



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

**MONDAY, FEBRUARY 11, 2019, 5:30 PM
CITY HALL, ROOM 207**

A. ROLL CALL.

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

Also present: Assistant City Attorney Kristen Johnson Lt. Steve Mahoney, Chief of Staff Celestine Jeffreys, Ald. Barbara Dorff

B. APPROVAL OF THE AGENDA.

I. Approval of the agenda for the February 11, 2019 Protection & Policy Meeting.

Moved by Ald. John VanderLeest, seconded by Ald. Mark Steuer to approve the agenda for the February 11, 2019 Protection & Policy Meeting. Motion carried.

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

C. APPROVAL OF MINUTES.

I. Approval of the minutes of the February 4, 2019 Protection & Policy meeting.

Moved by Ald. John VanderLeest, seconded by Ald. Mark Steuer to approve the minutes of the February 4, 2019 Protection & Policy meeting. Motion carried.

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

D. REGULAR BUSINESS.

1. Consideration with possible action on an application for a Class "B" Beer license for Centro Botanero La Carreta, LLC at 1742 E. Mason St. Suite 4 with a licensed premises as "dining area (storage within dining area)."

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to approve an application for a Class "B" Beer license for Centro Botanero La Carreta, LLC at 1742 E. Mason St. Suite 4 with a licensed premises as "dining area (storage within dining area)." Motion carried.

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

2. Consideration with possible action on a request by Pepper at 114 S. Broadway to have an extension to issue their liquor license due to a remodel/addition (granted at the 12/4/2018 Common Council Meeting).

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to approve the request by Pepper at 114 S. Broadway to be granted an extension to issue their liquor license due to a remodel/addition (granted at the 12/4/2018 Common Council Meeting). Motion carried.

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

3. Consideration with possible action on a request by Amphora Wine Bar, LLC at 131 N. Broadway to be granted extension to issue their liquor license due to a remodel/addition (granted at the 11/5/2018 Common Council Meeting).

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to approve a request by Amphora Wine Bar, LLC at 131 N. Broadway to be granted an extension to issue their liquor license due to a remodel/addition (granted at the 11/5/2018 Common Council Meeting). Motion carried.

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

4. Consideration with possible action on an application for a "Class B" Combination license by Code 920, Inc. at 805 Klaus St. with a license premise description as "behind the bar and storage room, front smoke area (private area), rear smoke area (private lot area). (Previously licensed as Rinconcito, LLC).

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

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

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to grant a "Class B" Combination license to Code 920, Inc. at 805 Klaus St. and amend the license premise description to "behind the bar and storage room," with the approval of the proper authorities. Motion carried.
Yes- John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

5. A request by Ald. Wery to request legal review: Should the Mayor and city staff be using city time and resources to plan a private event?

Moved by Ald. John VanderLeest, seconded by Ald. Mark Steuer to receive and place on file the request by Ald. Wery to request legal review: Should the Mayor and staff be using city time and resources to plan a private events?. Motion carried.
Yes- John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

E. INFORMATIONAL.

Moved by None, seconded by None to receive and place on file. Motion carried.
Yes- None, No- None, Abstain- None

I. Liquor Violation Report from the Police Department for February 11, 2019.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to receive and place on file the Liquor Violation Report from the Police Department for February 11, 2019. Motion carried.
Yes- John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

F. ADJOURNMENT.

Moved by Ald. Mark Steuer, seconded by Ald. John VanderLeest to adjourn at 5:56 p.m. Motion carried.
Yes- John VanderLeest, Mark Steuer, Randy Scannell, No- None, Abstain- None

VERBATIM MINUTES:

- Let's rock it and roll it.
- Hold on. Please wait.
- Hmm.
- Looks dated.
- Okay, there we go.

- Rewind?
- Restoring the file. There's one for you guys in the technology announcement.
- I remember when you had to go to the Apple store, so only the Apple store sells Apples.
- There you go.
- Ron Mason.
- Yeah, Macintosh.
- That's the Apple store.
- Yeah, that's the Apple store.
- That's the one I go to.
- That's what I got, you got a new one?
- Last time I was here this gave me that one.
- You still have your other one?
- Yeah, I got three now.
- Don't lose that.
- No, no, I got them in the bag. I got the baseball, I got a basketball, I got a football. Only thing I need now is I think a soccer ball and I don't know what else.
- A curling stone, but you'd hurt yourself on the handle.
- Yeah.
- You've tried that?
- Curling?
- I curled for 15 years.
- Really? Wow.
- I was a curler.
- I'm impressed.
- How much did that big stone weigh?

