



MINUTES OF THE PROTECTION AND POLICY COMMITTEE

MONDAY, DECEMBER 7, 2020, 5:30 PM
Virtual Meeting.
Public may join via Zoom.

A. ZOOM MEETING INFORMATION.

I. This item contains information and instructions on the Zoom virtual meeting.

B. ROLL CALL.

Present: Craig Stevens, John VanderLeest, Mark Steuer, Excused: Kathy Lefebvre

Also present: Deputy City Attorney Joanne Bungert, Assistant City Attorney Lindsay Mather, Chief of Staff Celestine Jeffreys, Lt. Steve Mahoney, Det. Craig Pakkala, Alder Barbara Dorff, Alder Brian Johnson, Alder Randy Scannell

C. APPROVAL OF THE AGENDA.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve. Motion carried.
Yes- Craig Stevens, John VanderLeest, Mark Steuer, No- None, Abstain- None

D. APPROVAL OF MINUTES.

I. Approval of the minutes from the November 16, 2020 Protection & Policy Committee meeting.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve the minutes from the November 16, 2020 Protection & Policy Committee meeting. Motion carried.
Yes- Craig Stevens, John VanderLeest, Mark Steuer, No- None, Abstain- None

2. Approval of the minutes from the October 8, 2020 & November 19 Special Meeting of the Protection & Policy Committee.

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to approve the minutes from the October 8, 2020 & November 19 Special Meeting of the Protection & Policy Committee. Motion carried.

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

E. REGULAR BUSINESS.

1. Consideration with possible action on an application for an available "Class B" Combination license for Skaliwags High Cotton Club Limited at 217 N. Washington with a licensed premises description "all levels of address. 2 floors for business service, basement level beer cooler." (Previously licensed as Fox Heights LLC during the 2019-2020 license year).

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to approve an available "Class B" Combination license for Skaliwags High Cotton Club Limited at 217 N. Washington with a licensed premises description "all levels of address. 2 floors for business service, basement level beer cooler," with the approval of the proper authorities. (Previously licensed as Fox Heights LLC during the 2019-2020 license year). Motion carried.

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

2. Consideration with possible action on an appeal by Jennifer Seibert regarding the denial of her operator's license.

This item was held until 6:11 p.m. when the appellant arrived.

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

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

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

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

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to approve an appeal by Jennifer Seibert regarding the denial of her operator's license. Motion carried.

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

3. Consideration with possible action on a request by Ald. Chris Wery to review, with possible action, Ordinance 8.16 'Practice of Massage or Bodywork Therapy Requiring State License' and any other related ordinance. A revised ordinance is needed to combat actual and potential escort service

and prostitution masquerading as massage business, previously discussed at the November 16 Protection & Policy Committee meeting.

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

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

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

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

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to approve a request by Ald. Chris Wery to review, with possible action, Ordinance 8.16 'Practice of Massage or Bodywork Therapy Requiring State License' and any other related ordinance and to approve General Ordinance 34-20 as presented by Staff and to refer to staff to review and develop additional business licensing procedures for massage and body works therapy businesses.

4. For consideration and possible action on a request by Ald. Johnson to extend the temporary expansion of licensed premises through Dec. 31, 2021.

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to approve a request by Ald. Johnson to extend the temporary expansion of licensed premises through Dec. 31, 2021 and approve General Ordinance No. 40-20 as presented by staff with the amendment that the expiration date be December 31, 2021.

5. Consideration with possible action on a request by Ald. Scannell for the City of Green Bay to adopt the following ordinance: The levels of fluoride in the drinking water of the City of Green Bay will be determined by the recommendations of the city's Water Utility Manager and the Wisconsin Department of Health Services along with the consent of the municipalities the water utility serves.

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to refer to staff a request by Ald. Scannell for the City of Green Bay to adopt the following ordinance: The levels of fluoride in the drinking water of the City of Green Bay will be determined by the recommendations of the city's Water Utility Manager and the Wisconsin Department of Health Services along with the consent of the municipalities the water utility serves. Motion carried.

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

F. INFORMATIONAL.

I. The Liquor Violation Report for December 7, 2020.

Moved by Ald. John VanderLeest, seconded by Ald. Craig Stevens to receive and place on file the liquor violation report for December 7, 2020. Motion carried.

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

G. ADJOURNMENT.

Moved by Ald. Craig Stevens, seconded by Ald. John VanderLeest to adjourn at 6:38 p.m. Motion carried.

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

MINUTES WITH VERBATIM

- We are recording.
- Okay, perfect alder Steuer we can open up the meeting.
- Well, thank you. Welcome to Protection and Policy Day for December 7th, 2020, we will have a roll call alder Steuer I am here alder Vanderleest you're muted. Now I believe is here.
- Can you hear me now, Mark?
- Yes.
- Okay. And then alder Stevens
- Here.
- Okay, we have quorum alder Lafeyvre, other meeting that she's at, and then she won't be able to make she sends her regards. So we do have a quorum,
- So, okay approval
- Approval of the agenda. Do we have a motion?

- [Members] Motion approval.

- Motion by Vanderleest seconded by Stevens. Any other discussion? All in favor, please say aye.

- [Members] Aye.

- Aye, all opposed that passes unanimously.

- And now we have approval of the minutes. We have two sets of minutes to approve the first one is from November 16th.

- Okay do we have a motion?

- [Members] Motion approve

- While you guys are hot today? Okay, Vanderleest seconded by Steven. So all in favor, please say aye.

- [Members] Aye.

- Aye all opposed passes unanimously.

- And then another set of minutes from the October 8th meeting.

- Motion to approve. Well, we have November 19th as well. Should we do something?

