

**MINUTES**  
**PROTECTION & WELFARE COMMITTEE**  
**Tuesday, December 8, 2015**  
**City Hall, Room 310**  
**5:00 p.m.**

**MEMBERS PRESENT:** Ald. Wery, Ald. Tim De Wane, Ald. Steuer, and Ald. Scannell  
**MEMBERS EXCUSED:** None  
**MEMBERS ABSENT:** None  
**OTHERS PRESENT:** Kristen Bohnert–Asst. City Attorney, Capt. Laux, Sharon Hensen, Animal Control Officer; Ald. Wiezbiskie, Ald. Nicholson, Ald. Nennig, and other interested parties.

1. Roll Call.

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

2. Approval of the Agenda.

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

3. Approval of the minutes from the November 16, 2015 meeting.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the minutes from the November 16, 2015 meeting. Motion carried.

4. Notice of the change of agent for Apple Hospitality Group, LLC at 2420 E. Mason Street.

There were no objections by the City Attorney's Office or the Green Bay Police Department (GBPD).

A motion was made by Ald. Steuer and seconded by Ald. De Wane to approve the notice of the change of agent for Apple Hospitality Group, LLC at 2420 E. Mason Street. Motion carried.

5. Request by Ald. Wery to review, with possible action, Oval Office's liquor and adult entertainment licenses due to potential illegal activity off-site on October 18, 2015.

Ald. Wery stated he was contacted by a concerned party that the Oval Office hosted a tail gate party near Lambeau field and served free alcoholic beverages. Ald. Wery contacted Ashwaubenon officials who stated the same thing happened there and a written notice was sent to the Oval Office to cease and desist.

Atty. Bohnert distributed copies of a similar letter from the City Attorney's Office to the Oval Office. Capt. Laux stated there haven't been any more violations since this letter was sent.

Ald. Wery opened the floor without objection.

Jennifer De Caster, (address inaudible), expressed concerns that Ald. Wery is launching a personal attack against her family because of the adult entertainment business they run. Ms. De Caster stated land near Lambeau Field has been purchased by her family and Ald. Wery assumes they are planning to have a similar business built there. Ms. De Caster stated that Ald. Wery hasn't made any attempts to contact them to discuss their plans.

Ms. De Caster stated they didn't do anything illegal when they hosted that party and feels that Ald. Wery is attempting to revoke their liquor license. Ald. Wery responded that serving free alcohol violated State law. Ms. De Caster asked Ald. Wery to present evidence that the law was violated.

Ald. Wery returned to regular business.

Atty. Bohnert stated the letter served as a warning that it is illegal to serve free alcohol to the public if there isn't a liquor license on the premise where it is being served.

Capt. Laux stated during a Packer home game the GBPD focus is on the stadium and they didn't have the manpower available to send to observe the party. Capt. Laux stated there haven't been any complaints received since this occurrence.

Ald. Wery reopened the floor without objection.

Ms. De Caster stated she received information from Rick Uhlig, Special Agent for Alcohol and Tobacco, State of Wisconsin, and none of his communications stated they did anything illegal. Ms. De Caster stated they decided to not have any more tailgate parties in Ashwaubenon due to the colder weather. Ms. De Caster also stated the parties were for their friends and wasn't open to the public; therefore it wasn't any different if friends were tailgating and sharing their liquor. Ms. De Caster reported the advertisement also stated the party was for friends, not for the public, and reiterated this is the reason they didn't violate any laws.

Ald. Steuer stated there was a very fine line drawn with the advertising and wondered if he would have been served even though they have never met. Ald. Steuer inquired if the party was for friends why weren't they personally invited through email or another form of communication and stated this may be a better way if Ms. De Caster decides to have any further parties.

Ms. De Caster stated she is open to discussing with Council members whatever would make them feel comfortable in order to continue having these parties. Ald. Steuer asked if Ms. De Caster thought there may have been any legal ramifications before deciding to hold this party. Ms. De Caster stated she did some research into this, and received opinions from Mr. Uhlig and Ashwaubenon's city attorney before deciding to have this party for their friends. Ms. De Caster stated they would like to have more parties; however in the future that site may be under construction.