- 42 pounds.
- 42 pound, boy, you can do this.
- You come out of the hack, you slide up to the hog line, and you release the stone into the house.
- I'm just curly naturally.
- And then you broom it.
- Sweep, I would say use a vacuum.
- You got a lot of hair.
- Sweep, you're melting the pebble of the ice.
- Both my brother-in-laws did that for a while and one time, they both managed on the same night to give themselves black eyes.
- I think we're just going to go ahead if you don't mind, because this one's reporting that it's just a backup.
- Okay, yep, sounds good.
- Go slowly.
- All right, good luck.
- The women's fall over.
- Right?
- Protection and Policy Meeting for Monday, February 11th, 2019 at 5:30 pm, City Hall room 207 is now in session. Roll call, Alder Stevens is excused. Alder VanderLeest?
- Here.
- Alder Steuer?
- Here.
- Alder Scannell is also present. We have a quorum and shall proceed. Take a motion to approve the agenda for February 11th.
- Motion approved.
- Second.
- Motion approved by Alder VanderLeest, seconded by Alder Steuer, all in favor?

- [All] Aye.
- Opposed? We have an agenda-r.
- It's fast as germ.
- That's fine, take your time.
- Okay.
- I'll take a motion to approve the minutes for February 4th, 2019 Protection and Policy meeting.
- Motion approved.
- Motion approved by Alder VanderLeest.
- Second.
- Seconded by Alder Steuer, all in favor?
- [All] Aye.
- Opposed? That passes unanimously.
- Okay.
- On to regular business. Item number one, consideration with possible action on an application for a Class "B" Beer license for Centro Botanero La Carreta, LLC at 1742 East Mason Street, Suite Four with a licensed premises as "dining area, storage within dining area". Staff?
- The law department has no objection.
- [Police Officer] Police concur.
- Police concur.
- Motion to approve.
- Motion to approve by Alder Steuer.
- Second.
- Seconded by Alder VanderLeest, all in favor?
- [All] Aye.
- Opposed? That passes unanimously, and I should say, everything that we do here at Council is just a--

- Committee.
- Committee is a recommendation to the Council, which will be meeting next Tuesday, six?
- O'clock.
- O'clock in the room next door.
- No, next Monday.
- Oh, Monday.
- Oh right, Monday, because of the election. So next Monday.
- February 18th.
- Six o'clock in the room right next door, this will become official. You shouldn't probably have any trouble, should just go right through.
- Just in case.
- Just in case. Our recommendation unanimously is that you get it.
- All right.
- Got an extra pen?
- Yep, I do.
- May I borrow one?
- Certainly. Are we on to two? On to two! Consideration with possible action on a request by Pepper at 114 South Broadway to have an extension to issue their liquor license due to a remodel/addition granted at the 12/04/2018 Common Council meeting. Staff?
- No objection from the law department.
- [Police Officer] Police have no objections, either. Or we concur.
- I make a motion to approve.
- Motion to approve by Alder Steuer.
- Second.
- Seconded by Alder VanderLeest, all in favor?
- [All] Aye.

- Opposed? That passes unanimously.
- Okay, on to three.
- Consideration with possible action on a request by Amphora Wine Bar, LLC, at 131 North Broadway to be granted an extension to issue their liquor license due to a remodel addition granted at the 11/05/2018 Common Council meeting. Staff?
- No objection from the law department.
- [Police Officer] Police concur.
- Motion to approve.
- Motion to approve by Alder Steuer.
- Second.
- Seconded by Alder VanderLeest, all in favor?
- [All] Aye.
- Opposed? That passes unanimously. Consideration with possible action on an application for a "Class B" Combination license by Code 920, Inc at 805 Klaus Street, with a licensed premise description as "behind the bar and storage room, "front smoke area, private area, "rear smoke area, private lot area," previously licensed as Rinconcito, LLC. Staff?
- The law department does have some concerns. We recommend denial based on the way the application is currently written. They do have a front smoke area and a rear smoke area, both of which on their description do not have any kind of fence or barrier, so we would not be able to-- The police department, I should say, wouldn't have any way to determine which area of the outdoor is licensed, which one is not. Typically we require some sort of fencing or barrier in those circumstances. We recommend that you deny it the way that it is. If you did want to approve it, it would have to be by 2/3 of the Council. Otherwise, we would recommend that you approve it without those two areas on the licensed premise if that's something the applicant wanted to do.
- Concur?
- [Police Officer] Police concur.
- Is there anybody here for this item?
- [Jason] I am.
- Motion to open the floor.
- Motion to open the floor by Alder Steuer.
- Second.