- So it's one agenda item so we can do the eighth and the 19th. The 16th was the meeting and the eighth and the 19th where the special needs.

- All right, so we have a motion by Stevens. Do we have a second,

- Second.

- Seconded by Vanderleest any other discussion? All in favor please say aye.

- [Members] Aye.

- All opposed that passes unanimously.

- All right, we are on to item number one in regular bits.

- On consideration with possible action on an application for an available class B combination license for Skaliwags High Cotton Club limited at two 17 North Washington street with a licensed premises description, all levels of address, two floors for business service, basement level Bureau, basement level beer cooler, previously licensed as Fox Heights LLC during the 2019, 2020 licensed here Staff.

- Yes, staff is no objections. This is in the downtown moratorium, but the application is described as a restaurant. So it's going to meet the exception in the resolution for the moratorium. Like the items said this was the old Fox Box Heights business that did not renew for the new year. So it wasn't available license for this location.

- Okay, and please.

- Please concur with law.

- Okay, I had a chance to talk to Mr. Truvon on this and it sounds like it's gonna be a good, good fate. So I appreciate the input with that committee do we have a motion here?

- Motion to approve.

- Motion by Stevens. Do we have a second

- Second by Vanderleest.

- Second by Vanderleest Okay, all please say aye.

- [Members] Aye

- Aye all opposed that passes unanimously and for the people listening in this goes to the city council on December 15th for final approval to the clerk there shouldn't be no problem, but there's always a little bit of an issue, but we generally go pretty well with us. So congratulations and good luck.

- All right, item number two.

- Number two consideration with possible action on appeal by Jennifer Seibert regarding the denial of her operator's license.

- Staff recommends denial of this appeal on the basis that the applicant is a habitual offender for offenses that substantially.

- Police.

- Police concur.

- Okay, Attorney Bungert is there a chance? Cause I can't bring that up on my screen. Is there a way to show, show some things on the screen?

- What would you like seeing?

- Just the report on the various violations or is that.

- That I wouldn't because we provide that as part of confidential.

- All right, that's fine. I think that before I just don't have it in front of me right now. All right, this is the Lindsay here?

- Jennifer.

- No, Jennifer, I'm sorry, Lindsay.

- You have somebody... what self-esteem.

- Do we have somebody? They just went off this is ipad. No, so we do not have either. We do not have Jennifer here.

- Okay, well then, well, until that happens, I'll go to the committee. Have you, well, the Steven's, Vanderleest did you have a chance to look at this? Do you want to your specific questions until we can possibly open the floor?

- I just want to say one thing, Mark. I talked to a young lady today that said she didn't have all information right now.

- That's another agenda item, but I already emailed out to the attorneys Bungert. So we'll discuss that. That's another issue so we will discuss that another time. But thank you, thank you for that.

- But one of the thing I if Jennifer is not here to represent herself, I think that we should just make it a hold until our next meeting otherwise she's not gonna have much of her chance. I think we should. You do that or not?

- But I guess what we could do is we can continue with the agenda. I know she does happen to show up before the meeting's over we could bring her back. Is that okay Attorney Bungert?

- That's fine.

- Okay.

- Thank you

- All right then why don't we move on? We'll hold on that until till the meeting, we need a motion on that or just hold.

- We can just hold it to the end since we're not really taking.

- Okay, we're not taking an action Okay, we'll just hold. All right, that's fine. We will hold it so we will hold it down. So number three are we ready?

- One second. All right, number three.

- Okay, number three. Consideration with possible Ashanti requests by alder Chris Wery to review with possible action or deed point 16 practice on massage or bodywork therapy requiring state license, and any other related ordinance or revise.

- Okay I'll let them know

- A revised ordinance is needed to combat actual and potential escort service and prostitution masquerading as a massage business previously discussed at the November 16th Protection and Policy Committee Meeting. Okay, I'll go to staff first. We can alder Wery we cannot make the meeting today. So his request was to... Alder Dorff do you want us to do something?

- I just wanted to let you guys know that Jennifer was trying to get into the meeting and she is in the meeting. And letting you know that she is in the meeting.

- We can alder we can continue with this item and then pick up that we can pick number two after the resolution.

- All right, thank you. Thank you, Mather So alder Wery called me or emailed me and said that he's busy tonight, so he couldn't make the meeting, but he said that he would like to have a referred back to staff. I still would like to have some input from the alders and from our police detective and lieutenant on this issue as well. And Leo, Leo Weicker is here as well. I like we open the floor and we can have her speak as well. So I guess what I would do, it has been an issue that's been going on for a number of years I mean, it's not an issue that will go away anytime soon, but I think the hope is that we can contain and prior to get a handle on this situation, it's been a problem where some of these businesses have cropped up in different areas of the city and they have a tendency not to always be licensed or the business or, and or the people that work there. And I think that's a big problem and it's causing some issue, not only for the police and such, but also for businesses that are neighbors of these establishments. So with that being said, I would like to let's see, Leo, are you here? Are you there? I would make a...

- Leo is not here.

- I think she

- I mean member director

- You shoulda open the floor Mark.

- You got it. Okay, we got a motion second, do we have a second?

- Second.

- Second by alder Stevens all in favor please say aye.

- Aye.

- Aye all opposed all right, Leah, we open the floor and then we'll incorporate the police on this as well. And whatever you've been working on, I know you've been, this has been a big issue for you and I've worked with you a bit on this. My only worry is looking at this as well, as well as some of the other alders. So I would ask you to just briefly talk a little bit about the situation that you see right now and sadly all the time that you're spending on it, rather than actually working on the business of the bid, which I think is more important, but I think it's important. So if you would, could you do that?