Ald. Tim De Wane inquired about the cost and amount of alcohol that was given away. Ms. De Caster stated approximately \$300 for the alcohol and \$150 for food was spent.

Ald. Wery returned to regular business.

Ald. Wery stated if anybody saw this advertisement for free alcohol they would show up; however the Oval Office has been notified to cease and desist and he believes the problem has been resolved.

Ald. Wiezbiskie and Ald. Steuer stated they would like to see some clarification regarding the usage of the word 'friend' when it comes to hosting tailgate parties by businesses as this could occur again in the future. Ald. Wery stated he agrees and would like to refer this to staff for options to be added to the ordinance. Ald. Scannell stated there does appear to be a loophole in this law and that it would be completely impracticable and impossible to monitor with all the parties that occur during home games. Ald. Scannell stated since there wasn't any evidence of wrong doing he would like to see this item received and placed on file.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to receive and place on file the request by Ald. Wery to review, with possible action, Oval Office's liquor and adult entertainment licenses due to potential illegal activity off-site on October 18, 2015. Motion carried, Ald. Steuer voted no.

6. Request by Ald. Wery and Ald. Nicholson for the City of Green Bay to create its own campaign finance ordinance.

Ald. Wery stated he and Ald. Nicholson are requesting this because of the transparency and accountability issues they have with the Mayor and his campaign finances. Ald. Wery reported questions they had were being bounced back and forth between the City Clerk and the Government Accountability Board (GAB); therefore they are requesting to give the City Clerk the ability to look at campaign checks and things of that nature. Ald. Wery stated that according to the GAB they can make an ordinance; therefore they would like to meet with staff to draft one and bring it back to this Committee.

Ald. Nicholson appeared and stated he agrees with Ald. Wery and the ordinance should include any politician that works for the City of Green Bay, not just the Mayor. Ald. Nicholson stated there are rules in place and politicians should be held accountable for funding they receive and an ordinance will enforce this.

Ald. Wiezbiskie stated that everyone follows the guidelines that the GAB has established. Ald. Nicholson stated that nobody, not even the State, enforces the rules if they are broken and this is the reason they want to establish an ordinance.

Discussion that followed focused on who and how this ordinance would be enforced.

Ald. Wery opened the floor without objection.

Janet Angus, 1403 Shirley Street, appeared and stated when you file your campaign papers with the Clerk they don't have any duty to look at or inspect your finances and there is nobody at the local level to investigate inquiries from the public, you would need to contact the District Attorney's (DA's) office to investigate. Ms. Angus reiterated there isn't anybody at the local level to hold people accountable unless this Committee does something about it.

Ald. Steuer agreed there are a lot of channels to go through if there is an issue and then you have to wait for an answer and once it reaches the legal system then it's out of our hands.

Ald. Tim De Wane inquired how long it takes to investigate an issue. Ms. Angus stated it could take a very long time to get an answer if it's coming from the DA's office.

Ald. Wiezbiskie stated he recently filled out his campaign papers with the help of the City Clerk and he has experienced nothing but satisfaction with the City Clerk's office and that they are doing their job.

Ald. Wery returned to regular business.

Ald. Wery stated at this point he would like to work with City Staff and Ald. Nicholson to see what they can come up to give the Clerk more enforcement action and make checks available for public viewing if they have any inquiries.

Ald. Scannell stated he is willing to see this request sent to staff but would like clarification on who would oversee it. Ald. Nicholson stated this is a serious situation and maybe it could be overseen by the Code of Ethics Committee.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to refer to staff the request by Ald. Wery and Ald. Nicholson for the City of Green Bay to create its own campaign finance ordinance. Motion carried.

7. Request by Ald. Zima for a thorough review of the taxi cab ordinance and Uber license to eliminate any differences in the two licenses.