- Seconded by Alder VanderLeest, all in favor?
- [All] Aye.
- Opposed, floor's now open. Right up here, if you could state your name and address, and then also when you get the chance, fill out one of the forms on there. You need a pen, is there a pen there?
- Jason Cowser, 4662 North 37th Street, Milwaukee, Wisconsin, 53209.
- And you've heard the staff. Were you planning on putting up any kind of fencing or anything?
- Yeah, I was going to fence the area off directly behind the building. I didn't know that needed that done in the front as well.
- [Police Officer] A fence in the front?
- I'll fence off the back area. A designated area because of the way the lot is in the back, there's access from two other businesses if they go in, so it'll separate me from the other two businesses that's adjacent to the...
- So would they also be using that space?
- No, that would still be from mine. I'll block it off so that it's strictly for them, my patrons only.
- Okay, when were you planning on doing that?
- Well, everything was contingent upon me receiving. I can proceed. I didn't want to put anything into the project until I found out what the thing was here, but that won't be an issue.
- Okay, if we do grant the license without those areas, can they come back and apply including those areas?
- To extend the premise. Correct.
- So is that what I need to do, apply for an extended premises license?
- Well, for the smoking areas.
- Right, I mean people can smoke out there, they just can't bring their alcohol there if it's not part of the licensed premise, so people can go out there to smoke cigarettes, but they can't bring their drink out at a lot of bars.
- Until you get fenced off and then come back and apply.
- That works for me, that's no major biggie for me.
- Okay.
- I mean, because I didn't make the lot for them not to go out there to smoke. I don't smoke, so it doesn't affect me.
- Well, it all depends on what you want out there. I mean, if you want to end up putting up some in the summer, tables and stuff.

- I mean, I can always revisit that down the line.
- Right, exactly.
- So I guess my major thing was actually getting over that.
- Okay, so if we amend this and remove the smoking areas from the license--
- Works for me.
- Okay, any other questions?
- I just got a quick question, and thanks for coming in. There is a site plan, is this the drawing of the site plan?
- Yeah, what's in the packet.
- Right, so I guess with that being said, then it would be a matter of just amending that site plan and then going with that.
- So we would just recommend that you recommend approval to license the premise described as, "behind the bar and storage room," not the front smoke area or rear smoke area.
- We just strike that off?
- All right, well, as long as that's reflected in the site plan coming up and that would be understood with this motion.
- Yeah, we would put on the licensed premise that it's not the smoking area, it would just be the building and the indoors.
- So initially, I thought I had to have a designated smoke area. That's why that was put in.
- Okay, well, as long as you're aware of that.
- Yeah, they can't take their drinks out there and if you do want to do something out there, that needs to be fenced off and you can come back and apply and we can...
- [Police Officer] Extend the premises permit. That works.
- What is that motion you made.
- Close the floor. Anything else you care to add?
- No, that's it.
- Okay, thank you.
- Okay then, motion to close the floor.

- Motion to close the floor by Alder Steuer, seconded by Alder VanderLeest, all in favor?
- [All] Aye.
- Opposed? We have that up amongst us. Did you want to make a motion?
- I would make that motion, which was stated, I mean, I could try to repeat that.
- We just want to strike off from "front smoke area" on, let's just strike it off. Period instead of comma.
- Why don't you read it, then?
- All right, consideration that the applicant is granted a "Class B" Combination license for Code 920, Inc, at 805 Klaus Street with a licensed premise description as "behind the bar and storage room."
- Correct.
- Okay, I'll make that motion.
- Second the motion.
- Okay, motion by Alder Steuer, seconded by Alder VanderLeest, all in--
- Hold on some more. Amend or adopt?
- Approve.
- Approve? Okay.
- Okay.
- All in favor?
- [All] Aye.
- Opposed? Approved.
- Okay, thank you.
- Five, when you're ready, just let me know.
- Very good, it must be your birthday today.
- Yep, a little. There's not much here, so I can relax. I don't have to push. Five, a request by Alder Wery to request legal review: should the mayor and city staff be using city time and resources to plan a private event? I talked to Alder Wery about this, and his concern was that if the mayor had used any city resources or anything that he had offered to pay for those things and he was wondering what the bills should be, that we should calculate the bill for that. However, I know that going before our finance committee is anything about expenses the city has made, so I think we don't have to worry about that. It's a matter of staff time, and for that, I would defer to department heads, that if there's any staff time that was used inappropriately for this, I would assume the department heads are right on that for this or anything else. If staff is not doing the job they