- [Leah] Yeah, thank you. And I appreciate you looking into this part of being a business improvement district. The reason we were created is because they tend to fall into blighted areas, SPAS and check cashing places are notorious for locating in those places. And I think it is, it's definitely in the bid's best interest to address the fact that they are not doing legal business and the spas that are doing legal business are hurting because of it. So I did meet with officer Lefebvre today and his business partner or his partner was here as well. And we do agree with alder where he's suggesting to delay this a bit until we can find more information about different ways that we can enforce the fact that they need to have a license to conduct a massage.

- Right, and I know you've been looking at other communities, you know what they've done doing a little research and which I appreciate and you're willing to share that. So I think, you know, we're on, I think we're on the right track as far as working on this issue. So a little bit more to go I don't know if you have anything else to add. Otherwise I would just have a Lieutenant or detective chime in a little bit as well.

- I would appreciate it. Detective Bungert I believe is how you say your name would speak to that because I know the legal department didn't necessarily want my opinion. They would prefer it coming from the police directly.

- Right okay. Lieutenant, you got to a minute? I guess, you know, I know you've been dealing in some of the issues that have gone on with human trafficking on some of the various aspects of society that are kind of tough to deal with at times. But I guess that's part of the concern with some of these places that they kind of crop up and they're kind of a front for different things. And we're... it's a combination of just saying, we're just not very happy of having these places around. We really like them not to be in Green Bay as best as we can do. And I realized the police are working on this. And I know there are certain, your hands are tied a little bit, you've got state regulations and things like that. So, but that being said, I don't know if you could just lend a little bit to that.

- Well I guess it's a good start. I would like to see more in it kind of like, and I know detective Packwood could expound on this kind of like what we do with our bars, where there's like a stipulation type agreement. That could help us out a lot because essentially right now, and we just did a license check on all the establishments last week. If we go in there and they have a license pretty much how we could do them as item for not having a licensed person on there. And that is it. So I do think some more could be added to the ordinance. I know there's some municipalities in the state that have some pretty solid ones. So I would defer to a detective Packwood, he could probably fill you guys in better on that.

- Okay, detective, do you have a minute? Can you lend a holder? Okay, thank you.

- Yeah, absolutely. So just for, just for some clarity here on what we're dealing with or what's going on here, the SPAS themselves from what I find and I've monitored several of them, although Leo is right, they pop up very randomly. And it's basically the same group of people who starting these businesses. I can tell you that having sit in monitored, some of the spas that we consider to be of a more riskier nature, the traffic is relatively low that's going. The problem is the appearance that they have with the curtains drawn, the low lighting operating at different hours. And also the there's so much advertisement out about human trafficking that I think that becomes the hard topic for it. I think Lieutenant Mahoney, when he sends his officers in there to do licensing checks, you're gonna find that a lot of the females working there are from New York City, they're from China, they're out of the area most of them, almost all of them are out of the area. So I think if we need to look at these, we need to look at them from the two angles. One is the licensing, which is in the ordinance, which I think is great. But the other thing is I sent a business plan that Milwaukee uses to attorney Mather. I think a business plan is where we really control this problem from growing and maybe dissuade poor businesses from being in the area here. And the business plan that Milwaukee has is very I think it's strict, but I think it's able to be, if it's a true business, they'll work within those guidelines.

- Right, well, I know that, we're all working on this, so just seems a little frustrating with who you would think if you kind of do some work on it and try to stop one or two establishments whatever it seems like it crops up again. So, I won't go into a whole lot of detail now. I think there's more work done on the soul, the police departments, the various folders, anybody who cares to add to the fabric here, I think we could come up with something really good Attorney Mather. Where were you gonna be involved in this or who are, who would be the, in a lot of parts of it.

- I just want, I wanted to kind of introduce Lindsay so that she could, she did work on this draft. Basically I'll let her explain, but we do have an ordinance draft in the packet for consideration, with respect to changes that she was able to garner from the police department. But I'll let her take it from here and kind of give a little bit more back up to what the parameters are currently with respect to the update and the amendment and why the draft is what it is right now, and then taken any other input that the committee wishes to see.

- Okay, thank you. Attorney Mather.

- Thank you, so I know that I have had conversations with both alders and detective Packwood previously about the fact that since our last, or I guess our current massage ordinance had passed, the law had actually changed. And there the state essentially put some teeth in it for the, for municipalities to do enforcement on their own. And so that was on kind of our, ever-growing list of ordinances to tackle. And so when all there, where you put this communication, and it seems like an average time to really get that turned around, we got it turned around from one, the PMP meeting where it was referred to me and then brought it back right away because I know it was commented on at least a couple of times that this is something that you wanted to address very quickly. And the proposed ordinance, it go, as far as enforcement goes, it goes as far as we can, under the state law, it imposes municipal forfeitures for practicing without a license. And that's not just not just the individual that's performing massage or body work, but it affects the establishment as well. So that's kind of one piece of it. And there was also some parts of our existing ordinance that needed to be cleaned up based on the changes in the law. So that was, that was what, where this ordinance that's on your agenda tonight. That's where that came from. We knew it was a priority we wanted to get it turned around to you very quickly. And I wanted to make sure first and foremost, obviously that it is in line with state law. If what you're looking for is an entirely new licensing process, I can't to what Milwaukee has, something like that. That's a much bigger conversation and that's a much longer process to get that set up and running. That's not just me that's, conversations with other departments, that's conversations with PD, with inspections, with whomever also be doing the, making sure that they've met the qualifications for licensing, all of those things. And that so far, hasn't been part of what we've been asked to look for. So at this point, this ordinance is at least in my opinion if you want more, I don't think that there's any problem with that. But I do think to bring our ordinance in compliance with state law, that even if you want to go further, this ordinance should still be adopted.

