

**MINUTES**  
**PROTECTION & WELFARE COMMITTEE**  
**Monday, April 13, 2015**  
**City Hall, Room 207**  
**5:00 p.m.**

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

**NOTE: ITEMS #1 THROUGH #7 WERE NOT AUDIO RECORDED**

1. Roll Call.

Ald. Wery, Ald. Tim De Wane and Ald. Scannell were present. Ald. Steuer was excused.

2. Approval of the Agenda.

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

3. Approval of the minutes from the March 9, 2015 meeting.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the minutes from the March 9, 2015 meeting. Motion carried.

4. Application for a "Class B" Combination License by 129 South Washington, LLC at 129 S. Washington Street. (Currently Kittner's Pub, Inc.)

Capt. Laux stated the Green Bay Police Department had no objections.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the application for a "Class B" Combination License by 129 South Washington, LLC at 129 S. Washington Street with the approval of the proper authorities. (Currently Kittner's Pub, Inc.) Motion carried.

5. Request by the owner of White Dog Black Cat Cafe, 201 S. Broadway, to hold an outdoor event on May 3, 2015.

Capt. Laux stated the Green Bay Police Department had no objections.

Discussion included receiving more information regarding this event from the owner for review and approval by staff.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the request by the owner of White Dog Black Cat Cafe, 201 S.

Broadway, to hold an outdoor event on May 3, 2015. The approval of the request is subject to complaint. Motion carried.

6. Notice of the change of agent for the Noodles & Company, 2450 E. Mason Street.

Capt. Laux stated the Green Bay Police Department had no objections.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the notice of the change of agent for the Noodles & Company, 2450 E. Mason Street. Motion carried.

7. Notice of the change of agent for Stir-Ups, LLC at 125 S. Washington Street.

Capt. Laux stated the Green Bay Police Department had no objections.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the notice of the change of agent for Stir-Ups, LLC at 125 S. Washington Street. Motion carried.

8. Appeal by Scott & Barbara Pardee to a nuisance ticket at 897 Christiana Street.

Atty. Leigl stated when there are numerous calls to a particular property; the property is listed as a chronic nuisance property. Once it has met this criteria, the police will start billing the property owners for responding to calls.

Michelle Arneson, Green Bay Police Department (GBPD), appeared and stated that the criteria needed to meet a chronic nuisance under the Chapter 28 ordinance are that there must be three or more calls at a particular location that resulted in enforcement action. At that point the GBPD will meet with the owners, discuss what the problems are and work together on an abatement plan to resolve the issues. If the property owner doesn't comply then charges for further police call services will be applied or they can receive a citation.

Ms. Arneson stated the property owners did meet with the GBPD; however they didn't follow through with the plan and were billed for \$378.00 when the GBPD and the Brown County Drug Task Force responded to a call. Since 2014 there have been 21 calls for police service to this address.

Officer Ron Schaden appeared and stated he has been employed with the GBPD for 25 years. Officer Schaden stated he was approached by a Community Police officer who stated there was a feud going on between the Pardee's and their neighbors. Officer Schaden stated he researched the police calls and decided to issue chronic nuisance citations to both parties. Approximately one week later another call for police service was made to Mr. Pardee's address and he was requested to appear for an abatement meeting on September 17, at which an agreement was signed.

Officer Schaden stated he was notified that the drug task force received a search warrant for this property, the GBPD were in attendance when the search took place.

Ald. Wery opened the floor without objection.

Scott Pardee, 897 Christiana Street, appeared and admitted he had numerous issues with the neighbor and they both called the GBPD. Mr. Pardee claimed the GBPD didn't respond to his calls and would only listen and respond to the neighbor's claims. Mr. Pardee stated nothing was found during the drug search and no charges were made.

Atty. Leigl reported that a Referral to the District Attorney's Office stated that Mr. Pardee admitted that he sells marijuana, or trades it in exchange for prescription drugs, and was also referred for keeper of a drug house. Mr. Pardee stated that he found the interrogation very bizarre and admitted to whatever they wanted him to say.