should be doing, our department heads should be on them and if it's an issue that needs to come before us, I would hope that the department heads would bring that forward to us. I would think on the whole, though, they should be able to handle that with the department heads and HR, so I don't see how there's anything for us to do here. I know a bunch of the staff that were reported working on this are salaried staff and so I don't even know how we could calculate that. I mean, if you have someone who's working here until eight o'clock in the morning, which is certainly beyond and above the hours called upon, how do you designate what's city time and what's their own time, because certainly they can work on this if they were taking a break, which is what often happens when staff works on retirement, or a party for someone leaving, whether it's within staff or whatever. So I don't see how we can calculate hours spent. I would think for this, we would just receive in place on file and let the finance committee address any expenses spent. Thoughts?

- Well, just looking at this, it doesn't matter whatever situation this is, as far as an event. I don't care who's putting anything on. Just a perception, I think, needs to be stated, that needs to be done off-time. If you're away from your desk or away from your work times. I talked to Alder Wery as well and just tried to find out where was this information, how did you get this information, that type of thing. He didn't really expound as much as I thought he would. I just wanted to understand or find out from administration, was anything done that way, or is this something that Alder Scannell said that we need to pass from this group and take it to finance? How do you split hairs that way? Because it is salary.

- If I might say, Alder Wery pointed to two communications. One is going to finance.

- Right, okay.

- I think finance should handle the financial end of it, so we don't have to worry about that. What we're looking at here more is time and resources, and I think resources would also fall into finances if it's costing money. Alder Dorff?

- Thank you, Mr. Chair. So I just want to make a comment about businesses and organizations in general, and climate and culture of organizations. Having a good climate, a good culture within an organization usually leads to higher production and it leads to happier employees. And a part of culture is celebrations. I think that it's important that there are celebrations, like Christmas parties, maybe a baby shower, a going away party for someone who's leaving. I think that's all part, when you look at how organizations work, of large organization. The city is a large organization and I've been a part of large organizations. That's an underlying, that warm feeling that you get, "Boy, I'm happy to go to work today, "this is a good place to work, people care about me here," and celebrations are all a part of that, and so I think that I would really hate to have us put a kibosh on all celebrations and be concerned about if we're going to do something nice at Christmastime or holiday time or Easter. I hate to keep mentioning Christian holidays. Give me another holiday.

- Kwanzaa?

- Yom Kippur.

- Yom Kippur, whatever. Whatever the holiday is or whatever the occasion is. I just think that's something we need to keep in mind, that that's an important part of our culture.

- Well, Barb, you work at the Department of Education and such. Was there some kind of a standard or policy or something out there? Probably not, right?

- Of course not, we planned retirement celebrations for people. We planned things like that. And again, when you're on salary, you're coming in at all hours. A person like the mayor, a person like myself, as an executive director with the school district, 24/7/365. I was in Hawaii at three in the morning, Hawaii time, I got a call about a missing child here in Green Bay and I worked through that situation. When you're a salaried person in

an important position, you should be on call all the time. That's just part of the job to do that and so I don't know how you would ever separate out this minute from that minute. And as far as emails are concerned, I basically lived at the office at Green Bay. I didn't really have a personal email because I was there all of the time. That was where I did all of my work. In addition, if I had to email someone like my brother, I would email from my desk, of course I would, because I was not home. So I don't think it's out of the ordinary.

- No, and believe me, I worked for the city for 25 years and we had different activities and celebrations and such. I'm just trying to think of the load. I mean, did we spend an hour, two hours, three hours planning this stuff? I think a lot of times, we just said, "here, we're going to meet at So-and-so after work," something on that or just in passing. I think his concern was that there was a lot of time being spent.