- Well, with that being said, so let's say if we adopted that tonight, we could still have the discussion and then amend that accordingly in the future.

- Absolutely

- Okay Committee go ahead I'm sorry go ahead.

- Let me just clarify right now, when Lieutenant Mahoney he sends people in to check these places out. If nobody has a license, they can hold them down, but nobody gets issued a citation because under the state law, we have to have an ordinance in place that says we're going to issue a citation if you don't have the proper licensing by the state. So this ordinance would allow us to not only close it down for not having somebody licensed what also impose these penalties.

- I appreciate all your effort on this. So with that being said, I mean, I know that we were gonna discuss it and maybe tweak it a little bit, but I think committee and all their orders. So if you want to chime in on this, I think off hand, I think we should move forward at least cause something on the books, especially with the holidays coming up, it's gonna be a busy time. I would like to have something in hand.

- I have a question I'll go one quick question. John Vanderleest hold on.

- Let John talk please

- Okay go ahead alder Vanderleest.

- I was under the impression that they haven't quite come up to the, having it completely yet. The ordinance is quite, it's still in the draft stages. Is that correct or not?

- No, the one that's on the one that's attached to the agenda is the final version of the ordinance as it stands right now.

- Okay, thank you very much. I wasn't aware of that then it's already, ready to go then, so thank you.

- You bet.

- So that's a good point alder Stevens.

- Yeah I just have a question, correct me if I'm wrong, but or how we should move forward, but maybe detective Lieutenant might know, are we trying to follow what Milwaukee did?

- I was just getting the Milwaukee business plan, not the ordinance, but the business plan as a suggestion. I think the ordinance we have now that we are in line with the state is a good ordinance. But I think if you look at what we do to bars and taverns in Green Bay, as far as a business plan, having cameras, lightened parking lots, shades drawn giving better appearance for the business that will help I think elite the some of the headaches maybe Leo's is experiencing in with the businesses in our District. So are we trying to mere Milwaukee or I don't know, there's, every city has a, I think a tweak business plan for what is good for their city. I was just giving you example. I emailed example to achieve Lieutenant Mahoney, maybe one of the alderman, the business plan that Milwaukee uses. That's kind of a standard one that we're given at some of our conferences we go to. So that's why certainly you don't have to use that at all.

- I haven't seen it So that's what I was wondering.

- And I can certainly send it or the attorney can send it out to whoever.

- Can I have something mr. Steuer

- Yes go a head

- Part of the problem is when the inspections are done and it's discovered that they don't have a license, they shut them down and now they're onto it and they're opening within an hour. So that's

- somewhere else

- No, no the same business is opening within an hour to show up.

- Oh, okay. Okay, go ahead detective, hold on, Leo we'll get back to you.

- They will say when I, I'm still trying to kind of figure it out a little bit years, several of them will opened up in a Sheboygan. Okay, and they were quick to get out of a Sheboygan and start up in Green Bay. So I guess, I don't know the reason for that because it could be because they're easier to blend in with our community being a little bit bigger city. But I do think if we have some kind of plan, which then our officers can take some

enforcement action to close them down and not have them restart that quick, that would work or help at least.

- Well, detective very quickly. Do you feel that the ordinance that you see here now is a little over a page long, and I know some of the ordinance I've seen have been three, four, five, six pages, Leo attest to that as well. How much do you really need, or do you feel that the ordinance that you're looking at right now wouldn't be effective enough for our police department that utilized right at this time?

- I mean, I think if it mirrors the state law, so it's fine. As long as we're, I think it addresses the forfeitures. We can take the licensing we can take, and now we can issue citations there. I think it's a good ordinance.

- Okay it sounds great.

- I don't think the ordinance in itself will address Leo's concerns as far as the appearance that her district is getting by having these pop-up spots. Does that make sense?

- It does. Leo do you have anything follow up on that? I mean, have you looked at the ordinance here Leo?

- [Leo] I have I didn't notice a big change, but Lindsay did say that it did enforce the state statute with a penalty which maybe was missing from that. So I would not be opposed to having you guys adopt this one now, and then we can continue to look at further adding things if this doesn't do the trick. So it's not that they're popping up though, and it's not the image of them. It's most people know when they look at that spot, what it is. And if you Google certain phone numbers, you end up with lots of prostitution and stuff. It's, they're blatantly doing this and we're kind of, we need to just address it. I mean, it's against the law what they're doing and we just have to find a way to make it stop. And I don't know if this ordinance will do it, it could help in the sense that the now they can penalize them where perhaps before with the old ordinance, they could penalize them. To get a citation that you don't have a license and then they call someone in and that person shows up with the license and they reopened within an hour. That's a lot of wasted police time.

- Well, so for these licenses and I can talk to everybody. I mean, normally for a licensed therapist isn't it 600 hours of training does that, but that's my understanding. So if one of these people has a license and everybody else doesn't, Leo's saying that a lot of times they show up and they just flashed us licensed like, well, we've got one, but the other people don't. So my feeling is that the hopefully the ordinance would address that everybody needs to have a license, as well as the business Lindsay.

