of a learning curve, I think for the landlord, and I know there's some confusion on the city side. I know that we try to collect our inspection fees. They've been out there a few times. My recommendation would be to charge him \$100. I think that's more than reasonable. That's what I think, that's my proposal.

- Discussion on that?

- I think initially, I was in favor of that, but I think after hearing about the plumbing issue and a couple other things, that I'm starting to change my mind. I'm pretty sure Alder Dorff and Alder Galvin stating that. I feel that the fees should be paid. That's my motion.

- Motion, we got a motion to deny the appeal. Do we have a second?

- Second.

- Second by Alder Stevens. More discussion? No, okay, I'll just say that, I think your management let you down big time and they owe you, but that's between you and them, I'm afraid. Our inspectors are working hard, they're out there working, but we're in the process of changing, making things more efficient, more workable. I don't think our staff is terribly negligent in any way. I think you need to go after your management to recoup your losses here. They're the ones who, I think, have really dropped the ball on this in a lot of ways. I'm in agreement, all in favor?

- Aye.

- Aye.

- Opposed?

- Nay.

- Okay.

- Do you want to do an overall call vote?

- Oh, nay? Okay, yep.

- It's all nos.

- Yes, deny. Oh, I'm sorry. No denies the appeal, right?

- Because it's a motion to deny, yes denies the appeal.

- Yes denies the appeal, okay.

- It didn't work.

- It's not working? I think because I marked it all as yes.

- Can we just clear it out?

- Say that again.
- I can just do it by hand, just manually put it in. Alder Stevens with a yes vote?
- Yes.
- Yes to deny?
- Yes to deny.
- Alder VanderLeest is a no to deny?
- No to deny.
- Alder Steuer is a yes to deny?
- Yes.
- And Alder Scannell is a yes to deny.
- Yes.
- Okay, that passes on the vote of three to one.
- And that is...
- The Council?
- Goes to Council, thank you!
- You want to take a break? A five minute break? How about a seven minute break? I think there's a couple of us that are going to be. Motion to take a break for seven minutes? Okay, we don't need a motion to come back in session, do we?
- I think we probably do.
- Motion to resume?
- Resume. Motion to resume by Alder Steuer, seconded by Alder VanderLeest, all in favor to get it going again?
- [All] Aye.
- Opposed? We're rocking and a-rolling.
- Number 11?
- Wait one sec. Okay.
- Consideration with possible action on an application for a "Class B" Combination License by V3, LLC, at 2056 Main Street Suite One, with a licensed premise description as, "bar, walk in cooler, storage," previously V3 Entertainment, LLC. Staff?

- Yes, staff's recommendation would be to deny this application based on prior convictions of the applicant for several offenses, including three OWIs, sets of Jan Shu Wright, to the present, and which would disqualify the applicant as a habitual law offender under 125.04. The offenses should be detailed in your memo. As our recommendation was to deny based on prior convictions, the law requires that we provide the applicant an opportunity to present evidence of rehabilitation and fitness to engage in the license activity. Normally, this would require us to hold the application to allow the applicant to bring forward any evidence, but it's my understanding that the applicant has submitted a statement with the application and wishes to present that as his evidence for the committee to hear. I also believe Police Department has some comments and recommendations that they would like to share with respect to their contact with the applicant in relation to his involvement with the Catch-22 Bar, another licensed establishment in the city.

- Well, the police, yep.

- [Police Officer] Okay, I read over the applicant's letter and in it, he told you that his conviction for the possession of a prescription medication was just acetaminophen. That was a lie. I did research and he was convicted of possessing Percocet, which is a narcotic, so it wasn't Advil or something minor, it was a pretty substantial drug that he had on him, and it was more than three pills. If I remember right, it was six or seven pills that he got caught with. That was an Ashwaubenon case. Going through the applicant's history with the police department, going back all the way to 1994, it seems like once a year, every odd year, we were having contact with him for various offenses. Some were municipal, some were referred over to Circuit Court that were charged, some were not charged. The three OWIs, as the law department said, one was recent, as recent as 2017. In terms of him being part of an owner with Catch-22, I could tell you from my experience working night shift when this was all going on, we devoted an exorbitant amount of resources responding to that bar based on the two bar owners or people on the license not getting along. I'm not placing blame on one or the other. Our concern is that if he enters into another agreement with another bar owner or somebody and the business isn't working out, are we going to fall under the same thing, where equipment's being removed from the bar so we're being called there left and right, claiming there's burglaries, claiming there's robberies. I could tell you, we probably devoted at his former establishment that he owned, easily 50 man-hours at a minimum just to try and deal with the situation. For all those reasons, the Police Department recommends denying of this license.

- Questions for staff?

- Motion to open the floor.

- Motion to open the floor by Alder Steuer, seconded by Alder VanderLeest, all in favor?

- [All] Aye.

- Opposed? Floor is now open, is there anybody here for this? I suppose we should have asked that first. Please step up, state your name and address. If you haven't filled out one of the forms, please fill those out before you go.

- I'm Jerry McLeod, 3681 Pine Grove Road. I made some mistakes back in the future, a long time ago, but that was like 20 years ago and that's my first couple DWIs. I had some troubles with an ex. And then for Catch-22, I was not involved in all those police calls. I signed off on that bar on February 1st of last year and ever since then is when it all went downhill from there. I had nothing to do with that. I own another bar in Hilbert, and I have had that for over a year now and I have a liquor license for that and I'm aging on that, and I have no police calls, no nothing on that either.

- I think one of the questions I have here, your letter, you're speaking on, yeah, I was having a tough situation, or you were just talking about various things and it seems to me that I know you're apologetic, but I think part of it is accountability. Reading this, I didn't feel you were as accountable in some of this, not making excuses, it

was you, but it just seemed to me that you were not as accountable and responsible as you could have been. If you can tell me otherwise, I'd like to hear it.

- I bought the bar from my brother-in-law and my sister. I've been running it for the last couple months now. I just can't do anything with it until I get a liquor license. I don't know, I mean, as far as Catch-22, I was there first year, we didn't have no police calls until after the whole mess started. It just turned into a big mess and I had to get out of it, so we wrote up an agreement, I signed off on it, and that's his fault that it turned sour.

- Okay, that's all I have right now.

- As far as 2017, there was a third OWI?

- Yes.

- And you've had this bar in Hobart for a year?

- Hilbert.

- Hilbert!

- For over a year, I've had it. I got it last year in December, and I've been operating it for over a year now. I've had no police phone calls, I've had no problems out there at all.

- Okay, any other questions with this? Anything else you care to add?

- No.

- Okay, thank you.

- Motion to close the floor.

- Motion to close the floor by Alder Steuer.

- Somebody else wants to come up.

- Oh, sir, I'm sorry, okay.

- Chris Jansen, 1754 Maxwell Court, De Pere. I'm the current license holder of V3. Jerry is my brother-in-law. I want him to take it over. I think he's capable of doing it. I was around for all of the Catch-22 stuff. I know what happened. He wasn't a part of it. He had restraining orders, she broke them, she was the one going to jail, not him. I don't think you can hold it against him when it wasn't him. So when they opened that bar, it was a 50-50 ownership. She did some shady stuff. She got him removed from the paperwork. Legally, it doesn't show that he ever was a part owner of it, even though he was. Her and her accountant, they did some shady stuff. They got him out. He fought for what he could, but in the end, the restraining orders were on her, not on him. She's the one that got convicted of all kinds of stuff. She's the one that went to jail for it, not him. He's been running his bar in Hilbert, I think it's been over a year now. He's got no issues there. No violations, he's done a really good job of it, and I think he'll do a really good job here. It's a good establishment. We've had it open for almost two years now. It's good clientele and I think he'll do real well there.

- So you'd be the co-owner?

- Nope, not at all. I'm passing it over to him completely.

- That's what going on here, okay.
- He's got no partners, it's 100% him, no business partners, no nothing. I think he'll do well with it. He's proven to be doing well with his other bar. I think he'll do well, that's it.
- Any questions? Thank you.
- Motion to close the floor?
- Motion to close the floor by Alder Steuer.
- Second.
- Second by Alder Stevens. All in favor?
- [All] Aye.
- Oppose-ed? Floor is now close-ed. Gentlemen, any thoughts? Well--
- Go ahead.
- I'll jump in, then.
- Start off.
- Starting us out. When there's a co-owner, that can be very sticky wicket. We've had some other situations similar like that come before us. It's really tough to sort it through. I think what helps me is two things. One, he's had an establishment elsewhere for a year, on his own, no trouble. He's had someone speak up for him here. Dealt with him before, he runs good businesses, he's got a good business acumen, he's vouching for him. I think that helps a lot. I'm willing to give him the benefit of the doubt that I wouldn't if it was a double-owner situation where we have more difficulty sorting out who did what. It's too difficult to decide that without some other evidence, so for me, I'm willing to set that aside and give him the benefit of the doubt that he was more the injured party than injuring party, more the party that was not so much the problem, because of these other two things. I'm looking to accept the appeal.
- I think after hearing the testimony, I feel better about it as well. I appreciate you coming forward, and after reading the rest of that letter, it sounds like there were really a lot of things that went against you, out of your control, so I concur with Alder Scannell as well.
- There does seem to be some discrepancies in the letter, from what the police report is, like the actual product and the number of pills and so on. That incident was 20 years ago, correct?
- [Police Officer] No.
- Whoa, I'm mistaken.
- [Police Officer] It was approximately 12 to 13 years ago.
- Oh well, okay, 12 or 13.
- 2006.

- So either way, I don't see that as a factor anymore. I don't think he's getting those pills. There's no evidence that's an ongoing, whichever way. Jerry's story works on fact, in mine there's a discrepancy. I don't know, there could be various reasons for that. I don't know if they're necessarily nefarious.
- Just to clarify, this isn't an appeal. It's not for an operator's license, it's for a liquor license.
- Then we're done?
- This is not unavailable because it's going from one licensee to another.
- To another, right.
- It's not unavailable.
- So I'd be granting the license.
- Correct.
- Thank you, granting the license.
- One quick question right now on that. In other words, it involves a one-year period, is that correct?
- Yes, the liquor licenses are renewed once a year, correct.
- Okay, I think that after the 12-month period, if things aren't going well, we can deny the license.
- You can recommend non-renewal, and then they would have an opportunity to hear back.
- In other words, I'd be hearing down the door if things don't go well for the first 12 months.
- Right, but it would have to go through similar to a revocation hearing.
- Right, it would be a semi-quasi judicial hearing, which is kind of a big deal.
- I would favor granting the license, give him another chance.
- Is that a motion?
- Is there a motion to that effect?
- He made the motion, then.
- Alder VanderLeest made the motion, is there a second?
- I'll second.
- Seconded by Alder Steuer, any further discussion? Do we need to vote on the board? All in favor?
- [All] Aye.
- Opposed? Then it carries unanimously, it'll be decided the 18th when it goes to Council. Number 12. Consideration with possible action on an application for a "Class B" Combination license by Kavarna Cafe,

LLC, at 143 N. Broadway, with the license premises as "kitchen, dining zones, storage cooler," currently licensed as Kavarna LLC. Staff?

- Staff has no objections.
- [Police Officer] Police concur.
- Motion to approve.
- Motion to approve by Alder Steuer, second by Alder Stevens, all in favor?
- [All] Aye.
- Opposed? Okay, that passes unanimously.
- Okay.
- Consideration with possible action on an application by Skaliwags High Cotton Club Limited at 121 North Adam Street for reserve "Class B" Combination License with the license premises as "restaurant, bar". Staff?
- Yeah, so this is for a reserve license. Staff has no objections. It is in the downtown moratorium set by resolution, but they will be operating as a restaurant and therefore qualify for exceptions.
- A scrumptious restaurant.
- [Police Officer] Police concur.
- With the scrumptiousness?
- That, too.
- Motion to approve.
- Motion to approve by Alder VanderLeest.
- Seconded.
- Seconded by Alder Stevens. Any further discussion? All in favor?
- [All] Aye.
- Opposed? That passes unanimously. Here we go, consideration with possible action on a request by Alder Scannell to create an ordinance regarding vaping. Staff?
- At this point, since this is the first time that this is appearing on our agenda, we would just request that Committee refer to staff direction as to what they would like to see in the ordinance.
- Okay. Gentlemen, what would you like to see in the ordinance? Would you like to see an ordinance?
- You brought this forward, right?
- Right, I brought this forward.