- It didn't sound like it to me from what I heard.

- I'm the messenger here. Go ahead.

- No no, if you have, finish.

- No.

- Okay, well, I would just say, for me, I don't care how much time was spent as long as it didn't interfere with city business, and that's what I asked Alder Wery, "do you have any proof that their work didn't get done, "that this interfered with the city business?" and he said no, he'd like to know. Well, I don't know how we'd know that. Unless a department head--

- I just have one more.

- Comes forward and says this interfered with the person doing their job.

- I think that investigating this, and requiring department heads to investigate it, will interfere with city business.

- Right.

- Think of the amount of time that's going to take, oh my goodness sakes.

- I'm using what Alder Wery said. For me, it should have been manifest already. I mean, what are you saying about our department heads? They don't know what their employees are doing? I think that they know what their employees are doing and if they're not getting their work done, they're going to be on them for whatever the reason is, this or whatever. And so, I don't think we need to do any kind of investigation other than tell our department heads, "if this was a problem, you need to take it to HR." I also asked Alder Wery if he was aware, did the mayor order people to do things? And he didn't know anything about that, because I would see, to me that would be the only issue here is if employees are doing something they thought they were ordered to do by their boss, in this case, the mayor, or maybe a department head or whatever. That would be inappropriate, but there's no evidence of that, either. As far as I can tell, there's nothing here for us to really--

- It's hard to look at, like I said, the motivations. I hear, Barb, what you're saying. I mean, I've been involved in a large organization and we've had activities and such, but I don't know how much, and in fact I was asking Alder Wery to show, today. That would have helped. There's a lot of times if someone is not here, then you kind of go, "well, we can't assume what you're thinking." I know that there was disappointment on his part because of this upcoming party, he was invited, not invited, I don't know how much that comes into play. These are the things that, what if, he said, she said kind of stuff. It gets cloudy and I think for me personally, granted, people have retirement parties and people plan things. You know you have a Christmas party or something and you

take two hours or so in the afternoon. That's part of doing business, so I understand that. I think that's important. There always are some set taxpayers out there that might go, "well, wait a second, la-da-da-dah." But I think in a case like this, it's going to be hard to split hairs. It's going to be difficult unless you understand the full brunt of what he was trying to bring forward. I'm not privy to any of this, I wasn't aware. It's not like I was snooping around, but I wasn't aware if there was anything going on at City Hall above and beyond what should have been done. I'm kind of in limbo on that.

- Anything, or?

- My comment would be that, nobody's brought anything up to me that they spent taskless hours on planning. If somebody's got a complaint, they should have been at our committee right here right tonight. I think we just have to make a motion to receive in place on file.

- Can we do that?

- Motion to receive in place on file.

- I'll second it.

- Seconded by Alder Steuer, made by Alder VanderLeest, seconded by Alder Steuer, yeah, I think if there's any expenses, that should be looked at. That's going to finance, so that's not on our table. What's here, I don't know what we'd possibly do with this.

- I do agree with your statement about department heads, that if it's internal, the department heads need to take care of that.

- Yeah, and on like this, but any issue if an employee's not getting the work done and that's what the issue is, really. That should be handled. I would think if we intercede ourselves, we're kind of micromanaging. If we're needed, I would hope a department head would step up and say, "there's an issue here "that we need alder support and intervention on," and that just hasn't happened. All in favor?

- [All] Aye.

- Opposed? Okay, that passes unanimously. Informational, my favorite part of the night. Liquor violation report from the Police Department for February 11th, 2019.

- [Police Officer] We had no violations this past week.

- Not even a little one?

- [Police Officer] Not even a little one.

- Well, thank you.

- Motion to receive in place on file.

- Motion by Alder Steuer to receive in place on file.

- Seconded.

- Seconded by Alder VanderLeest, all in favor?
- [All] Aye.
- Oppose-ed, that passes unanimously.
- Motion to adjourn.
- Well, are we ready?
- No? I just like the motion to keep moving.
- Now.
- Now.
- Motion to adjourn.
- Motion to adjourn by Alder Steuer.
- Second.
- Seconded by Alder VanderLeest, all in favor?
- [All] Aye.
- Oppose-ed? Wait, wait, there might-- Nope! We're adjourned.
- You weren't an English teacher, right?