- The requirements, the, I mean, the state has always required that anybody performing those services has to have a license. It may be that day and I don't know, but it may be that they're reopening on the premise that only the licensed person that has now come in is the only ones who are going to get services. But, and to clarify, when I say services, I'm referring to massage and body lifts and statutes. And not, but anyway, my point is it's always been the law that each person needs to be individually licensed. So, and it's always been the law that you can't employ any individual who is not individually licensed. Now about this ordinance is that if you are doing massage or purporting to do massage or bodywork therapy, and you are not licensed, or you're employing somebody to do those, and you're not licensed and they're not licensed, you can now be fined and the penalty a thousand dollars. So between \$1,000 so that, that could be that number could change because it's subject to what the number is as established in state law. But I mean, if you're tacking on a thousand dollar, fine on the business every single time that this happens and it's happening frequently, eventually drunkenness keep happening or they're gonna have so many outstanding.

- So Lindsay, is that fine? If it's a thousand dollars, is that anything that the committee works on or is that through the municipal court? How, who, who actually sets that up?

- Who is... hold on a second. Somebody, can we mute a few people? I'm having a hard time hearing somebody rustling a lot of papers. That sounds you Lindsay.

- I don't think so

- Am gone mute everybody and then Lindsay you can unmute yourself okay?

- All right, thank you.

- Can you hear me now?

- Yes.

- Thank you. So the amount that listed in the ordinance is between one and \$1,000. And I believe, and either of the PD representatives can correct me if I'm wrong. But the max amount of the forfeiture is what will appear on that citation. And then the during the conversations with our city prosecutor during pre-trials, that number might get negotiated or whatever, as it normally would in municipal court. But that would be the, usually up to the discretion of either the municipal attorney nor the municipal judge. You're still muted all there.

- Okay a Lieutenant or detective is that...

- No that's close to accurate. What happens is there's a fine in the citation that we issue. We'll also add on the court costs. So say the finest a thousand dollars, the citation could be say around \$1,250 because it'll automatically close on the court costs, but the actual quote fine would only be a thousand dollars, but to take a we write out would have a higher dollar amount on it.

- Okay, I guess some negotiation sometimes I mean if you put the number down on the citation or is that something that's done at the court.

- It is done when the citation is issued, I'll give an example. The lewd and lascivious citation that we write to people I believe is right around \$1,300. We will cite the person for that. That includes all the core costs and then Rachel our city attorney after the citation is issued part of the plea bargaining or the bargaining, they depending on our reports, if we say the person was cooperative or non-cooperative on there is negotiation that goes back and forth where Rachel, the city attorney that handles all of our prosecution of muni sites might go to the person and say, "Hey buy lower the ticket down to \$500 plus court costs." Would you agree to plead guilty? So that's a negotiation that Lindsay is talking about.

- All right, okay. I understand. All right, well, I think we've touched on a lot of topics. my gut feeling is that it would be nice to put something on the books. You'll know that Lindsay, you worked on this and then we'd like to say, we can always revisit it and see how it's going. I would appreciate the police department also weighing in on this. Maybe, I don't know if they could, as a point of information, I was going it could be part of a report each meeting, or once a month, I'm just thinking out loud. What do you think Lieutenant?

- In terms of well he activity The activity or for I don't... I'm not asking you to tip anybody off, like we're, we're really honest. I know people know that we're the city is really looking at this hard and I'm just looking at a way to keep us informed as to how the ordinances and is it working well enough?

- Yeah, I could definitely do that. I could tell you this isn't a crime where we have victims where they're calling us. So the only time that we really produce a report is every couple of months, we're getting more and more complaints from other businesses. So then we will do our spot check, but it's not the type situation where someone got ripped off or someone was robbed or a fraud was committed against them. We very rarely, if at all have someone calling in complaining about that they were a victim of a crime at these places.

- Well, I think one of the issues just to lead off quite a few times is that some of these places pop up right away. So it would be nice to at least have some kind of handle on it that all this. And I maybe I'm asking too much on this, but maybe it could be a quarterly thing. I mean, a lot of times it's complaint driven, things, people complain about and if they don't report it, that's not gonna happen. So anyway, correct.

- I could definitely have the community police officers. We could do quarterly checks on them. And I could get back to you like detective Packwood and attorney Mather said, I think the ordinance is good as it brings us in line with state law. Are there things that I think that we could work on to improve like you said, more of the business plan. So besides actually violating the massager ordinance, it could be a violation of stipulations or their business plan. It's very successful with the taverns and the bars in green Bay that besides them having their licenses could be cited for serving an underage person. We also then have that authority or jurisdiction to cite them for violating the business plan. So I do think that's something we could work on hopefully in the near future, but yes, to get this ordinance up and going, I think would be a good thing.

- All right, well, I appreciate all your comments so alder Stevens.

- My comment was I'm okay with the ordinance the way it is, but I think we definitely need to be looking at this business plan. I do like how the bars have to follow it.

- I agree I appreciate all the work on this. So I agree any other discussion? Otherwise committee

- Motion to close Mark.

- Yeah let's do that first motion to close the floor by Vanderleest do we have a second,

- Second.

- Second by alder Stevens all in favor, please say aye.

- Aye

- All right, committee.

- A quick question, so can we do a direction on a business plan tonight for staff?

- Attorney Mather

- Attorney Bungert can correct me if I'm wrong. My suggestion would be that you move to approve the ordinance and refer the issue of a business license back to staff. I think that in one motion, but I don't I'll be glad Joanne you the decider on that one.

- Yep, we can do that all in one motion. So essentially it would be to approve this item and to approve the ordinance as presented by staff and Schubert to staff, the additional issue of developing alike....

- That would be my motion.

- Great alder Stevens do we have a second,

- Second.

- Second by alder Vanderleest any other discussion? All in favor, please say aye.

- [Members] Aye.

- That passes yes. Thank you for all your hard work on this. Thank you detectives, thank you lieutenant thank you, Lindsay. And we will continue on, but I'm glad we have something here that we can at least start with and we're we all want to do well by this cell. Thanks, thank you again for all the help.