- So once you--

- Yep, let me give it a little background on this. I brought this forward. I was not aware that we did not have an ordinance for minors considering vaping. I know several years ago, when vaping first came out, I thought it was a pretty good idea, good product, get people out smoking cigarettes they didn't have the tars and nicotine with vapes, but since that time, there have been some studies saying that there are some health issues, perhaps, with vaping. I think there needs to be more studies done, and in the meantime, I think if cigarette smoking is illegal for minors, I think for now it'd be wise to also make vaping and that paraphernalia illegal for minors as well. Perhaps in time, when we get the science behind it and we find out what the dangers are, if the studies were negligible and it's really not that hazardous, we could maybe rescind that. I don't know if it's a big deal, if there are no health concerns, but for now, I think it better to err on the side of caution. We certainly aren't the first ones to come up with an ordinance. We have an example of one. I would think my direction to staff would be to come up with one that makes it illegal to use vaping and to be caught with paraphernalia, and to sell the paraphernalia to minors.

- So it's about the minors, then?

- Only the minors.

- Only with minors?

- Only with minors.

- So do you want me to make a motion in effect? I would make a motion for staff to look at this, with what Alder Scannell brought forward as far as a minor being a minor under 18.

- So the ordinance would be directed towards the minor themselves, or to...?

- To the minors themselves, and businesses if they're selling to minors.

- It's right there.

- To prevent selling to minors and prohibit minors from having vaping paraphernalia.

- Yep.

- So that's my motion on this.

- Motion by Alder Steuer, second by Alder Stevens. Anything else anyone cares to add to that? Any other direction for staff?

- That'd be a good start.

- I think so.

- Okay, we have a motion and a second. All in favor?

- [All] Aye.

- Opposed? That passes unanimously.

- Let's go ahead and look for general use of the other to keep what he said, do we have an ordinance affecting containing?

- Yeah, I think staff, they'll look at other ordinances. That's part of the process.
- We'll bring something back.
- Thank you.
- They know what we want to look at, they'll put it together and do that by various ways.
- Mm-hmm.
- Okay, ready for some fun?
- Mm-hmm.
- We're ready to go on? Consideration with possible action on a request by Alder Scannell to create an ordinance regarding sober servers. Staff?
- Yes, so again, this is the first appearance of this item on our agenda. Our recommendation would be to refer to staff with direction from the committee as to what the committee would like to see in this possible defense.
- Then we again have in our packet a ordinance to work off if we wish to. I sent out some other materials on this. It's for this, I brought this forward, so let me start with what this is all about. There's been some rumors going around I'd certainly like to discount, that since I'm the Alder for District Seven, which includes the downtown, that this is a downtown issue, and it's certainly not a downtown issue. This is not coming forward in response to any particular incident with any bar. We are not singling out any bars, we're not trying to go after any bars. This came about, going back to the Click and Go ordinance, in which there were some people who came forward, speaking out against that, concerned about making alcohol more available in our community. I disagreed with them on that issue, but began talks with them about concerns about alcohol issues in our community, which I think I share, and the mayor's office has stated his concern, and certain alders have certainly voted against the Click and Go, stated their concern about alcohol issues in our community. I wanted to do something a little more practical, a little more meaningful, than just a gesture of saying no to the Click and Go, which I think only hurt our businesses. I don't think it made one dent at all into the culture of alcohol issues in our community. I brought this forward thinking that this was a small step to make. We do have a policy already with new businesses that they sit down with the police before they come with us, before us to get a license, and that's part of the policies they agree to adhere by, that it's just a best, smart business practice, and talking to many business owners in the community, they also do this policy of not having their servers partake while they're working. Right here, the reasons for that is several. It's just not responsible, I mean, they're handling money. They need to be able to monitor other people's drinking, they need to be able to cut people off, they need to manage the establishment, so there's lots of reasons why I feel it's just not responsible for servers to be drinking on the clock. I see this not as a get after any particular establishment, but as a step toward addressing alcohol issues in our community, that if we take a mindset of drinking responsibly, I'm not pushing for prohibition, I'm pushing for if you're drinking responsibly, and it's best policy to not have servers drinking. We're already well on their way to establishing that as a practice in many of our community. Why wouldn't we make it an ordinance to just cross that t and say, this community, we believe it's no longer socially acceptable, it's no longer responsible to be drinking with servers on the clock. So there's lots of ways we can look at this. I know there have been several concerns brought up in talking to some of the business owners and I think some of those are valid and I'd like to address those. I don't know if I want to go into that. Maybe I'll let them speak for themselves and we can take it from there, but I don't see this as an ordinance that's out to slam a business or make a business difficult, or to make things difficult for our PD. It's just a step in sort of a campaign to drink responsibly. If you believe in that and you want to make that sort of a motto of your city, I don't know how you can defend servers drinking on the clock. I'd say that's very irresponsible. So that's the genesis of it all. We'll see where we get.

- I'd like to ask a question for the chief, or the gentleman officer. Can I ask you, is this a major problem in the City of Green Bay as far as the servers being intoxicated? Has there been any calls on that?

- [Police Officer] I can't remember offhand there being any calls that a bartender or server was so intoxicated they couldn't serve, but I'd have to look back at the data, at our research to see if that has happened.

- So overall, they've been doing a pretty good job, most of the servers. Basically, they're licensed servers. In other words, they come forward to get a license and they know the rules.

- [Police Officer] Correct, I would say 98 or 99% do follow the ordinances and the rules and they have licenses.

- That's my question, then. Thank you very much.

- I got a question. Lieutenant, with that being said, you said 98 to 99%, so this ordinance that Alder Scannell's looking at, like I said, we should maybe talk to you about that. If it's for that 1% or 2%, I mean, I know this is just your thought on it. Does it seem like it's overbearing on something like that? Or I mean, what's your--?

- I personally don't think the ordinance would be overbearing. I believe it would add another tool in case there is an establishment that is having issues and problems. Not saying we would cite, but it gives us the discretion and another tool to get that bar and the server in compliance. To help out, I guess, even as a best business practice like it was already discussed, so it's not something that we would automatically go in and cite and ticket, but if it does become a problem or establishment, it gives us an extra tool to help get them in compliance and not a tool for us to seek revocation of their license.

- I mean, I'd like if Randy could chime in as well. I'm acquitting it almost to a Packer game where somebody has too much and they could lose their season tickets. Is it the same type of premise here, where if something would happen at a establishment that they could lose their license?

- Eventually they could if there is enough qualifying calls. It's not if they do it the first time. I can't imagine them losing their liquor license the very first time, but if we could establish a pattern and it becomes problematic, we would build that case and then come before you to seek for either non-renewal or revocation.

- And I chime in that I would expect that not to really happen. I would expect that to be an extremely rare case. Again, this isn't a problem in the community we need to address, per se. It's a step in promoting responsible drinking. If you believe in trying to get a handle on the alcohol issues in our community, this seems if we look at it from that perspective, responsible drinking, what are the practices? What are the policies we want to follow, the ordinances we want to make? It seems to me this is a very simple step in that it's already practically done already. I mean, we're not really upsetting much business behavior already or a pattern. It's already being done, we're just putting a dot on the i and making it official, making it so that if there are some extreme cases, we do have one more tool in the toolbox to address it, but I really look at it more as, from the standpoint of the mayor's office, many alders on this city have expressed concerns about alcohol issues in our community. What can we do about it? Well, let's try and do something practical and not just deny Click and Go, which I think is totally ineffective as far as changing any kind of behavior with consumption of alcohol. This does change the culture by saying, we no longer find it acceptable, responsible behavior to drink with your server. That's it. And I don't think we're going to be making huge waves in changing behavior, it's just one small step in a campaign of being responsible drinkers. That's it, that's my take on it, that's how I'm looking at it.

- There's a lot of folks that are here.

- Yep.

- I would make a motion to open the floor.

- Motion to open the floor by Alder Steuer, seconded by Alder Stevens, all in favor?

- [All] Aye.

- Opposed? Please state your name and address.

- Getting that out of the way first.

- Don Mjelde, 840 South Broadway, Green Bay. My name is Don, I'm also president of the Brown County Tavern League. I aim to speak on the sober server ordinance brought us today. I'm not the only one. May I please have everyone here on behalf of licensed establishments in Green Bay raise their hand for me. Thank you. Sober server's an ordinance that's passed in some municipalities as being considered here tonight. There are two things I would like to establish here. One, I personally do not allow my bartenders to drink while working in my own establishment. Two, as president of the Brown County Tavern League, I here represent all 160 members in this county with any issue pertaining to their respective establishment. I'd like to start by referring to the liquor violation reports here at Protection and Policy over the past six months. Since September, there have been zero instances. In mid-August, there was one. That establishment is now out of business. There are 162 licensed establishments in Green Bay, and in conjunction with law enforcement, there has not been an issue about any incident in any current establishment. There's a lot to be said for that responsible behavior for businesses in this city. Additionally, Brown County Tavern League safe reg program has over doubled in the past year. It is on pace to do so again during this cycle. The licensed establishments in this area I have found are working together to promote safe and responsible drinking practices and that is evident by recent statistics. I am also a chair on the Brown County Traffic and Safety Commission, where we performed Place of Last Drink study over the past year. Place of Last Drink looked at over all of the 914 OWI arrests in Brown County. That's a big number, but we have some interesting results. Over the past year, there were less people coming from a licensed establishment than people that came from a house or home, or refused or other, which would be drugs, et cetera, consobering while intoxicated. Matter of fact, the last quarter showed a 2/3 to 1/3 margin in the favor of a licensed establishment, last coming from us. All correlated fatalities in Brown County are also the lowest they've been in at least 14 years. Even talking with local law enforcement today, I was told that not only is this not a major concern, like the lieutenant alluded to, but if there's a situation where an incident in a licensed establishment needs to be addressed, a bartender would be less likely to call loss for law enforcement for fear of a citation, and that can lead to a bigger problem. Once again, we're talking about 162 different businesses in the city. Many don't allow their staff to consume on the job. Some will enjoy a beverage during the last hour of work with the patrons. Some want to be able to help their place if they've had a couple, and some want to be able to continue to work with law enforcement exclusively, without an ordinance from the city. What I'm saying is this: if there's a problem with sober serve in Green Bay, I would consider the legislation you're bringing forth today. But bar owners and bartenders are working well with law enforcement in this area, and the direction the relationship is going is clearly visible. This could turn or progress in the opposite direction, and we aren't addressing an issue here, because as Randy said, there isn't one here. Thank you very much.

- Questions?

- Yep, questions.

- Thanks, Don, for coming in. You said there's 162 establishments in Green Bay. How many in Brown County again?

- 398.

- 398, okay.