Discussion included the process of obtaining a search warrant.

Mr. Pardee stated a little bit of marijuana was found on him that he utilizes for personal use. Mr. Pardee admitted that he occasionally smokes marijuana but not in front of his kids.

Atty. Leigl reminded the Committee the reason Mr. Pardee is present is for the chronic nuisance invoice, it is not a hearing regarding the search warrant.

Mr. Pardee claimed he was innocent in all the police calls made against him and reiterated the police never did anything when he called them for problems his neighbor was causing. Since his neighbor moved there have only been a few complaint calls about him.

Barbara Pardee, 897 Christiana Street, appeared and stated they lived in their house for ten years without any problems until she became friendly with the neighbor's wife. Ms. Pardee stated she has never been in trouble with the law in her life and was terrified when they came into her home to search it and doesn't think its fair they have to pay when nothing was found.

Lee Olson, 1451 Chicago Street, appeared and stated he has lived in his house since 1976 and it was also searched for a missing social security number. Mr. Olson stated he had the same circumstances as the Pardee's in that the GBPD seemed to listen to the neighbors instead of him and asked that the Committee listen to the facts of this item.

Ald. Wery returned to regular order of business.

Atty. Leigl stated that this invoice is for the GBPD time and resources for their response during the search warrant, whether Mr. Pardee is found guilty or innocent has nothing to do with it. Atty. Leigl stated these charges are a deterrent to get these problems to stop; the resources of the GBPD are being

wasted when they have to respond to these types of calls. If the Committee approves the appeal, these charges will then become the burden of the taxpayer.

Ms. Arneson stated the chronic nuisance charges are reviewed very closely, they don't want to charge the property owner and that's why they meet with them first to go over solutions to solve these problems. Mr. Pardee was arrested and charged three times after this meeting and that is why he is being invoiced as a chronic nuisance property. Ms. Arneson stated that Mr. Pardee could have been issued a second citation for a nuisance property as well that would have amounted to \$2,400.00, but the officer chose not to do that.

Ald. Wery opened the floor without objection.

Mr. Pardee stated he had a list of the phone calls against him and all 18 calls were bogus and lies. Mr. Pardee stated there wasn't any probable cause to search his house and that he's being harassed by the police. He tried to stop the feud between him and the neighbor, but the neighbor didn't want to cooperate with him. Mr. Pardee stated that this Committee is listening to him more than the judge did.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Wery and seconded by Ald. Scannell to go into closed session.

"The Committee may convene in closed session pursuant to Sections 19.85(1)(b)(f), Wis. Stats., for the purpose of considering information in respect to licensing for a person the applicant has a right to demand the meeting to be held in open session the applicant also has the right to request the meeting to be held in closed session. The Committee may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda."

A motion was made by Ald. Scannell and seconded by Ald. Wery to return to open session.

Ald. Scannell motioned to reduce the fee to \$250.00.

Ald. Tim De Wane stated there were 21 phone calls for police assistance to this address which took up a huge amount of police time. Ald. Tim De Wane suggested that Mr. Pardee become proactive and get in contact with his Alderperson, neighborhood association, and community police officers and leaders.

Ald. Wery informed Mr. Pardee that he could have received another citation for \$2,400.00. Due to the fact that Mr. Pardee did appear before the Committee to discuss this nuisance charge they will consider reducing the amount.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to deny the appeal, with a reduction of the fine to \$250.00, by Scott and Barbara Pardee to a nuisance ticket at 897 Christiana Street. Motion carried.

9. Appeal by Aaron Nolan to the denial of his Operator License application.

Atty. Leigl stated the City Attorney's Office doesn't object; however the Committee should be aware that Mr. Nolan does have a felony on his record which resulted in the denial. Atty. Leigl stated that it is his opinion that the felony doesn't substantially relate to the licensed activity.

Capt. Laux stated the GBPD had no objections.

Aaron Nolan, 415 George Street, De Pere, appeared and stated he made mistakes when he was younger but has since matured and is now contributing to society.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the appeal by Aaron Nolan to the denial of his Operator License application. Motion carried.