- Thank you.

- Thank you.

- All right, we are on to, we are back to item number two.

- Okay, all right number two is consideration with possible action on an appeal by Jennifer Seibert regarding the denial of her operator's license. And we can do it again. Staff I think you denied initially.

- Our recommendation is in time on the basis that the applicant is a habitual offender for offenses that substantially relate.

- Okay and police you concur

- Right to please concur.

- Okay, all right and I'm having a hard time. I really like to get into City clerks like that see this, but alder Stevens or alder Vanderleest have you had a opportunity to look at this? If not I mean, we're gonna open the floor to in a minute.

- Okay I looked at it, but we can open the floor.

- Okay, emotional open a floor with Steven do we have a second?

- Second.

- Second by Vanderleest all in favor please say aye

- [Members] Aye.

- Okay, the floor is now open. So Jennifer, are you there? Jennifer?

- Can you hear me?

- Yeah go ahead

- Hello Jennifer.

- Your name to the community

- [Seibert] Jennifer Siebert.

- And your address please.

- [Seibert] What's that?

- And your address?

- [Seibert] 1629 Gabertfield Ct, Suamico, Wisconsin 54173.

- Okay, all right. Well, Jennifer you have the floor we're I know you're appealing this and we are a lot department and police department have denied it, some things as far as your record. And I would like you to speak on your behalf and let us know what you've done and who's supporting you and such.

- I feel again, which isn't how I were to have my bartenders license there. I've been there for 17 years. I haven't been across notes in a penny. they're both here and they own Rockabilly and Green Bay. And I bartend there on Thursdays. And that's what I didn't get licensed for I have a 13 year old I'm a single mother. It's know you don't. Yeah, I don't drink my in the bar. I don't drink well here and there and nothing big. I haven't gotten any trouble. Yes I have in the past with drinking and driving. But my last time was 10 years ago We can't drink by the bar at either bar for the last over a year. I don't really know what to say I love what I do I need income to raise my kid and yeah.

- Okay, have you had any, your bosses have you any programs that you took care of core costs? Anything that you can mention that you've taken care of overtime?

- I've been hearing all like my fines and things with the dictator driving. What do you mean?

- Well, anything that, I just want to make sure that you don't have anything else standing as far as on your record, that you've, that your restitution and everything like that?

- No, I have nothing. I mean I last drink and driving was 2011 and it was labor day weekend. It was all paid I, yeah, no, I have nothing.

- Okay, all right. Committee, do you have anything?

- Did she say that current owners with her at the moment, but she'll be working for?

- Yeah both buyers like, can you.

- Yes, no. Just state your name and address and if she could speak on her behalf.

- Yeah Chris Knutson 709 South Broadway. I own Gilligan's and Howard, as well as Rockabilly is here in Green Bay for the past two years or so. Jenny has been working for me since I took over Gilligan's she's amazing, very accountable. Have no issues with her always on time. I do not allow any drink drinking behind our bars ever from any bartenders. So I've really never seen Jenny drink, but she's been awesome for zero complaints whatsoever.

- Okay, all right is there anybody else, Jennifer to speak on your behalf? Is there anybody else?

- My manager at Gilligan's Vicky's here.

- Would you like to talk?

- Hi

- Hi there, just state your name and address for the record?

- Vickie Peterski 4820 Stella court unit 49, Hobart 54155.

- All right, thank you go ahead.

- I've worked with Jenny for the past nine years. I've never seen her totally drunk or anything she's very responsible, she's on time she's my best bartender at the bar. She's my go-to person, she's one under me. She's like my assistant.

- Okay, all right. Thank you, appreciate it. Alders are you there? Alder Stevens, alder Vanderleest

- I'd like to get to that Jenny gets another chance. It sounds like she's had almost a 10 year,, that she's on the straight path and she's a young mother. I think if you know that she has to make a livelihood. I think we have to help her try to do that. So I support getting their license back through her.

- Okay let's close the floor first motion to close the floor by Stevens seconded by Vanderleest. All right okay alder Vanderleest, alder Dorff

- Sure I know I'm not on this committee, but I'm gonna be voting on this. And definitely I looked at the past record and it's been 10 years and I understand why police and law recommended not to, because they have to do that. But in this case I will vote to allow her another chance. And I hope that the committee also will vote that way. Thank you.

- Yeah, thank you alder Stevens.

- So thank you to the two bar owners for speaking on her behalf and that's greatly appreciated. So I would also move forward to approve this.

- Vanderleest we brought the motion on first, the do or look alder Vanderleest brought the motion to approve while he was second then. All right all in favor, please say, aye.

- [Members] Aye.

- All opposed that passes unanimously. Congratulations, Jennifer. And this does go to city council for full approval on December 15th. I don't see foresee any problems with this, all the points as well. So you've got one quarter of that council year right now. So I think we'll be fine. Congratulations, good luck.

- Allright I have number four

- Number four for consideration and possible action on our request by alder Johnson to extend the temporary expansion of licensed premises through December 31st, 2021 looks like alder Johnson is here. Thank you for your patience. Alder Johnson.

- Thank you so I submitted this request after talking with attorney Bungert and I know that this is something that they had been talking about and considering as well. And so it's important I think that we get this on the next council agenda for consideration. As many of you know, we pass this through the end of this year to allow for that temporary extension of premise. I think we can all agree that the effects of COVID have not subsided. And I don't anticipate that that would be the case next year either. And so the request before you today is to consider extending this to the end of next year so that it would allow our bars and restaurants to continue to apply for that, that permit for the temporary extension of their, their outdoor seating facilities.

- Okay, all right. Alder Dorff.