- And rising by the sound of it.
- Right. You know, we've gone through a number of things with alcohol in this community over time. I think, when you look at Green Bay, I mean, you've got stretches where you have many, many establishments. I live on the west side and there's very little. So I guess I know a standpoint. I'm really interested in just hearing what the other folks have to say, so in all reserve for that. I'm just saying.
- Which is why I opened.
- So I'm going to leave it for that.
- Okay, thanks.
- And I want to reiterate, there's not a problem in Green Bay. This isn't coming forth because there's a problem in Green Bay. It's coming forward for other purposes. This isn't a slam. I think bar owners are doing a great job. They're working well with the police. We made some great strides, I think, over the past 10 years. This is not, in any way, a slam or a problem that I see. It's not meant to pose, per se as solving a problem specifically. If you say responsible drinking, well, I'll save that for later. We'll get the floor open, let your questions flow.
- Actually, another quick question to ask Randy, and you may have alluded to it already, but as far as, did someone approach you on this?
- Yes, this came from someone else.
- Someone else? Okay, and they may be here now to speak, maybe?
- Someone from them might be, yes. He's not.
- Okay, all right.
- So, floor's open now. Please state your name and address.
- Trevor Commons, 1105 Klaus Street. I have three liquor licenses in this town. The last thing I remember you saying was, "there's not a problem." If there's not a problem, what are we trying to fix? I think you're overstepping your bounds slightly when you're telling business owners of this community how to run their business. One of the bars I own is Ned Kelly's. I have 20 bartenders there. Every day on the schedule, I highlight somebody who is to remain sober. I have staff members there who are not allowed to drink, and as a general rule of practice, I don't let anybody, or they're not supposed to consume more than one drink per hour. We take a lot of steps into keeping our staff sober, safe. A lot of them take Ubers home if they have been consuming. I don't feel like, well, our record proves that we haven't had any issues with alcohol, or drinking servers. That all being said, I see where this is going elsewhere in the state, and I'm not necessarily 100% against it, but what I'm adamant about is that you don't hold us as owners responsible. I remember being a 21 or 22 year old kid. Back then, I worked at Kittner's, right when Jim and Jane, the owners then, made their staff go sober. A lot of the staff at Kittner's would go over to The Stein and get loaded before going into their shift. You got to be careful, because then we might be promoting this. Another thing that could come from this is, well, are the owners allowed to drink and the servers aren't? As a bar owner, we could just say, oh, this person's part owner, this person's part owner, this person's part owner, and you could go down the line of an employee-owned bar and you're going to be in trouble there as well. Just a couple things to think about as you guys discuss this.
- Question?

- I have a quick question.
- Yeah, go ahead.
- Thanks for coming in again. So how many servers do you have at Ned Kelly's, for example?
- Roughly 20.
- And you're stating, more or less, that every bar owner's going to be a little different. There's no rules or regulations. It seems like you're the business, you try to run it as well as you can. I guess my question is, of those folks who said maybe one drink per hour, was that what you stated, that they're allowed?
- We advise, yeah, because we are in the responsible beverage program. After one drink per hour, if you consume more, then you're legally intoxicated. That was just something that we put in our employee handbook to minimize it.
- I would think that would be hard to monitor if you have 20.
- Absolutely.
- That amount.
- Right, how many do you have at one time?
- On a Friday or Saturday night, say eight or nine.
- Eight or nine, okay. That's still a number. To have somebody watch that, that's not always easy. It really behooves the owner to kind of have it under control, I think.
- I agree.
- So, that's all I have.
- Have you looked at any of the other ordinances around the state?
- I know that a few years ago, that Appleton put it through, and then a year following that De Pere put it through, and that's about the extent of my knowledge.
- I don't think Appleton made it through.
- Oh, then I'm completely wrong. It's all hearsay.
- They tried, they went down in flames.
- De Pere has.
- Some of them have a percentage of acceptable alcohol in the blood as part of the ordinance. When we say sober, we're not saying stone cold sober. Would that ease some of your concern if there was?
- Yeah, and I agree with the police officers, too. If there's a problematic bar that they're looking to shut down, if sober servers is a problem, I like that as another tool for them to use, but as you alluded to earlier, and so

did the president of the Tavern League, there really isn't a problem. So I guess that's what my main concern is, is what we're trying to fix.

- Well, okay, I'll save that for later. Thank you.

- Robert Heiritz, 1807 Lost Dauphin Road in De Pere. I'm with 1106 Main Street, Green Bay, been operating since 1996 with different establishments in the city. I'm going to piggyback on what Don and Trevor said, because there really isn't an issue that I've seen with this. It's self-regulating, you don't want someone who's going to be a problem server. Why would you want them working for you if they are? I think it should be up to the owners to decide that. I think what Trevor kind of alluded to is, you can get into a slippery slope here of where the ordinance goes if it's not written correctly. If you did go somewhere, are we talking about 0.02, are we talking about 0.08, are we talking about 0.00? There's a lot of areas it can go. Then what happens if people go for dinner beforehand, if they have a couple drinks beforehand, they show up for their shift and for some reason, there is a hints in, police show up, person is over whatever limit you got to set. My concern is that this could go to an odd place and then also, like we have working tonight people and also on a weekend night, and if you can't control them all because you can't see them all at the same time, are you holding the establishment responsible for the individual's actions? I know it's our jobs to control that, but you could potentially put an owner in a really bad position for an irresponsible person who could quickly take a drink, a shot of something, without concealing it, and then that risks you going into drugs. I mean, if we're talking about OWIs, are we talking about drugs in their systems also? I just don't know. I think it should be regulated by the owners the way it has been, and it hasn't been a problem. I think we're working well. I joined the Tavern League. I think everybody probably should. We work well with the police department for that, and I think if we're in a partnership with that, is a better way to go than looking at drafting an ordinance to solve a problem that may not exist.

- Any questions, gentlemen?

- Thanks for coming in. How many folks work for you?

- Probably 15 to 17 altogether.

- At one time?

- Eight to nine.

- Eight to nine, and would you consider that, what is that number that is a saturation point as far as trying to monitor folks at all? I mean, you're not going to be staring at them every second, I understand that. Is there a certain saturation point as far as numbers of people?

- Well, that way, you have upper levels of management. You know, if that's what you're talking about on supervisory activity.

- This seems to open up a can of worms, too, because now you're looking at it, you mentioned that there's people that come in that might have had a drink or two somewhere else and then they come into work. Normally, will your servers come in and they'll be ready to go?

- Almost all the time. And I'm saying you could open a site up to a different situation where you would have someone if you put them in the situation where they didn't have drinks, as Trevor alluded with the situation at Kittner's. They would go drink beforehand. I mean, would it be to a point where we give them a breathalyzer when they come in? And then alcohol doesn't take effect immediately. You could have someone came into their shift and they seem completely fine, and then it hits them down the line.

- They've got apps out there too where, depending on if you're a man or a woman and size, and then you can take that.

- That's very helpful.

- But you know, there's liabilities that come into play with that, as well. Anyway, it would seem that most folks are responsible there. So you're just saying that you feel that it shouldn't be regulated.

- Yes.

- Thank you.

- So as an owner, you allow your staff to drink?

- They can, yes.

- Thank you.

- No one else?

- Anthony Oczus, 108 East Darwin Avenue in Green Bay. I own The Libertine in downtown, as well as Proof in De Pere. My questions today are more of gross government oversight as I see it. My first question, I think, is why is this a problem in general? It sounds like it's not. It sounds like it's a very small percentage of the calls, if any at all, and I wonder why it's even being held or brought forward. I also have with me documents from the law department in UW Wisconsin. This comes directly from their website, Wisconsin Alcohol Policy Project. I quote directly from there saying, a sober server ordinance will only at best have minimal impact on drunk driving or binge drinking rates. I question again why we're here discussing it if it's not an issue. I believe that the tavern owners should be able to regulate themselves especially if it's not an issue. If it is an issue, then it does need to be addressed, but it doesn't sound like it is. I am for a demerit system in which, if there are problem bars or problem establishments, that they need to be addressed. Bad actors need to be taken out of the scene as a whole. In May of 2013, I believe the same proposal was suggested. Is that correct?

- I think so, I don't know much about that.

- It was dropped and I ask what has changed from then to now to bring it back up again, and if there's any data to support if problems have gone up or gone down and the socially acceptable aspect of it, is it socially acceptable to whom? And by which standards are we holding ourselves to?

- Got a quick question. Thanks for coming in.

- Thank you.

- I had one bartender I talked to recently on the phone about this issue. I don't know if it's just a matter of the type of business that you have, I mean, you're a lot of different type of mixed drinks that take time to make. There are a lot of establishments that might have a beer and shot, so I'm just saying, in your case, it would seem that most of your drinks take time, take a lot of time to make. There's probably no data on that type of thing. I'm just making an observation, what this bartender told me, that there's certain establishments that'll make those type of drinks, takes a long time to do it. Other establishments, shot and a beer kind of thing. It's a lot easier to disseminate that out to people. Just an observation.

- Yes sir, thank you.

- That's all.

- Question.

- Yep?

- Do you allow your staff to drink?

- I do, sir. We haven't had issues.

- Thank you.

- Thank you, thank you gentlemen.

- Thank you.

- Hi.

- Hi.

- Kim Glover, 1631 Ontario Road. I've been doing this business now for well over 25 years. I have three places, one I lease, two that I operate myself, and I have bartenders that have been with me for 20-plus years because you get to know the people, they become family. I guess with us, we're just shot and a beer, shot and a beer kind of place. We kind of monitor ourselves. It's my job to watch them, and it's their job also to watch them, because when one of us gets in trouble, we all get in trouble. So that's how we have our things going, you know. So one starts to get a little out of hand, hey, nip it in the bud or guess what, you're gone. It's just that simple. That's how we do it.

- So you have how many establishments?

- I operate two, I own three.

- Okay, what kind of--

- Some Place Else in University, Jobs on Cass Street, and Packer City Lounge on Broadway.

- Did you have other places before that?

- Mm-mm.

- No? All right, then your servers are allowed to drink on the job?

- And I work right along with them, and I like to partake with them a little.

- But I know when it gets busy, it's like with anything else, it's crowded, it's a little hard to monitor that type of thing.

- Well, that's why we police ourselves. These guys have enough to do without having to worry about it. This is my business, it's my job to watch this. I understand with the bigger places, they have a harder time, but us little places, we can take care of ourselves. They don't even know we exist.

- Right, that's all I have.

- Gentlemen. My name is Ron Lumaye. I live at 1448 Grignon Street in Green Bay. I want to preface this. I'm neither a bar owner nor a bartender, anywhere in Brown County. I do drive Lyft and I have to say, the last couple of years, what I've seen is, bartenders, bar owners, are doing a lot better job than they ever did before in this area. When I transport somebody, they're not sloppy drunks anymore and occasionally, on a regular basis actually, I actually transport the bartenders, bar servers, at the end of the night. Very seldom do I find an inebriated server. Law enforcement says there's 1%, maybe 2%. I haven't seen that, in my experience. Plus my concern is, with this proposal, is that you're trying to preemptively legislate social behavior. Going to say they're doing a heck of job. I don't believe that the ordinance is needed.

- Thank you.

- Thank you.

- Evening.

- Evening.

- I'm Jeff Hunter, 715 South Broadway. We operate RumRunners. I'm one of the newcomers to all this, we've only been doing it for four years. We are also one of the smallest and we have anywhere from five to eight employees on the full staff at any time. Often, it's one person that's running the bar. It has happened where somebody gets called home and someone else has to step in, and it's often somebody who's just finished a shift and maybe having an after-drink, but I can't imagine that any of my staff would ever be driving the bar with too much to drink and we take great care to do that. I believe that that's what all the owners do. You have a lot of responsibility in your hands for the till, for the supplies, and then especially for your patrons. I think we have done an exceptionally good job and we keep hearing it over and over again, even from you, Randy. This has not been a problem. We will continue to monitor ourselves. We will continue to help each other with this stuff. I think that's it's overkill at this point.

- Well, question?

- Yes. Do you allow your staff to drink?

- The staff can drink, but they have parameters.

- Okay, thank you.

