

MINUTES
PROTECTION & WELFARE COMMITTEE
Monday, January 13, 2014
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Jim Mueller—Asst. City Attorney, Kail Decker—Asst. City Attorney, Capt. Runge, Ald. Wiezbiskie, Brian Powell, and other interested parties.

1. Roll Call.

Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane were present.

2. Approval of the Agenda.

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

3. Approval of the minutes from the December 9, 2013 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the minutes from the December 9, 2013 meeting. Motion carried.

4. Notice of change of agent for Wal-Mart Stores East, LP at 2440 West Mason Street.

There were no objections by the City Attorney's Office and Green Bay Police Department.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the notice of change of agent for Wal-Mart Stores East, LP at 2440 West Mason Street. Motion carried.

5. Request by Green Bay Water Utility to adopt a wellhead protection ordinance.

Atty. Mueller stated that this item was a request by the Green Bay Water Utility (GBWU) at the recommendation of the Department of Natural Resources (DNR) and that a representative from the GBWU is here to discuss the draft ordinance.

Ald. Steuer opened the floor without objection.

Brian Powell, Engineering Services Manager at GBWU, appeared and stated the DNR mandated that a protection program be placed into effect to prohibit anything from being built within a 1,200 foot radius around each of the 9 emergency backup wells that could possibly contaminate the ground water. Other municipalities have already complied because their wells were their only source of water; our wells were back-up wells so we weren't mandated to do so at that time.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to approve the request by Green Bay Water Utility to adopt a wellhead protection ordinance. Motion carried.

6. Request by the City Attorney's Office to amend Green Bay Municipal Code Section 27.603(2), relating to the discharge of bows and crossbows within city limits for hunting purposes.

Atty. Mueller stated the City Ordinance currently prohibits the use and discharge of bows and crossbows within the City limits. In December 2013, Governor Walker signed a bill into law that states we can no longer prohibit this; however, we can still regulate it. Atty. Mueller referred to the draft ordinance previously distributed to members and stated that numbers 4 and 5 were added to allow the standard practice of the use of bows and crossbows on private land as long as the discharge of the bow or crossbow was for hunting purposes and not within 100 feet of a building. If the person wanted to hunt within 100 feet of a building they could do so as long as they had the permission of the building owner.

A motion was made by Ald. Boyce and seconded by Ald. Brunette to approve the request by the City Attorney's Office to amend Green Bay Municipal Code Section 27.603(2), relating to the discharge of bows and crossbows within city limits for hunting purposes. Motion carried.

7. Appeal by Chad Grunwald to a nuisance charge at 1175 Smith Street.

Atty. Mueller stated that under our Chronic Nuisance Ordinance a property can be deemed a chronic nuisance if it has three qualifying calls regarding different police issues. Once a fourth call regarding that property is responded to by the Green Bay Police Department (GBPD) the cost of the service can be billed to the property owner; that property owner has the right to appeal the charges.

Capt. Runge, GBPD, appeared and stated an officer witnessed an individual enter the residence at 1175 Smith Street and exit a short time later clutching something in his fist. When the individual was approached and questioned, they produced a small amount of crack cocaine stating they purchased it inside the residence. Because this address had a prior history of having weapons inside the residence, a search warrant was obtained and executed by the SWAT Team.

A minimal amount of marijuana and paraphernalia, as well as a gun and ammunition were recovered inside. The nuisance fee charge was based on the total amount of time officers spent on the call.

Atty. Mueller stated the property owner is asking that this Committee reduce or waive this fine. Atty. Mueller stated it is the Committee's decision whether to hold the property owner accountable for the bill, or if they decide to reduce or waive the fine then that cost will be passed onto the taxpayers.

Ald. Steuer opened the floor without objection.

Chad Grunwald appeared and stated he is the property owner at 1175 Smith Street. Mr. Grunwald acknowledged the three prior calls and stated he met with officers from the GBPD to put a plan into action to eliminate calls for police assistance to this address. Mr. Grunwald reported that he also met with a management company who advised him to write a new lease stating that any criminal activity charges that occur will be the tenant's responsibility. Mr. Grunwald stated that when he was notified of the SWAT call, he started the procedure to evict the tenants; when the tenants received the eviction notice they refused to pay rent. Mr. Grunwald feels he has cooperated 100% with the GBPD and doesn't feel he should be responsible for this entire bill.

Capt. Runge stated that billing is the last resort for the GBPD, they only bill when they feel they aren't getting any response or cooperation from the property owner. Capt. Runge acknowledged that Mr. Grunwald did meet with Community Officers Carlson and Kempf; however it is their opinion that Mr. Grunwald didn't appear to make any changes at this property until after the search warrant was served by SWAT.