- I just want to really praise alder Johnson for thinking of these businesses. I didn't call it would still be last than this long. I wasn't looking at far ahead and he's really looking out for the small businesses and I very much support what he's brought up. So thank you alder Johnson.

- I appreciate that elder Dorff but I'm not gonna take all the credit for this. I do want to acknowledge city staff has also been working on it and it was just good timing that I reached out. And when I talked to attorney Bungert she said they were working on it as well. So it's definitely a team effort.

- Great, all right well, thank you again alder Johnson for your work on this as well. So I made it.

- And I also want to thank alder...

- Alder Steuer if...

- Yes. we do actually have an ordinance for the committee to consider and approve. So this can go to council for first and final reading. It will require a suspension of the rules, but I'm confident that the council will agree to that so that it can be adopted and in place before the end of this year, I will send Bungert or to attorney Mather to kind of describe what the change is that it's essentially a date change go ahead then.

- Yeah I didn't have much to worried about the actual ordinance. I like Joanne said, it's just the date change. I did just want to clarify when you were drafting this, we put the extension through the end of the license year which is June 30th. So as written right now. The one that's attached to the agenda does not go all the way through 2020. 2021 so if that's what the committee and our counsel wants, that would need to be amended.

- Okay, yes go ahead alder

- If I could comment. I personally would like to see it through the end of next year. And part of the reason I say that is because a lot of times for these businesses, it's a substantial investment, in chairs and tables, staffing schedules, things of that nature to allow for these temporary seating's. And if I'm not mistaken those for June 30th and that's before you really get into the busy season for a lot of these places. And I think if you're being, for being practical and honest with ourselves, when you start to look at the possible deployment schedule of a

vaccine, I think it's being very optimistic to think that people are gonna be comfortable and ready to return back to normal by June 30th.

- Okay, cool point, good point. All right anybody else? Otherwise I wouldn't ask for a motion.

- I'll make a motion to amend the date December 31st, 2021.

- Okay do we have a second?

- Second.

- Thank you.

- Second, alder Stevens and second by Vanderleest anybody at any other discussion? All in favor please say aye.

- [Members] Aye.

- Aye, all opposed that passes. Thanks for all your work on this. So we'll bring that it'll go to council on December 15th, but good, good job. Good job, thank you.

- Yeap one second. All right and on to item number five.

- Number five there is consideration with possible action on a request by Alder Scannell for the city of Green Bay to adopt the following ordinance. The levels of fluoride in the drinking water for the city of Green Bay will be determined by the recommendation of the city's water utility manager and the Wisconsin department of health services. Along with the consent of the municipalities, the water utility serves attorney did you want to say something first? Or I can defer Alder Scannell.

- We can defer to Alder Scannell.

- Alder Scannell your lips are moving. Then I don't hear you, we don't hear you.

- He hasn't turn on his volume I think

- Not too loud.

- You hear me now?

- Yes, that wasn't upon you or say

- No, no I had my speakers plugged into my audio plugged into my speakers.

- That's fine you are forgiven. Okay, go ahead Alder Scannell go ahead.

- All right I had spoken to legal about this awhile back and I actually don't remember if we talked about an ordinance or a resolution. I think I'd rather an ordinance, but I'll defer legal as to best way to proceed here. They did mention that anything we do would of course not be binding that the council pick it up if it needed to, but the reason I'm bringing this forward is, I mean we've had this issue before the council three times, you've been in all three Alder Steuer I have been in two. And that first time for me, I was actually did not know what I'd already been to council. And I was pretty naive and ignorant of the whole issue. And if I had had something like this for guidance, I think I would have taken a much different approach my first time around. And so I think hopefully this will provide some guidance for council. All there is in the future. If this comes up again, it gives them some guidance.

- Well, well thank you for that. I there's really not an immediate time sensitivity issue to this is there?

- No, I don't think so. I think it would be a little bit before it comes back to us but.

- Well, it's not, it will not in my lifetime. Well, maybe not mine, but I hopefully will not come back for sometime. So I'm not gonna go into detail on all of that we've discussed it quite a bit. Attorney, I don't know Bungert were you working on this or was this something who did you talk to all time?

- It was a few a of the quarter, so I don't remember who all I spoke to her or anything. And I know it's really working on it all. I just had a discussion and I figured I'd waited until we already passed, went through council and then I'd bring it forward and we could really talk it over then so.

- There, just to piggyback a little bit, alder Scannell I had been working with alder attorney Mailers on an ordinance or a resolution I should say. So I don't know. I mean, you get to the point where you're, you're looking at an ordinance as being a little more definitive rather than a resolution.

- I think I'd rather if prefer to legal as to what they think is the best to proceed.

- No attorney Mather. Do you have any thoughts on that?

- It's been awhile since I considered the resolution versus ordinance question, I think because it's a decision that's usually made by staff rather than council, like it's usually made by the water utility general manager, my preference or my suggestion would be that it'd be done by resolution simply because we typically don't put directive specifically for staff in our ordinances as a general rule. But if that's your preference is to create an ordinance to that effect. We can do that like, I think the important thing like Alder Scannell mentioned is that no matter which way you go, no matter how you broach this, it can always be on done by a future council. So whether it's an ordinance, it can be repealed. Whether it's a resolution, it can be repealed or amended whatever. So it's kind of six, a one in terms of longevity purposes, neither one is going to have any more staying power than the other necessarily.

- Well, that's good. And I alder go ahead and pull those counts.