- Hi, Chris Jansen, 1754 Maxwell Court. I allow my bartenders to drink. I have 15 bartenders, anywhere from four to six on staff at a time. Occasionally, during the early day, there'll be one or two. Again, you said, "I don't think it's a problem". If it becomes a problem for an establishment, the police department already has a stipulation for it, so why not bring something like that in? If we have a problem, address it that way. Have your bartenders go without drinking if it's a problem. If it's not, let us make our business decisions.

- I think what the lieutenant had brought up, it was just another tool to make it easier for them, so you're thinking that you don't need that? You could just directly work with the police?

- I think, as bar owners, it's only in our best interest not to have sloppy drunks behind the bar. If we don't solve it, and it becomes a problem, address it on a case by case basis, if any. But it's not a problem. Exhaust how many resources on a problem that doesn't exist? That's all I got.

- Thank you.

- Matt Kispert, 726 Omar Street, Green Bay. Also from RumRunners. I agree, obviously, with them as well, due to us policing our bartenders and making sure our bar is tip-top shape as much as we can. I also have a

different aspect on things, too. I was once a bouncer. Being a bouncer, we were also trained to look at situations like that as well, especially being for bigger bars as Ned Kelly's or other places like that that possibly would have bar bouncers or not. I bounced at Shenanigans, which is now a Main Street bourbon room. I never really had a situation where I had to stop a bartender, specifically, because of noticing if they were drinking too much. There was points where I could have if it got to a certain point, but just that aspect itself as being in the bar business other than being a bouncer, we do police ourselves quite well. The other times, the owners are in the establishment throughout the day, in and out. Jeff and I, we do that periodically for RumRunners. Sometimes during the weekends, we have multiple bartenders, so we're usually there to bar backer, kind of keep an eye on everything. That's just my aspect on things on the other side of being just an owner, per se, of being a bouncer.

- Question? Thank you.

- I'd like to mention one more thing. Currently, in the Chapter 33 municipal code of the City of Green Bay, there's a demerit system in place, and I believe there's six points for disorderly house, and from what you say this'll probably qualify under disorderly house. Also, it'd be 13 points for this disorderly house that leads to the closing of an establishment, which obviously, if there was somebody too intoxicated to run an establishment it'd close down, it'd be a serious issue that'd be taken up with the city. I feel like something like this is already in place, and it'd continue to let us work with law enforcement to address any issue as it comes up. Thank you.

- Good evening.

- Evening.

- Good evening.

- Excuse me. My name is Lawrence Nikodem. I'm going to give you two addresses. My home address is 267 Marina Lane. I live in Ashwaubenon. I also have an office here in Green Bay. That's 812 Fisk Street. I want to thank all of you for allowing me the opportunity to speak. I'm afraid, though, what I have to say may not be as popular to everybody else in the audience.

- But if you could just address the chair.

- You have to talk to us.

- I'm sorry.

- They'll hear you.

- I would just ask that I have a chance to speak.

- You're up.

- To begin with, I'd like to give you an idea of who stands before you. I've been in the professional field to do well for human services for over half my life, 35-plus years, and I've made a specialty of working with people who struggle with and have had problems in their life because of alcohol. And other drugs, but mostly alcohol. Currently, I consult with and work with Point-Beach Nuclear Plant, the Door County District Attorneys office, the Department of Corrections, Department of Transportation. I am known and referred to by the State of Wisconsin, with the public defender's office as their expert witness. In addition, I work with many attorneys in the Wisconsin area, and I travel to several county jails throughout the state and provide clinical assessments with people who are there being held. Also, I worked in law enforcement for 21 years and I worked in a town with 5000 people or so and our bars were open until four in the morning then. We were busy. I'd like to say to the people that came up here, thank you for sharing what you did share, and I'm very relieved that there are

very responsible servers and responsible bar owners, and I was very glad to hear that, especially at a time where the issue of alcohol and drug problems and even obesity is worse than it's ever been in our history and I think we have to take steps to do whatever we can as responsible community members, fathers, mothers, brothers, sisters, leaders, to try to slow down this issue, this problem, that's devastating this country and this state, this city and this county. Two-plus OWI arrests a day in 2018. Maybe that's down, that's okay, I guess. And yes, most of the servers are probably fine, but we need to do something to set limits, to have this discussion and be sure that the individuals who are providing this mind-altering substance are in their right mind. It doesn't take much alcohol to affect our ability to make good decisions. Very little at all, actually, about 0.02 to 0.04. Our ability to make decisions and not to experience being out of control with our impulses, and our inhibitions are lowered at a very low level, so one beer an hour will do that. We need people who are serving this substance to other people to be in their right mind. Be able to make right decisions like that, and to be able to manage individuals who may not be manageable, and so I feel that this is not a bad ordinance to consider. I feel it's in the right direction for our community. Thank you.

- Questions? Thank you.

- Hi, my name is Travis Engels, 622 Skyline Boulevard, Green Bay, Wisconsin. I am part owners in nine's Kittners as well, downtown Green Bay. My question is, has anyone looked into the actual enforcement of the ordinance and how much that would cost? Personally, we do allow our bartenders to consume alcohol while working, to an extent. If at any point in time that they are visibly intoxicated, noticeably or there's a complaint, we deal with those issues in-house. They could face termination. Upon employment, they sign an employee handbook that goes through all the rules that we have as an establishment. At the end of the night, they all come to one bar. If anyone is noticeably intoxicated in any shape or form, I have a one-on-one conversation with them and they could face termination. All our tills are, you push a button, the till opens, you do the math in your head. We trust all of our employees. If you were intoxicated while drinking, you wouldn't be able to do that. We also have roughly 70 employees at any given time between the three bars. Each night, we have approximately 30 between bartenders, bouncers. Bouncers are 100% sober, they are not allowed to drink, during, before, their shifts. The bartenders, like I said, they're allowed to consume a few drinks per shift. Four beers, normally. Normally, their shifts are anywhere from four to six hours. They're allowed to have four beers per shift, four shots per shift, or two mixed drinks, which equivalates to four shots. Again, we manage this in-house. We have not had issues. I would like to know, I guess, how the ordinance is going to be enforced, if it's going to be on the establishment, the police, how much that would cost, and again, if there is no issue, why are we trying to move forward with this? Any questions?

- Questions? Thank you.

- Thank you for your time.

- Randy, I want to re-ask Don a question.

- Sure.

- Don, could you come up? Thank you. Okay, I mean, we're hearing a lot from these folks, responsibility and such. I think what the ordinance that Randy's been talking about, there would be some consistency at least with the police and that it would be across the board for everybody. With the Brown County Tavern League, is there anything? It seems like everybody self-polices themselves, so is there anything that the Brown County Tavern League has on the books that says, okay, this is kind of the way things should be done, or is it up to them?

- Yeah, very good question. The thing about our industry is that we're all neighbors. There's people that have spoke here that aren't members of the Tavern League, that do run good businesses around here. What happens is, if there's a problem bar, we all know about it, and the police, law enforcement does a good job of

letting us know about it, too. If there's one bad seed, it can ruin the whole batch, so we like to work together to try to dissipate any instance of that happening anywhere else.

- Right, and that's great, I appreciate that effort, but like I said, there's really nothing written or anything, it's just trust and doing that?

- Same as anybody running their own business. You trust the people that are working with you to do the right job.

- That's what I have, thanks.

- Quick question for you before you leave. On the people that are intoxicated that are within the Tavern League Association, if you have got somebody that's intoxicated and they want a ride home, do you offer that?

- We try to condone using the safe ride program for staff, but we like to leave it open to patrons, because we only get so much grant money from the state and we do many fundraisers for that. It has been done before, and it doesn't get done on a regular basis. Usually, people pay for their own rides. The Lyft or Uber driver that was here earlier said that he's seen less of a problem than ever before.

- I think as far as helping out the patrons that are intoxicated, I know you do it around New Years Eve and different holidays. I think it's a great service.

- It's over doubled here, it's over 2500 over the last year. I actually, in agree to Lyft into the safe ride program, it was just using the voucher system for cabs. That just got passed though in La Crosse, which is over 8000 last year and now it's going to be statewide hopefully by spring to where every county can use this as an additional service, so good stuff.

- Good job on that.

- I think one other point. You know, at the end of the night, a lot of times folks will say, look, I can drive, but there's the bartender or whoever, if they've had a little bit too much. Is there anything in place when you're at establishments, to leave the vehicle there, with a little placard or some sorts?

- There are.

- To pick it up tomorrow?

- Very good, there are different establishments. They leave notes on people's windshield wipers the next day. I'm going to start working with the city on a safe park initiative, like hey, their car, parked in the street. They got a good ride home. Obviously, we don't want to condone this behavior, but we want to reward the fact that they didn't drive home and as we did in our media, our commercials that we did over the Christmas season, we just remind everybody, just leave the keys at home. That's the easiest thing to do. When you come out at night, just leave the keys, take a cab, Uber, or Lyft ride. That way, you don't have that false sense of interpretation where I can drive home after I've had a few.

- That seems to be a good thing, but we had pushback also in the case of snow emergencies, leaving cars out and that type of things. So there's all sorts of issues.

- I think culturally, it's gotten a lot better in this area than it has five, six, seven years ago, and it's still moving in the right direction. It's not going to change overnight, but steps like this is leading it to a better tomorrow.

- Thanks, Don.

- Thank you.

- Anyone else?

- Motion to close the floor.

- Motion to close the floor by Alder VanderLeest.

- Seconded.

- Seconded by Alder Steuer, all in favor?

- [All] Aye.

- Opposed? Floor is now close-ed. Well, I would just like to again, kind of focus what it is I'm trying to do here, what I think we're trying to do here. A lot of people are saying there's no problem, and we're problem-focused. There is no problem, I don't want us to be problem-focused. Then what are we doing here? What we are doing here is a bit of social engineering. We're trying to work on attitudes. We're looking for a bigger picture here of responsible drinking. If you put yourself in that frame of mind, responsible drinking, and then we ask questions from that. Do we say, is it responsible for people working with heavy equipment? Is it okay for them to go out and have a supper and drink a couple and then come into work? Well no, that's still not acceptable. For the police, for fire, is that acceptable? Well, I don't think we would agree that that's responsible drinking, that behavior. And so I would ask you to try to get in that mindframe and ask yourselves, is it responsible for servers to be drinking? We seem to be getting yes and no here, and I think we could craft a law that covers some of that ambivalence and some of those concerns. If there's a rush or if it's okay to drink just a little, most of these laws do have, it's okay to have an alcohol percentage of 0.04%. I think that would be something I'd ask staff to look into as to a possibility, including that in crafting our law. I think the servers should be fined. That's what we do if they serve a minor. I think this is all on the server, they're responsible. I don't think we need to be punishing the owners. I think if the server's fined, just like if they're serving a minor, the owners are now aware of that, they'll take action, they'll be responsible, and if they're not, then I think the police have other tools that they can use besides this one as well to work with that owner. I really don't see this law as really making much of a difference in how you're running your business or having interactions with the police. There's questions about the cost of this, there's not going to be any cost to this. Police are not going to be going in, looking for servers that are drunk. We're not doing a sweep. There's no problem here. We're not addressing a problem. We're addressing an attitude. A social attitude that it's okay to drink with your server, it's okay for servers to drink. We closed the floor, wait, we can open the floor again, but let me just finish up. Hold your thought. So that's what I was-- We'll discuss here and I think we will ask staff to look at this and come up with a law and I'd ask you to consider what we come up with and to get yourselves in that frame of mind and come back and then we need to decide as a community, what's our values and what we want, and however we decide is however this law will go.

- I'd like to open, Randy, whenever you get done.

- Do we want to open the floor?

- Motion to open the floor.

- Open the floor first.

- Motion to open the floor by Alder Steuer. Second, I'll second it, seconded by myself. All in favor?

- Aye.