10. Appeal by Greg Madsen to the denial of his Operator License application.

Atty. Leigl stated the City Attorney's Office objects due to Mr. Madsen's lengthy drug related record which includes two felony charges for the manufacturing and delivery of cocaine. By law, any person who has been convicted of a felony that substantially relates to the licensed activity cannot be issued a license. However there are mitigating circumstances such as the length of time since the last criminal charge, and if individuals have rehabilitated themselves, could be taken into consideration.

Capt. Laux stated the GBPD also recommends denial.

Ald. Wery opened the floor without objection.

Greg Madsen, 1805 Wood Lane, appeared and stated he has turned his life around and is now married and expecting his second child. His job at Bay Family Restaurant requires him to hold an operator license and that the general manager of the restaurant is here to speak on his behalf.

Joshua Olejniczak, 412 13<sup>th</sup> Avenue, appeared and stated Mr. Madsen is a good, responsible worker. Mr. Olejniczak stated the restaurant doesn't sell a lot of alcohol, however being a manager Mr. Madsen may have to serve alcohol at some point if there isn't another licensed operator on site.

Ald. Wery returned to regular order of business.

Atty. Leigl stated another circumstance to consider is if the individual is a habitual offender and he doesn't believe Mr. Madsen qualifies as one.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the appeal by Greg Madsen to the denial of his Operator License application. Motion carried.

11. Appeal by Rachel E. Anker to the denial of her Operator License application.

Atty. Leigl stated the City Attorney's Office objects due to Ms. Anker's lengthy criminal history and considers her as a habitual offender. Ms. Anker has been found guilty of misdemeanor and felony drug charges, misdemeanor battery charges, and a felony for bail jumping.

Nobody appeared for this item.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to deny the appeal by Rachel E. Anker to the denial of her Operator License application. Motion carried.

12. Request by Staff to discuss, with possible action, the regulation and enforcement of Uber and other Transportation Network Companies.

Atty. Leigl stated that he has been approached by Uber and taxi cab drivers on this subject, which also relates to the next item regarding changes to the current taxi cab ordinance. Atty. Leigl stated that those changes have been made and transportation companies have been added and are waiting for approval; however the State Legislature is presently discussing and voting on Uber enforcement. Atty. Leigl suggested that these two items be postponed until he hears of that decision. If the bill passes then the City can adopt the State Statute and start regulating transportation companies. Atty. Leigl stated he has a copy of the bill if anyone wanted to look at it.

Ald. Wery opened the floor without objection.

Kurt Wipperfurth, 2084 Spring Creek Circle, appeared and inquired if the City taxi cab ordinance could be more restrictive than the state statute. Mr. Wipperfurth expressed concerns regarding reports he's read regarding Uber drivers. Mr. Wipperfurth also requested that Uber vehicles have identification displayed on them. Mr. Wipperfurth inquired what changes were made regarding item 13.

Atty. Leigl stated that a few of the changes Mr. Wipperfurth addressed have been changed in the amended ordinance. The hospitality training and posting rates on the side of the vehicle have been repealed, and the ordinance has been changed from a taxi cab ordinance to a public vehicle ordinance to include taxi cabs, pedicabs, shuttles, limousines, motorcycles, and horse drawn carriages.

Mr. Wipperfurth inquired if he could receive a copy of the amended ordinance, and that it be sent to other taxi cab companies, in order for them to review it and make any necessary changes before it goes before Common Council. Atty. Leigl stated he will give Mr. Wipperfurth a copy.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to receive and place on file the request by Staff to discuss, with possible action, the regulation and enforcement of Uber and other Transportation Network Companies. Motion carried.

13. Request by Staff to review, with possible action, the prior taxi cab ordinance to determine if it shall become readopted.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to hold the request by Staff to review, with possible action, the prior taxi cab ordinance to determine if it shall become readopted.

A motion was made by Ald. Tim DeWane and seconded by Ald. Scannell to adjourn the meeting at 7:07 p.m. Motion carried.

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

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

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

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

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