- I did speak with our water utility manager on this. And she was okay with this she felt comfortable with it. And she was actually kind of relieved about having something like this coming forward. She's had to deal with this three times now, and it's very, very unsettling and it turns everybody's lives upside down who have for right now, they got to scramble to all, then everything's thrown out at us. So she's on board with something like this. So we can double check with her to see if she would prefer an ordinance or a resolution. We didn't really talk about it. Actually I did talk about an ordinance. It's fine but if, like I said, like you said, there is really no rush on this. We can take our time.

- I'd like to share, like I said, I have a resolution that I was working on along with Lindsay maybe we could like, get that. Anything else that has been added and maybe we could come up with, just not effective one. I guess basically the resolution I was looking at was keeping the status quo, unless something came in that overturned it, whether it's signing the courts. So it's kind of an obvious type of thing that we'll stay status quo, unless something else tells us differently. I don't know how you feel about that.

- Well, that's what I think I'm doing the same thing. I mean, if something's coming differently, that's our water utility manager and Wisconsin Health Association, they'll be telling us, I mean they're not gonna be sitting on their thumbs thinking this is okay. If something's changed, they're gonna want to be they're responsible, they're care about people's health. They will be on top of it. So that's why I put that in there that.

- I say my initial thought, I thought about a resolution might work on this. I mean, that's just my thought. I don't know if you think an ordinance I don't know if anybody else, any of the other council members have a feeling that way.

- I'll like to turn in Mark when you're done.

- Yes go ahead alder go ahead.

- You know like all the discussions and things that we talked about, you know, about fluoride I think it's very healthy to have both sides, to be able to chime in when this comes forward the next time around, because there's gonna be a lot of changes. I think that we should address it as our city council has in the past and give the medical community on both sides, both the Wisconsin Dental Association and the people that do research and our local dentist as well here in Green Bay. And some of them will stand still against fluoride and some are in favor of it. I think it's very, not just shove it on the shelf somewhere. I think it's wise to speak on both sides, even though we have to do a little bit of work. I think that's really our job to we brought it forward. We discussion a lot of good discussion was brought forward. And I think that's healthy in government, not just put an ordinance in effect and then cut down.

- I think the resolution I was looking at was more or less staying that. Well we voted at council and the goal was to keep it in the water. So in essence, so with that being said, the resolution would more or less stayed something to the effect that we status quo, we'll stay with what we have the board will such. And if the science or the courts theme something differently, then we'll change accordingly. So I don't see that being a problem anybody else? Alder Scannell I was just gonna ask, is this something that you would consider referring back to staff?

- Sure why don't we that referral have them check with our water utility manager and see if she preferred ordinance or a resolution and whether she, whatever she prefers, I'm, that's fine by me. Like, I like the staff has said either way like it's, can't be the changes made. So

- We can do that.

- I think if we go with the resolution though, I'd like to add that it has to be with a three quarters vote. Give it a little.

- That would have to be, if we're going to change the voting rules that would have to be done by ordinance, because essentially you're requiring a higher, a different procedure for voting on this particular issue, which I don't know that I would start singling out issues like that or that I would recommend doing that simply because I think that has the potential to go down kind of a rabbit hole.

- You do have another other ordinances and issues where we've had to do a three quarters vote. What the difference between those.

- I'm not familiar with them. And maybe it's just cause I'm still relatively new at this. I don't know how long I'm gonna be able to use that excuse.

- But we have had a number of ordinances where, or I think even resolutions, they were three quarters with the extending alcohol beyond Broadway on the West side. There's that, is that a resolution on the ordinance? Do you remember?

- The authority of the moratoriums are actually five resolutions. And then there isn't a three quarter there doesn't there isn't a requirement to vote by two thirds waiver for it's only, I think for the moratorium set by ordinance. So if there Lindsey is correct that if there needs to be an approval thresholds that would need to be ordinance because a resolution ultimately is discretionary airy, an obligation to be followed. A resolution is essentially a formal declaration by council as to certain conclusions, but it's not setting forth legislation, legislation that has to be followed.

- Well, he's a resolution or ordinance. I mean, we can always revisit it regardless. So that's not a big issue way fine.

- Well, listen on. Okay committee, do you have anything there? That'd be another alders want to chime in otherwise i would anybody have a motion that they'd like to make?

- I like to make a motion to forward this to staff for further review.

- Okay, do we have a second?

- Second.

- Second by Vanderleest and the other discussion all in favor, please say aye.

- [Members] Aye.

- Aye, all opposed. Thank you Alder Scannell for bringing it up. Do you have any puns on the way out?

- No, I'm kind of scared to bring right now. I almost missed the meeting. Hey, it's been crazy. So I'm fund out, sorry.

- All right, we'll wait for another one another time. So thanks for your input.

- Thank you.

- All right its a violation report.

- Lieutenant, it is my favor

- We had no violations during this time.

- What a beautiful city?

- Yes.

- Yes thank you,

- Stevens place on file.

- Second by Steven. So any other discussion? All in favor, please say aye.

- [Member] Aye.

- Aye all opposed that passes unanimously and...

- We are on to garment.

- Joanne is potting a jersey on I don't know if anybody put that on the record yet.

- What's that?

- Joanne's wearing a packer Jersey. I don't know if we'll put that.

- It looks real nice we like it.

- I lost the bet and I had a friendly bet on the bears I lost the game So I'm paying, paying the pirates the bird tonight.

- You know what you're a good sport.

- That's a nice uniform. Thank you. It's nothing bad.

- But thanks for that all right.

- I'll make a motion to adjourn.

- All right motion to adjourn by Stevens. So we have a second.

- Second.

- Vanderleest all in favor, please say aye.

- [Members] Aye.

- Thanks for all your input, everybody. It was pretty good meeting and I'm gonna go eat chili and Apple pie.

- Thank you, good night.