- Opposed, floor's now open, if you haven't filled out, please do so now and state your name and address.
- Dee Dee Klug, 3330 Wiggins Way. I wasn't going to talk today, I was just sitting here to listen, because we are new to the business. We've only been in business for two and a half years. In my time, I have seen aldermen and presidents of companies go out to lunch and have a cocktail. You know, happens every day. And we go to work, we have a cocktail. We do over well at our party, we're not allowed to be drunk? But they are allowed shaking dice, to have an easy shot. They're not doing Crown, they're doing easy things. We are responsible enough to watch our business. If you guys go out to lunch, you have a glass of wine with lunch, come back to the office, same thing. You're respecting yourself, that you're good to do your job. Let us do our job.
- Having an ordinance that allows a certain percentage of alcohol, that would cover that, you're still uncomfortable with that?
- Well, are you going to do a 0.08?
- 0.04.
- 0.04?
- That's what the research says. There's been research on this.
- But you go out to lunch, you have two cocktails, go back to work, you're going to be over 0.04. We work a four to 10 hour shift. You gotta let us run our business. Deal with the problem people, like everyone said. We don't have a problem. So why are we here? There is no problem, you're going to make a problem by trying to enforce a problem onto a problem that's not a problem. You know what I mean?
- Let me ask. Dee Dee, thanks for coming in. How many folks work for you?
- We have five bartenders and three cooks.
- Okay, so at any given time, how many do you have?
- There would be one bartender, one cook.
- So it's easy to monitor every once in a while?
- And we have fired people for being drunk behind the bar. It's right in our employee expectations, you're drunk behind my bar, you're fired.
- There's a perception that, I'm getting a little of that feel from some of the other people but as far as your concern is, there's a perception that if people, that the servers aren't allowed to have a drink occasionally with the customers that that'll change the dynamic between the server.
- Yep.
- And the client, so to speak.
- It does, we have one bartender who refuses to drink, so somebody comes and plays bar dice, they want somebody to take that shot. She okays it with the client before, she gives her shot away to somebody else.
- Like I said, and I understand that--

- But people like to drink with their server.
- Right, that's what we're trying to change.
- But that's--
- Ma'am, you need to--
- You're forcing it on us. You want to change the attitude of people, you need to change the attitude of people who go to the bars and drink. They want to drink with their server if they're shaking dice.
- Well, that's why the floor. I don't know how to say this nicely. Green Bay has a lot of taverns, there's a lot of activity, and the police are talking about things. We've had drunk driving deaths. Not a lot, but we've had them. We were voted the drunkest city in America, what, a year ago or two years ago?
- This year, this past year.
- So all I'm saying is that some people celebrated that. Like hey, here we are, look at us. And I'm not saying you are. What I'm saying is that there's a bit of a thought process out there that hey, let's go to Green Bay, we can really do it, have it on.
- You know, those are customers. That's not the bar owners or your bar staff.
- Okay, all I'm saying--
- They're our customers.
- Right, and I'm just saying--
- And you're opposing something that's not an issue.
- There's perceptions out there in the community. Some people accept that other people just blow it off, like that's just whatever. So I'm just saying is all.
- But the drunkest town in America, Green Bay. It's not your bar owners, it's not your bar staff. It's Green Bay.
- Of course, people are serving those people, too.
- But with the safer ride, that's bar owners. We are doing what we can to keep them people off the road. And like Don said, most of them are coming from home and house parks. So it's not all us.
- All right, okay, good.
- No other questions? Okay, thank you, anybody else?
- [Jeff] I'll just say one thing real quick.
- Sure, yep, go ahead.
- Again, Jeff Hunter from 715 South Broadway. This absolute sobriety, the idea of that, it does open everything to interpretation, and what your intentions are at this point, they're very normal. They're really open, but we have all seen, throughout history, we've seen how people begin to change what those intentions were. It could become a point where someone who's in charge decides to start picking on places and going in and trying to

find people who are just having that one drink or who may have walked into it, so I think that you have to be careful about how this might be utilized farther down the line. I think that's what all of us are a little worried about is that this could turn into a Pandora's Box. I appreciate you thinking about that.

- Yep.

- Thanks again.

- Motion to close the floor?

- Motion to close the floor.

- [Lawrence] May I say one more thing?

- You betcha, yep.

- Pardon my intrusion. I just want to say one more thing. Lawrence Nikodem, from Green Bay and Ashwaubenon. I am a member of the Brown County Alcohol Drug Coalition for Change, and we are a group of people who meet every month and we have an agenda with committees to assist in making healthy changes in our communities with relation in particular to alcohol, but also drugs. I'm here on behalf of that coalition because we are concerned about this issue of alcohol in our community. We feel very strongly that any decision in the right direction is going to assist in addressing this issue and this problem in our community and helping to improve it is the right decision. Yeah, there are people that go to lunch and have a glass of wine, I get it. I don't. But I'm not a prude, either. The difference is, is that the people who are serving these mind-altering substances are people that we depend on to be in their right mind to manage and to help and to keep people safe within their establishment and in our community. Thank you.

- That's it.

- Thank you, thank you, yep.

- Motion to close the floor.

- Motion to close the floor by Alder Steuer.

- I'm worried

- Seconded by Alder Stevens, all in favor?

- [All] Aye.

- Opposed?

- I think I've said my two bits, mostly. Have any other thoughts here?

- My thoughts are that, hearing from the police department, that we don't have a real big issue with this problem. It sounds to me like the tavern owners are doing a good job. I'm not in support of the ordinance of adding another ordinance. I know Green Bay and Brown County Might have noted that we're the drunkest city in Green Bay. But I don't feel that the bar owners are creating this problem. From all information that we just heard here, it doesn't sound like it's a big problem, so I'm not in favor of changing an ordinance or adding another ordinance. I think that bar owners are responsible in the City of Green Bay. If we had like 20 citations, 20 or 25 or 30 citations, I would say hey, we got a real problem here. I feel that we don't have a problem on this end. I think the Tavern League, as far as offering ride-share to get people home that are intoxicated,

different times, and I think that just adding another ordinance, I feel that we don't really need it at this time. From what we've heard for the number of incidents, it doesn't sound like there's hardly any. So I'm not in favor of supporting another ordinance. I think that, you know, tavern owners are doing a good job at this point and I'm not in favor of adding any more ordinances, thank you.

- Anything?

- I'm there with him.

- Huh?

- I'm with him.

- That's fine, yep, fine.

- I'd like to mention, too, that first of all, thanks for everybody coming out and speaking. It was overwhelmingly against, it was like 10 to one, but with that being said, I think a comment that Ron Lumaye made, if he's still here, you just mentioned about this preemptive legislation, if you will. I thought about that for a second. None of us wants to see people driving drunk on the streets. We don't want accidents, we don't want any of that, and we don't want to be, well, we're the drunkest city in America, but I think with this particular ordinance, I think the preemptively legislate is a little difficult. I know that maybe we're looking for a paradigm shift here, then people need to learn how to control themselves and figure out things that way, but I think in a case like this, I'm going to have to concur with Alders VanderLeest and Stevens on this one as well. Thank you.

- I do want to bring up, I did speak with an owner, I told him I would bring up his concerns. He's for this, his only concern is that it just covers the city and he believes it should be a state initiative, which I think is a valid point to bring up. Unfortunately, we only can cover the city, but I think that is certainly something to be concerned about, I think. I'm going to start looking at perhaps putting a resolution together for the state to take such action. We'll see where that goes. But for now, that was his concern, and I wanted to make sure that was put on record. For myself, I guess I'll make a motion that staff look to create an ordinance where we fine the servers, where we allow an alcohol level of 0.04%. I don't know if there's really much else on the ordinance. What we need from...

- So that's your motion?

- Well, I just want to make sure there's anything else from staff here. Is there any other direction that would be useful that you're looking at right now?

- We can just craft something and bring it forward.

- Okay, and again, I think if you're looking at this from a problem-specific standpoint, you're missing the boat. We're not addressing a problem in that sense. This is a general look at ourself. We have the drunkest city in Green Bay. What can we do about that? We can promote responsible drinking. What is responsible drinking? Well, I think looking at servers and saying it's irresponsible for them to be drinking on the job, it's not a big step since it's already by most everyone here considered best practice. And we're not necessarily saying they can't have, you know, they got to be teetotalers. They can go up to 0.04%. It's what are our values, and that's what we're focusing on and that's what we're trying to implement here. You're doing a great job, this is not a slam against you, this is not an attempt to fix a problem that doesn't exist or to go out and harass you in any size, shape, or form. Police have got enough to do. This'll probably come up if they're called on us for a service call. This might also come up if the server served a minor and was also intoxicated. Might be why they served a minor. And then I think it would be appropriate for that server to be dinged for that as well. So, think of our values, think of is this worth while. I think changing an attitude, not only publicly, it's not okay for servers to drink, it's not okay for me to drink with my server, is that what we want as a community, yes or no? It's up to

you, it's up to the community. I'm bringing this forward. I think it's worth bringing forward and having this discussion. Where we go is where we go. That's my two bits. And I find it interesting that people who voted against Click and Go to make a statement about alcohol are now opposed to taking an actual lead step that addresses attitudes towards alcohol. One of the reasons this came forward was the concern of alders and the mayor's office about alcohol in our community and what we can do in a positive way to address it. I think responsible drinking is it. Maybe this is a part of it, maybe it's not. We'll see.

- I think after hearing what the police said, that it's 98, 99%. We listened to testimony, Randy.

- I get it, it's not a problem.

- I know, you've mentioned that on numerous occasions. We got the point, we understand where you're going.

- But then why bring it up?

- The what?

- Then why keep bringing it up as an issue?

- Who's bringing it up?

- You just did. Okay, go on, finish up, I'm out of order, finish.

- You know, everybody's entitled to their opinion, and this is your opinion. You said you had some direction from another owner, if you will. I was on a drug-alcohol task force after that couple passed some years ago. I think it is important that we are responsible all the way around. However, I think in this case, I just feel that, with the Brown County Tavern League and the way things are shaping up, that they're on the right path and they are working along with the police departments and there's a good relationship there and they will self-monitor, so I think there's a strong push for that. Is it perfect? No. But I think in this case, let it continue, with what Alder VanderLeest and what Alder Stevens stated, so that's where I stand.

- Well, I made a motion to staff.

- You made a motion.

- Is there a second? So the motion fails.

- Then I make a motion to deny.

- It'd be receiving place on file.

- Receiving place on file, correct.

- Motion by Alder Steuer is received in place on file.

- One second. There isn't an option for a motion to fail for lack of second, so I have to adapt.

- Oh, okay.

- That's not in there?

- No, the way that it's set up, you have to do a motion and a second and it won't let you advance or scroll down the window. And now we have a motion by Alder Steuer to receive in place on file.
- And the second?
- Second.
- Second by Alder VanderLeest. We'll need to vote.
- Start vote, or roll-call?
- Yep.
- That's right, we have it.
- Yes vote is a receive in place?
- The yes vote is to receive in place on file.
- No, place on file.
- Alder Steuer, would you like to change this?
- Yes, I'd like to change it, I apologize.
- That passes to receive in place on file, three to one with Alder Scannell voting no.
- Okay, thank you all. We are almost finished here. Discussion with possible action on General Ordinance number 1-19, an ordinance creating section 29.513, Green Bay Municipal Code relating to leaving keys in a vehicle, previously discussed at January 7th, 2019 Protection and Policy meeting.
- Yes, so. This was approved by the committee previously, but referred back at the last Council meeting for further discussion.
- Discussion.
- To make sure what the discussions were, what the hesitations were.
- Well, I think we'd like to look at the fine, and reducing it. I don't know, 100, 75, 50? We can have a discussion on that. Any thoughts on a number?
- I haven't really come up with one. I'm just waiting for discussion.
- Anybody else?
- My problem is that even the fine we're going towards people that left their vehicle and the car was stolen.
- So it'd be sort of a service fee in a way? So it's just for people who have their vehicles stolen, not for anybody who's--?
- Like if the keys were left in the car, the car was stolen, it should fall onto the car owner. You left your keys in there, and now we have the police department involved. That car owner should be responsible for the services that we provide.