Ald. Brunette stated that the \$4,009.00 fee seemed like a lot of money and asked for a breakdown of those charges. Capt. Runge stated the billing fees began from the moment the officer first witnessed the drug buy, including time spent obtaining the search warrant and continuing surveillance up to the time of the arrests. The charges for SWAT time alone is based on time and a half pay. Capt. Runge briefly went over the history of police responses made to this address since 2011; which included charges for weapons, battery, and arrests for outstanding warrants, drug dealing, disturbances and criminal damage to property.

Ald. Brunette stated that this ordinance was created due to complaints received from constituents who wanted action taken on problematic properties because the property owners were ignoring these situations.

Capt. Runge stated there is a program in place that landlords can sign up for to receive notification of police calls to their property. Capt. Runge stated the amount billed to Mr. Grunwald is considered conservative since it doesn't even

include clerical time involved on reports and billing. Capt. Runge stated if they believe the property owner is cooperating then typically the charges for police response wouldn't be applied.

Ald. Brunette stated at this time he will deny the request; however at the Common Council meeting he would like to hear input from the Alderman in charge of this district as well as from the Inspection Department, in which case this item may be referred back to this Committee.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to deny the appeal by Chad Grunwald to a nuisance charge at 1175 Smith Street. Motion carried.

8. Appeal by KB Properties, LLP to the chronic nuisance citation issued at 718-720 Bodart (postponed from the December 9, 2013 meeting).

Ald. Boyce stated he was contacted by the property owners and asked that this item be posted again due to an emergency. Ald. Boyce stated he would like to open the floor tonight because Vince showed up.

Discussion followed that if the item is to be postponed then there wouldn't be any need to talk about it at this point. Ald. Boyce asked that it be noted that Vicente Hernandez appeared at this meeting.

A motion was made by Ald. Boyce and seconded by Ald. Brunette to postpone until the next meeting the appeal by KB Properties, LLP to the chronic nuisance citation issued at 718-720 Bodart (postponed from the December 9, 2013 meeting). Motion carried.

9. Request by Ald. Wiezbiskie to adopt a methodology to inform people in the areas that are in consideration for placement of sex offenders, so that they can arrange to offer their input (postponed from the December 9, 2013 meeting).

Atty. Kail Decker appeared and stated a decision on this item was held up until the Committee had time to review and discuss the handouts that were distributed at the last meeting regarding the definition of the word residence to mean something more specific and the means of notification.

Ald. Steuer reviewed the possible methods of notification and asked Atty. Decker to define the State statutes again. Atty. Decker stated it is his recommendation that no notification is given and that he believes any notification would be preempted by State law. State Statutes §301.45 and §301.46 read according to notification of sexual offenders moving into the area there is already an established notification system in place that is collaborated with by GBPD and The Department of Corrections who determine the notification level when a sex offender is released into the neighborhood. If we pass a law that requires

notification or mandates it, it frustrates the purpose of the state law that preempts it.

Atty. Decker reviewed the chart showing the options and costs of notification. He stated using Community Service Interns to deliver notification would be more cost effective than using police officers.

Ald. Wiezbiskie appeared and stated his constituents expect him to know what is going on in his neighborhood; when an offender was released into his neighborhood, he was not made aware of this. He doesn't believe that the Sex Offender Board works with or is even recognized by the State in regards to notifying residents. This is another subject he would like to discuss at a later date. Ald. Wiezbiskie stated regardless of State laws he wants the City to inform people who live in the areas when an offender is going to be released. He doesn't care what the notification cost would be, or how it's made; residents need to be notified. The facts are simple; common sense should be used when deciding the radius of notification. Ald. Wiezbiskie stated all Aldermen should be notified regarding the area an offender has been released to, as well as notifying Neighborhood Associations. Ald. Wiezbiskie suggested charging the offender with the costs of notifying residents.

Ald. Steuer stated that he agrees with Ald. Wiezbiskie that notification should be made.

Ald. Tim De Wane inquired how often the Sex Offender Board meets and what is the estimate of how many offenders appear each year. Atty. Decker stated the Board meets once a month and approximately 70 individuals appeared last year.

Ald. Brunette stated he has spent considerable time reviewing the methods and costs of notification and believes that using social media through the GBPD website could be a resolution. The City could use this website for a trial period of six months to notify citizens when and where a sex offender is applying to reside at. Citizens could also be informed how they can contact their Community Police Officer for any questions they may have. Ald. Brunette stated this item has been discussed for several months now and a decision needs to be made. He would like to propose that the City Legal Department and the Green Bay Police Department develop a policy where the Police Department will utilize social media to inform the public of the monthly Sex Offender Residency Board meetings for all placements within a geographical area for a trial period of six months. We can make our constituents aware of the website, and it will also be a low cost alternative to alerting the public.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to propose that the City Legal Department and the Green Bay Police Department develop a policy where the Police Department will utilize social media to inform the public of the monthly Sex Offender Residency Board meetings for all

placements within a geographical area for a trial period of six months. Motion carried.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to adjourn the meeting at 5:52 p.m. Motion carried.

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