- Yeah. I believe there is some municipality that does it, that way they charge the towing if they end up towing fee, which I think we would do anyway. If we have to tow it, they get dinged on that, right?

- [Police Officer] It's my understanding that if we recover a towed vehicle, the department essentially yeets the tow bill. That when we recover a stolen vehicle and tow it back to the police department because we're processing it as a stolen vehicle, it's I guess the cost of us doing business, bringing that car back to the PD. We don't push that cost onto the owner of the vehicle.

- My concern with that is, not a service fee if it was a fine, that they could then go to see attorney and work out whatever needs to be done there, because there are people who are not well-endowed in their means, and we can do community service or whatever, so if we looked at that as a fine, that would be \$50, \$100, what are you thinking? Any idea?

- I just got a couple of questions before we get into that.

- Chief, I like you. Chief wants to speak.

- Go on.

- Sir, Andrew Smith. The biggest complaint I got when we put this ordinance out there was that we would be victimizing the victims a second time. Everybody was concerned that Chief, you just want to go and cite someone who's already had their car stolen, and add insult to injury and make them pay a fine more? The other thought is, if we did say we were going to cite the victims when they recover their car, if they reported that their keys were stolen, or if we find the keys in it, they would say, my keys weren't in, they must have broken my house, or he must have taken my key from somewhere or got it out of my purse at the grocery store or whatever. So the big concern I had and the most calls I got of this whole thing was that we would be penalizing the victims again and I assured people that the intent wasn't to penalize the victims again, it was to prevent crimes like this from occurring. Just anecdotally, and I'm not going to send it to all you, but we did the stats run again last week, we had nine cars stolen in Green Bay. Five of them had the keys in them when they were stolen so far this year. That's on top of 50 last year, 20 of which had the keys and were running at the same time. So it is prominent, it continues to be a problem, and I'm completely fine with whatever you guys decide as far as a fine or anything like that.

- So Chief, I was going to ask you, this is on streets, public places, et cetera?

- This would be on public streets, on roads parked outside the houses, not on person's personal property, but it would include private property open to the public. Gas stations, mini-marts, things like that.

- You know, I know you brought this forward a while back. I was privy to a lot of this too, but I was just wondering, do you have any facts or figures on cars that are stolen out of driveways that are warming up? Do you have anything on that? I mean, that's private property, but that's still a potential police call.

- It is a potential police call, very likely.

- Is there some kind of number?

- I don't have it broken down between how many were stolen on private and how many were stolen on public property. I don't have those.

- Is that something that is readily available?

- I could probably get that for the next meeting. In fact, I may have it on my computer if I dig back through the-
-
- I'm just saying, I think just for information's sake, that might be good.
- When the police department goes out for a theft vehicle, do you know the average cost?
- We figured it out between the initial report, somebody calls 911 for the operator's time, have an officer go out there, take a report, canvass the area, and look for the vehicle, put the report in the system with our records unit, and check the area. If we find the vehicle, then recover the vehicle, do the paperwork for that, have the vehicle towed back to the station, process for fingerprints if that's what we need to do, and then release to the owner. Ballpark, we figured it was about \$500 in officer's time. That's each time a car gets stolen, so multiply that by the 110 cars that were stolen in Green Bay last year. Gets to be a pretty steep statistic. In addition, the glide path, as alder, who used to say it?
- Slattick?
- Slattick used to say, the glide path is gliding the wrong direction. Auto theft is trending up in Green Bay, not down like most of our other crime. My challenge will be, if this isn't a tool that we can use, and I intend to use it as a tool, I want our guys to be able to warn people, hey sir, I can't help but notice your keys are dangling in your ignition, your car's running as you're going into the little gas station here, just a reminder that you can be cited for that, and that's what I hope our officers do, use it as an education tool, which is kind of what is happening now with all the discussions that we've had about this. I hope that that's what this is to use for, not a tool to hammer people or take money out of people's pockets.
- Let's say if the ordinance wasn't in place, though, that you'd still tell people.
- Well, we'd certainly be able to warn them, but there's no teeth behind it.
- There's no teeth. Right, and in any kind of traffic situation, there's three things: there's engineering, there's enforcement, and there's education. The engineering is happening as we go along. More and more new cars are coming out. They don't function without the key fob in the car, so it's almost a self-solving problem and maybe two, three, five years down the road, we won't be having this discussion because all the old cars will have the new key fobs. There's education, which is what we're doing now, letting people know that look, this is the problem, which is what our officers are going to be doing, but the enforcement part is also there. It's something that our officers can say, if I come and I see you doing this again, Mr. So-and-so, you're liable to get yourself a citation. Please do us all a favor, just take your keys out of your car when you're not in it.
- One quick question for you, Chief.
- Sir?
- On the tow part of it, you say the Green Bay Police Department's not paying for that tow part, are they?
- We of the city is paying for the tow. The city pays to have the vehicle towed back to wherever it goes.
- My thought is that those costs, if you have your car stolen, if you left your keys out, I think the towing part of it should be put back on the owner.
- I don't have a problem with that, I know other municipalities do that. The problem with doing it for just the people that had their keys in the car is they'll lie to us and they'll say the keys weren't in the car, I have no idea how the crook got those keys.

- But regardless, you still had to tow that vehicle.
- Correct.
- The towing, I think the towing fee should be put back on the owner of that vehicle. That's my thought and that would help out, bigger than the fine, I think, as far as the towing costs they're what, probably \$100?
- It's I think \$25 a towed car.
- [Police Officer] That's contracted, it's heavy duty that is \$25 to bring it from wherever back to our police department. If the regular public called--
- That'd be more, okay then.
- We get a pretty good deal for it.
- I gotta get a police rate.
- Leave your keys in your car, sir.
- I think if we look at this, or if you're looking to try, we can look at that portion of the towing costs.
- I think if we make it a \$50 fine, we're covering everything, and we're simplifying it. I don't know if we want to just single it out against people who have had their vehicles stolen. If you're leaving your keys in the car, let the police, because that's part of the process here, the whole purpose is to educate people and have a little something, a little stick to go with it.
- Right, it's like jaywalking. Who gets hurt when somebody jaywalks, the jaywalker. But it's nice to be able to tell someone, hey, it's a fine if you do it or if you fail to stop for someone in the crosswalk, it's a reminder in that there's a little bit of teeth behind it and my challenge to anybody would be, if not this, what? If this isn't going to work or we don't want to do this, then give me another idea. If anybody's got a better idea about how we can knock vehicle theft down, one of the only crimes in Green Bay that's trending in the wrong direction, if you don't like this idea, let me know what a better idea is, I'll run with whatever's the best idea.
- You're saying we're getting how many a month? So far this year, you've had five?
- Five were stolen with the keys in them. During January, nine total vehicle thefts. But that's up a tick from where it was last year. Again in last year, it was up I think 80%, 8.2% percent over where it was the year before. So it's trending in the wrong direction, which is worrisome for me and it's one of the only crimes in Green Bay that's trending in the wrong direction.
- Have you talked to other municipalities that have something like this in place and how it's worked for them?
- Yep, I've talked to, well, our staff has talked to several. I've talked to Eau Claire, personally, and they said they've had it on the books for something like 50 years. It's very rarely used, and what they see is that their thefts are decreasing. They're trending in the right direction for them, and they attributed that to the fact that not only do they have this tool to use to warn people but also that technology is changing so much, making it harder and harder to steal cars. You know, back in the old days, people would hotwire cars and you'd see a wire going out of the trunk and coming in and somebody would touch the two together. Then they'd smash the column on the GM products or they'd use a screwdriver and break the ignition. That doesn't work on new cars, or newer cars. The newer cars, the best ones, are the ones that have the key fob that the car won't operate if your key's not in it. It has a remote start, push the button, you can warm your car up all day if that's what you want to do. Don't have to worry about it getting stolen.

- I'll make a motion that we do have--
- Somebody wanted to speak.
- Yep yep, someone to speak. Let's make a motion to open the floor.
- Motion to open the floor.
- Thank you, I did almost forget.
- By Alder Steuer, second by Alder VanderLeest, all in favor?
- Aye.
- Opposed, no. If you haven't filled out one of the sheets of paper--
- No, I got one over here.
- Oh, you did? Okay, then, please state--
- What I want to talk about--
- Your name and address.
- Is that issue with the ticketing part, keys in the car and that.
- Please state your name and address.
- Beg your pardon?
- State your name and address.
- Lyle Wilkin, 1942 Zeise Avenue, Green Bay, Wisconsin. I didn't realize that was such an important issue for the police department to go around and make sure the keys aren't hanging in a car or a car isn't running. I think we're getting too many regulations that are getting into our private life, and I can't see the file. I would think it is better to get the potheads and drunken drivers off the road, your boys are running the stop and go lights, those are not stopping at the lights and that, and ticketing speeders, I think, is a lot more important than if I leave my keys in my car or if it's winter and it's cold, I pull into the drug store for 10 minutes, I want to leave it running to keep it warm. I shouldn't have to worry about being fined for that, and I just don't think it's--
- I don't know, there's ticketed. Too many things that they're trying to license, I thought they should be put in. I don't think people are that dumb that they know if they leave their keys in the car, there's a chance of getting it stolen, and if they don't care, why should we worry about it? Let them get the car, let them get paid to tow and get it back, whatever it costs, but that's their responsibility. I don't think it should be ours, so I don't think that's something that we should enact, because like I say, I go to the drugstore, 10 minutes to go shopping, I get to go look around things, I come out, if my car was running to keep warm, here I get a ticket. I think, like I said, get the potheads and drunken drivers and the speeders and all that off the road is a lot more important, and I didn't realize they had, police department, that much extra time to devote to keys left in cars around here. I don't think that's something that should be enacted and I would hope that you don't recommend that to the City Council. I think it should stay like it is, and dumb enough to do that, that's my tough luck, not anybody else's, and I'll pay the consequences.
- Have questions?

- Well, Mr. Zeise, thanks for coming in. Oh, no, you live on Zeise. What was your name again?

- My wife thinks I can't hear, I think I can hear, there's just a lot of conversation.

- Whatever, thanks for coming in. What's your take, though, and I understand where you're coming from, but what is your take on the fact that time and money is spent by the police department once this happens? Do you feel that the owner should be liable for towing and/or a citation that it should be on them? With that being said, the issue is the amount of time that they spend on this type of crime that they could be doing other things, like going after those people you were talking about. What's your thought on that?

- I don't know. Like I say, I think there's a lot more important issues. Police officer's there for an eight hour shift, what's the difference if he's doing this or he's doing that? He's on duty for that eight hours, it's for this or that. He gets emergency call, he runs, somebody gets the flag player parked car, they're on duty for the eight hour or whatever shift is. So what is the difference to what they're doing? I don't think you should really have to worry about, like I say, too many things in our lives that I think it's our own business and we all should be responsible for our own actions and nobody else. This is just again, they want to keep everything hunky-dory and that, but their owners should be responsible. Thank you.

- Any other questions?

- No.

- Okay, motion to close. Someone else?

- Did you want to come up and speak?

- Okay, motion to close the floor.

- You did want?

- I waited all this time.

- Please state your name and address.

- My name is Terry Wolfram, I'm at 725 South Roosevelt Street in Green Bay, Wisconsin. Thank you. I was wondering, could I just read the ordinance? Is that okay?

- Yeah, sure, go ahead.

- Okay, so it's section number 29.513, Leaving the keys in a vehicle. No person, having custody of a motor vehicle, shall permit the vehicle to stand or remain unattended on any street, alley, public place, in the city without first removing the keys used to lock, unlock, or operate the vehicle. This section shall not apply to emergency vehicles or city vehicles being used for city operations. Okay, so. Does this then pertain to UPS trucks? Does this pertain to other type of delivery trucks, those types of things? I'd ask that question. The other part of this is that I kind of feel like I first heard about that and I thought, well, okay, what are other communities doing? And it said that there was municipalities in Eau Claire, I think Milwaukee, Madison. What is the data from that? What have they done, enacted? Has that decreased? I don't know that information, has that prevented that? We really don't know that information. To me, I first read about that, and I thought, okay, it's kind of punitive, I feel it is, because you're already missing your car. It's being stolen. Okay, so whether it's going to be found or not, you're out a car and now you're going to be fined for having the key in your car. The other thing that hit me was that, gentlemen, the last week, we've had a 60 degree fluctuation in temperatures. Did any of you go out and leave your cars running? I mean, I did. I have a one-stall garage, I live in an older

neighborhood. I don't have the luxury of two-stall garage. And luckily it started, but it's just that type of thing. Do I use it, going in and leaving my car running at a convenience store? No, I don't do that. But in my driveway. I know the ordinance says there, leaving it on in the street. I'd be interested in information, how many vehicles were stolen in driveways? I think that would be the thing, is people are stealing in driveways, that's your own personal property, they're trespassing. And where should the fine go? The perpetrator? They're the one that committed the crime. I didn't. I left my vehicle running, yeah, because it was cold out there. You know, leave it to warm up. So anyways, that's my spiel. I've learned a lot tonight. I've learned a lot about drinking.

- I'll drink to that.

- And stuff like that, and it's just, there's a lot of stuff that came on tonight. Speaking of, I don't want overreach like the servers. I felt that was kind of an overreach. Let the tavern owners kind of control things, let them do that. I just don't want, when we start losing our freedoms, I know it's a little thing but it kind of is a scary process and really my car is my car. It would really suck if somebody stole it. I'd have to figure out how to get something else. Anyways, that's it, gentlemen.

- I was just going to ask real quick, when you warm your car up, it's in your driveway, correct, or in the garage?

- Yep.

- You don't normally leave it on the street?

- No, no, it's in the driveway.

- And again, the ordinance does not say driveway.

- Right, you would not--

- So it would not be--?

- I know that, I'm just asking.

- Would that be interpretation by the officer?

- No.

- Nice, that'd be clear, but you know, again, I work in social services, too, we always tell our parents not to leave your car running, "oh, my child's in there," take the child in. We do that, do they do that? No, they leave their car running with the kid in there, because they get them unwrapped and stuff like that. It's part of that thing. You want to make some social changes on people, it takes time. Look at how many people used to smoke. There's a lot less now. That's education.

- And momentum.

- Yeah, it really is. It's mostly education, though, I think it is. My cousins and aunts and uncles smoked, then stopped smoking. Changes. Any other questions?

- Thank you.

- Thank you.

- Thank you.

- Motion to close--

- Anybody else?

- Motion to close the floor.

- Alder Steuer.

- Second.

- Second by Alder VanderLeest. All in favor?

- [All] Aye.

- Opposed? Floor is now close-ed. I understand where people are coming from. We are not talking about private property, we don't want to go on private property, we're not interested in that at all. As far as being punitive, yes, that's the purpose, but the purpose isn't to go out and make money for the police department. We hold people responsible all the time. If you don't buckle up your child, you can get fined. I mean, we hold people responsible for their behavior all the time. And that would be quite a considerable fine, that one. This one, we're looking just to make a little something to help the police department in a campaign of educating people, and I would really be even to put like a two year sunset clause on this ordinance, that if we set a fine for \$50, \$55, can't drive, 55? \$50 and the ordinance expires after two years, and at that time, we'll have data from our police department, we can go over that, is it worth it, is it not worth it, who's been fined, who hasn't, you know. How much have they been paid? We can look at that and determine if this has any value or not. Hopefully, maybe two years, we'll all be driving automated cars and the whole thing's moot. Next car I buy drives itself. That's my motion, that we send this to staff with a \$50 fine and a two year sunset. Is there a second?

- I'd like just waiting before we actually make that motion. I understand this is a problem for the city, but I hate to penalize the patrons that do get their car taken. I think if we took the towing fee and put that, I think that would be a good start. Put the towing fee that they pay for the towing fee to get their car back. I know that the administration costs are a lot more than what we're talking about, the \$50 or whatever it might be, but I would say if we charge them the towing fee, at least that would be a way to educate what's going on. I got some feedback from different people in my district. Their thoughts was, well, you know, that's the police's job. I got about six or eight calls that said that. What are the police doing? That's their job. But I think if we look at just charging them, the people that do get their car stolen, say, well, you have to pay your towing fee and whatever that towing fee is. You can set the towing fee.

- Just so I'm clear, that would be for all the cars that are stolen, or just the ones we determined the keys were in them at the time?

- I would say that if a car's stolen, if you want to get your car back, you have to pay that towing fee. If you take your car to Chicago and it's stolen out of a parking and they have it in a pounding lot, you have to pay to get that out of the pounding lot. They don't have enough space to keep the cars there in Chicago. So you'd pay for that fee to get your car back. I would be in favor of, you just pay for the fee, the towing fee wherever you have to tow it. Maybe your lot gets towed, you got to tow it somewhere else. I would be in favor of just the towing fee and start out there. People would get education that way as well and they wouldn't feel so double-indemnity, as you'd say it. They get first the car being stolen, maybe their car's wrecked. I had a car stolen once out of my yard, years ago. I was without a car for about five days. It was kind of tough, I was young. Didn't make too much difference, but I'm just saying. I know what it is to have a car stolen, and I would be in favor of the towing fee, that they'd pay the towing fee and that would be a tool of education to get out in the

community and we wouldn't be saying, well, we're going to find them. I think the Green Bay Police Department does a good job as far as community output. Had the horses there for a while. People are more willing to talk with the police and make interaction and I think this might be just a good tool to just charge them the towing fee and say, gee, I'm sorry your car got stolen or whatever. That's my thoughts. That's how I'm proposing it.

- The reason making on your motion right now?

- Well, I would have some discussion. I oppose that idea for a couple reasons. One is we're talking about all cars now, and I think there are going to be a much bigger uproar about someone who went to bed and somebody broke in and I don't know if they can hotwire it, whatever it takes to get the car going again and steals the car. I mean, they're completely innocent. Then you're really dinging the victim of a crime, someone who's not careless. The purpose of this is, this could be considered careless behavior and for two years, we're going to say in an effort to try and educate people to say this is careless, people have been stealing cars, it's on the rise, this is a concern, you have a better chance because of people being aware of this and stealing cars, stuff is happening to you, so we put a \$50 fine, file you on it, not just for those who've had their car stolen, but for anybody the police, if they pull in to get gas and they see somebody with their key in there, they can warn them. That's part of the purpose here is not just stolen vehicles, it's anybody who leaves their key, and I don't think the police are going to be out there, trolling looking for vehicles with dangling keys. It's going to be catch as catch can as you're going through your regular duties. Again, I don't think the purpose is to punish people. It's to inform people and you need a little something behind it to get their attention.

- I got a quick question. Chief, maybe you could answer this. I'm losing my train here.

- Here comes the caboose.

- Oh boy. Okay, let's say there's a \$50 fine out there. You're talking about education, so you're saying that your officers would come in and say, tell somebody. In effect it's almost a warning, correct?

- Yes, sir.

- So if you get one warning, if you do it twice, then you would get a citation? Would that be the normal type place activity?

- You know, this idea was actually hatched by a couple of our community policing officers, who I think they had issues in their neighborhood where they would see the same cars running over and over again, and just waiting for someone to steal it. They would warn people and it didn't seem to have any effect on people. They just really didn't seem to care. So I think the idea is they wanted to have at least a little bit of teeth to say, hey Mr. Jones, I've warned you two, three times about your car being on the street and you're still doing it. There's kids in the neighborhood walking to school. It's a really big temptation, think about that. If you're warming your car up in the morning, out on the street and little kids are walking by, or out of lessons or kids that are in the crime-prone years, and they take your car, what are they going to do with it? They're going to hot-rod it around, they're not licensed, they're probably not great drivers, and we all heard the expression drive it like you stole it. They're not going to be out there obeying all laws and doing things we would do as regular drivers. So it's more like, I've likened it to leaving a loaded weapon on your front porch. Do you leave a firearm on your front porch? I think it's kind of the same thing. Do you leave your wallet on your front porch? Yes, it's illegal to steal it, yes, there's a fine if you do steal it, and if we catch you, you go to jail, but why tempt fate? Why allow your car or that firearm on your front porch or your wallet on your driveway, why would we tempt thieves and give them this opportunity and the opportunity took 50 times in our city last year. What'd I say, 48% of the cars stolen had their keys in them. If you got a better idea to get people to stop getting their cars stolen, cut car theft in half by just taking your keys out of the car. Holy smokes, if you could tell me I could cut domestic violence in half in this city by just one thing, holy smokes, man! I think we'd all get bronze busts of us in front of the police station.

- Well, I like the fact, you said there's other communities out there that you've done studies on. And I think part of my request was to find out how many cars in driveways are taken, that kind of thing.

- And I have that--

- We're looking at this ordinance right now, but I would feel more comfortable if we had a little more of that information, so I think part of me, even though I agree in essence with the majority of this, I still don't feel comfortable voting forward at this time.

- Well, we could refer it to staff to make the changes. Comes back, we could come back with that information and make a decision.

- I would feel better about that. So just to add more I would make a motion that this would be referred back to staff with some of those concerns that we talked about. I don't know if you need those.

- I already made that motion.

- Do that.

- I needed a second.

- Oh, you made that motion, okay.

- I believe I did.

- And a motion to include--

- \$50 fine, two year sunset.

- Reduce the fine to \$50 and to provide a two year sunset clause for staff.

- Make these changes, put it in and they come back, and then we decide.

- Right, I don't mind it going back to staff, but with the \$50 of course, we could say no that will work or not work. You're just saying putting it in there. I don't necessarily fully agree with that at this moment. If it goes back to staff, they can talk about that.

- When it comes back, we could do, we could kill it, we can make any other changes that we decide to do in the meantime. This is just to get something, send it to staff to get something else in front of us.

- Well, I agree with the rest of that.

- Send it to staff and get the information you want.

- Right, I'm not so sure I'm keen on the fine. I know that's part of what you think is important to be brought forward, the fine. I think it's almost like I said, double indemnity already. You know, they're losing their car, so having it stolen. I like Alder VanderLeest's talk about paying for the towing. I think that puts the onus on them, that that would be the penalty, I think. You know, you lost your car, but I didn't already get it back. You got to be accountable and responsible. I feel that's important as well.

- The problem with that is, are you going to do it straight across the board, with everybody who's had their car stolen?

- No.
- If you're not, then it's easy for someone to say, my keys were not left in the car. They must have stolen my keys somehow. How do you prove that? You're just making the work complicated. Simplify this with a \$50 fine.
- I'd just like to weigh in here, Randy. On that towing fee--
- The left--
- Chief Smith--
- I'm going to back off.
- Chief Smith, regardless, you still have to pay that towing fee, is that correct?
- We still have to pay that towing fee. That's taxpayer money. Money for the towing fee and the money for the cops and the money for the processing the car comes not from me, it comes from us. So when your car gets stolen, you cost the city \$500. You cost your fellow taxpayers \$500. That's why I'd love to cut this crime down in half.
- I would say that if we went with right across the board as far as your car's stolen, regardless of where it's stolen and the Green Bay Police Department has to pay for the towing, that's your fine right there. If it costs \$100, if the fee goes up for towing, they pay more. In other words, the penalty is wrangling down the towing fees that's related to your vehicle if it's stolen, regardless if it's stolen out of your rear garage, or your front garage, you're on the street or anywhere. In other words, if the Green Bay Police Department still has to pay that towing. My thoughts would be, in order to get their car back, they got to pay those towing fees, and that would be another penalty, basically, that they would incur regardless of how it's stolen. It would generate more revenue than just the five or 10 that are coming in. If you got 20 cars stolen, they're all going to pay for that towing fee. I know in Chicago, if your car's stolen, it goes to an impounding lot, and in order to get that car out, you might pay 200 or 300 for the towing.
- Right, but my only, and I'll do whatever you guys decide, because that's what you guys get to do. The only thing that people have been shooting darts at me about is we're penalizing the victims, and so that's the big wreck that everybody says, is you're penalizing the victims a second time. They got their cars stolen, even if it's through no fault of theirs, and now you're going to penalize them again. That's the feedback I've been getting.
- And paying for the towing fee is not penalizing anybody. They're getting their car back.
- That's a penalty.
- In my thoughts, that's what I'd want to do. If you're going to write it up, anybody's car that's stolen, they pay for that towing fee.
- First of all, we're changing the focus of this. We're going completely off the focus of trying to be an educational tool--
- It's covering, it's a broader perspective as far as, if your car's stolen, you got to pay for your towing fees to get your car back, simple as that.

- Right, and then we are definitely hitting up people who are victims and not necessarily through their own carelessness. So I oppose that from that standpoint. The police pick up costs all the time for various things. You're not even looking at it as a way to cover police costs.

- This isn't going to cover the police costs because you're not making any money on this, are you, Chief?

- No, sir.

- Not a penny, so if you want your car back, you got to pay for the towing fees, that's as simple as.

- I think you brought up what Chief brought up before that, too. If you did the towing thing, you lost your car, plus you have to pay for the tow, and you also get a fine, that seems like...

- That's three hits.

- That's three hits.

- I think he's saying no fine.

- Right, I know that.

- I'm just saying, the way we were talking before, I was like, you could have three different elements. You could, conceivably.

- Right, but I don't support.

- So my feeling is, I would really like to refer this back to staff, and you already mentioned that, but I think the fact is, you were talking about a \$50 fine and I tend to lean toward what Alder VanderLeest has said, you know, you lose your car. To get it back, for accountability and responsibility's sake for that person, they need to pay that to get their car back. To me, that would be a legitimate fine, to me.

- To me--

- So--

- Go ahead.

- I know we differ.

- Right, and I'll tell you why I differ. You're penalizing victims. That's not what the intent here is. Someone may not even get a fine, they just might get warnings. The purpose here is to use this as an education tool. We're looking at it not as a generating tool, as a punishing tool--

- No, that's good, that's fine and dandy, but once your car is stolen, the education part's over.

- But then there's nothing for those who haven't had their car stolen. We're trying to get more than just people who have lost their car, we're trying to get everybody who leaves their keys in their car. That's the target area, not just people who've had-- And now, you're going to leave out all those who carelessly leave their keys in the car, they got no consequence whatsoever, and you're going to start punishing those who are complete victims, who had their car in their garage, and it somehow got stolen. I mean, you're turning complete innocent victims, not people who have been careless, into getting dinged twice. I oppose that completely. I think we want to stay focused on, this is about people leaving keys in their cars, that's the focus of trying--

- You made a motion, so restate the motion, I guess.
- To send this back to staff, with a \$50 fine and a two year sunset clause, and come back with us and we can make any changes we want then. Is there a second? Second by Alder Stevens. Any other discussion? I think we need to hear from the public on this. I think you can hear a lot of blowback from people, who are saying my key got stolen out of my garage and you're going to fine me and you're going to make me pay towing for that?
- The towing fee is not a fine.
- It's not a fine, but it's--
- The towing fee is related to the towing to get the car back to the police department, and that's a legitimate cost.
- That is a completely new cost that no one has paid, and you're putting it on them for no purpose.
- The purpose is to get their car back.
- Which is not what we're doing here. We're not concerned about the towing. We're concerned about dangling keys. That's the focus.
- If we're concerned about dangling keys, then we have to get a public message out through the internet, through radio, through news medias--
- Through the llama?
- That would be your best tool to get it out to the public, is interaction as far as the news media.
- Sir, in my defense, my face is literally blue, talking about this for the past couple years. I've been in news media, I've talked to the newspapers, we've papered neighborhoods. We even went as a department years ago around and put notes on people's cars. Hey, buddy, you left your car door open and by the way, your keys are in there. They discontinued that just before I got here because it was like a flag for somebody to come and steal the car because the keys were in it. So we've papered neighborhoods, we went on social media, Facebook, we've nicked some things out. My face is literally blue and what hair I had left when I got here is gone, because of pulling it out, trying to get people to take their damn keys out of the car.
- You had hair?
- Well, my thought is still the towing fees. If they want to get their car back, they pay the towing fees. You know, the City of Chicago, how they do it, if we could check into that, and as far as if a car is stolen, doesn't matter, it's stolen. Somebody stole that vehicle. It comes right down to it is, if the Green Bay Police Department, if you're going to recover that vehicle, they have to tow it, so if you want to get your car back, you got to pay your towing fees. That's not unreasonable. When we say we're going to fine me a \$50, \$25 dollars for a fine, people are going to be talking about that, they'll say oh yeah, that's really nice. And other people have talked to me about saying that, we got a wheel tax now as well, and people that are living in apartments, do you think they want to pay a wheel tax? They don't care about the roads.
- Let's stay on to the--
- I'm just saying! In other words, it's going from one to the next to the next. I would say if you want to get your car back if it's stolen, you'd be happy to pay that towing fee back and it's not going to be a fine, it's going to be a towing. You get your towing fee, that's just cost. We're not hitting them with all the administrative

costs and all the time that you're spending, but if your car is stolen, you have to pay the towing fee to get it back. Is that any simpler? I don't know.

- Well, it's completely different from what the agenda item is.

- I know, regardless--

- One other point I wanted to make, too, is say, when you leave keys in the car, you could look at the overall situation, and say okay, out of that 100 times, maybe the cars were stolen four times, six times. There's probably no facts or figures--

- There is, we had 108 cars stolen last year. 50 of them had the keys in them, five-zero. So 48%, 48.2% of the cars had their keys--

- You might have mentioned that already.

- That's a big chunk.

- Well, I mean, Randy, you want to refer this back to staff. I'm not necessarily for the \$50, but I think if it goes back, I feel if it goes back to staff and they talk about that, we can deal with that. What's that?

- Out of those 50 vehicles that were stolen with the key, how many were recovered?

- We recover almost all of the vehicles. Interestingly enough, of those 50 that were stolen, 20 of them were running at the time they were stolen. The rest of them just had the keys down in the ashtray or on the seat or something like that. We recover almost all the vehicles here. Virtually all the vehicles that get stolen are stolen and driven for a short period of time and then dumped and we find them sometime later. We don't have a lot of chopshops, we don't have people that put them in shipping containers and send them off to the Middle East. They're all recovered here, usually in Green Bay or sometimes down in Milwaukee and other bigger cities.

- That's good.

- Would you like a roll-call vote on this?

- Yeah.

- Are you against sending it back?

- That would just be me on that one, on sending it back.

- All right, votes started.

- So what's the yes vote again?

- To refer back.

- Refer back to staff.

- I want a quick comment.

- Motion to open the floor.

- By Alder Steuer.

- Second.
- Second by Alder VanderLeest. All in favor?
- [All] Aye.
- Opposed, okay, please stand up.
- Oh, he said he was there at the llama. You've been in law enforcement how long? Have you changed the responsibility of people, their attitudes that are irresponsible?
- Please address--
- How long are you--
- Please address the chair.
- Oh, I'm sorry. I'm just saying, when are you going to do the irresponsible? He's been in law enforcement that long, he's not going to change it. If you're irresponsible, you're going to be irresponsible. Law isn't going to change that. So what can you do, you know. Just like I said, I think you're getting too much into our private lives. He's an adult, eight hours a day working. What's the difference what they're doing? And like he said, pay the towing if you want it back, but I want all the vehicles, the mailmen and the truck drivers that are leaving the truck running, does it cover them? You know, if you're favoring some people. Guess I don't know if it's a favorite thing. What I really want to do is get that fine in that. Irresponsibility, you're not gonna change. Thank you.
- Motion to close the floor.
- Motion from Alder Steuer.
- Seconded.
- Seconded by Alder Stevens, all in favor?
- [All] Aye.
- How many vehicles UPS and FedEx and so, how many of those vehicles have been stolen?
- You know, they don't get stolen, but UPS, at least where I used to watch UPS guys, they had a routine where they would take their key, put it on one of their fingers, and they would do their business. They wouldn't leave their cars running. I imagine it would be up to the employer to make sure, but boy, a stolen UPS truck could be a big loss for the UPS folks.
- Yeah, I'm not sure they leave them running. Same with the post office.
- I'd be surprised if they do.
- Yeah, I don't think they do.
- I've seen them pull up in front of my house and they'll just run up and come back. They're right there, so it's not like they're leaving sight of the vehicle, it's watching.

- I don't even know if they'd leave the ride then.
- Well, we can check on that. I've got some crack staff that'll find some answers.
- Let's vote!
- All right, I'll sort a motion.
- Okay, that passed three to one with Alder VanderLeest voting no.
- Okay, liquor violation report from the police department for January 28th, 2019.
- [Police Officer] We had five liquor violations. They included allowing underage in a licensed premise, serving the underaged person, and the bartender didn't have a license. Yet another bar without a license, then cited for open after hours. So we have five this past--
- Two bartenders without licenses?
- [Police Officer] Yes, in different establishments.
- Wow, that's kind of unusual, isn't it?
- [Police Officer] Yes. Well, what happened was, at this establishment, we cited the bartender for not having a license, and then we did some research and then we went back and cited the owner of the bar because he knew the bartender didn't have a license, so was cited for allowing an unlicensed bartender to be there, so that's why there's two.
- Now, were they given a fine, sir?
- [Police Officer] Yes, they're given a fine. Their court cases are coming up in the next couple weeks.
- Can I ask you how they happened to find this out?
- [Police Officer] For the unlicensed bartender, I would have to ask the community police. They were dealing with this, the west side. Do you remember, Jason?
- [Jason] We received a complaint that someone called in and said that their underaged grandson got into an accident and was arrested for OWI and was being served at this bar regularly by a bartender knowing that he was underaged. When we looked into it, the bartender, we found out the bartender, who served the underaged person who got into the accident and got arrested for OWI, did not have a license. And then we interviewed the owner and realized that the owner knew that she didn't have a license, so then the owner got a citation.
- [Police Officer] That was the trail of events that led to this situation.
- [Jason] We just didn't randomly show up.
- Can we ask what the place was? Or is that not allowed?
- [Police Officer] I believe it was in the packet.
- It's in the packet.

- Okay, I didn't--
- Check your packet. Anything else?
- Was the Brown County Tavern League over there?
- [Jason] No, it was why the grandmother's down there right now.
- I wish that place luck.
- They may not be in the league. Anything else, then, we're all good?
- [Police Officer] We're good.
- Thank you, sir. Motion to adjourn?
- No, receive in place on file, he said that.
- Oh, I'm sorry, receive in place on file.
- I second it.
- By Alder Stevens, seconded by Alder Steuer, thank you very much.
- Motion to adjourn.
- Oh, we gotta vote.
- One second.
- No we don't.
- Oh, we don't?
- We didn't.
- Yep, I want to say just mark it all as yes. We are now on adjournment.
- Motion to adjourn by Alder Stevens, seconded by Alder Steuer, all in favor?
- [All] Aye.
- We are adjourned-ed. You can't log out yet, we gotta wait for her to let us leave the meeting.