Ald. Wery stated that the State regulates Uber and there isn't anything we can do about it. Atty. Bohnert agreed and stated any similar companies are also regulated by the State; the City of Green Bay can only regulate taxis, limousines, and similar businesses.

Ald. Wery reported that he discussed this issue with Ald. Zima who wasn't aware the City of Green Bay doesn't have jurisdiction over Uber and would agree to have this item received and placed on file.

Ald. Steuer stated he has received complaints from cab companies and constituents regarding Uber and asked if there was anything we can do to resolve these complaints. Atty. Bohnert reiterated we have no jurisdiction over

Uber or similar companies for qualifying their drivers, the only department that can regulate companies like Uber is the Department of Safety and Professional Services operated through the State.

Capt. Laux stated the GBPD can enforce traffic violations on Uber drivers. Capt. Laux stated he heard that the passenger is insured by Uber if there is an accident and that the driver will automatically be dropped by Uber if they receive a traffic violation with a passenger in the vehicle.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to receive and place on file the request by Ald. Zima for a thorough review of the taxi cab ordinance and Uber license to eliminate any differences in the two licenses. Motion carried.

8. Request by Ald. Nicholson to review, with possible action, the Animal Control Policy that deals with trapping animals in the City of Green Bay.

Ald. Nicholson stated he has received numerous complaints regarding skunks. The neighbors were trapping them on their own; however they are getting older and can't physically do it any longer. Ald. Nicholson stated he contacted the Animal Control Officer and was informed that the City doesn't have the correct types of traps for skunks. Ald. Nicholson informed the Committee that the neighbors were using homemade traps that keep the skunks tails down so they cannot spray and he is requesting the City purchase two of these types of traps. Ald. Nicholson reported that groundhogs, possums and other types of varmints are trapped and doesn't understand why skunks are not.

Sharon Hensen, Animal Control Officer, appeared and distributed an informational sheet regarding trapping of animals. Ms. Hensen read the policy guidelines for animal control and requested that this policy doesn't get changed. Ms. Hensen stated that skunks do not cause property damage such as a woodchuck does, nor does it approach people in an aggressive manner. When a citizen calls regarding skunks in their yard they are presented with a list of alternative methods to get rid of the skunks. Many of these individuals were very pleased because these methods also rid their property of other vermin, only one complaint was received that the suggested methods didn't work.

Ms. Hensen stated from October 2014 to October 2015 they received 880 calls for traps. Only one skunk became trapped during that time and the trap couldn't be used for three months until the smell dissipated. Ms. Hensen reported the expensive to replace shoes and clothing that have been sprayed range anywhere from \$250 to \$600, and also stated that a police vehicle was out of commission for a long period of time due to a skunk that sprayed while being transported. There is also the matter of lost time an employee, whether it's a police officer or animal control officer, could be spending doing their duties instead of leaving to shower and change their uniform. Ms. Hensen stated she wanted this Committee to be aware of the costs related to trapping skunks.

Ms. Hensen stated there are private contractors that will trap skunks, but even surrounding municipalities do not trap wildlife.

Ald. Scannell inquired if it would be helpful if the City purchased skunk traps. Ms. Hensen stated it would, but there is still no guarantee skunks would enter these traps. Ms. Hensen inquired if there would be any problems when additional clothing or shoes is requested because they were sprayed and can no longer be worn. Ald. Wery replied they could make this recommendation to the Personnel Committee.

Ald. Nennig appeared and stated he believes that additional workers be hired to help out Ms. Hensen. Ald. Nennig inquired if just a few existing traps could be set aside for skunks, Ms. Hensen reiterated there is no absolute guarantee that a skunk will be caught and out of 880 traps set in a year's time frame only one skunk was caught. Ms. Hensen also stated there aren't any traps that guarantee the skunk will not spray if they are caught in one. Ms. Hensen inquired if anybody from the Committee would like to do a ride along if a skunk is trapped.

Discussion that followed included the amount of traps to be purchased and adding additional clothing cost to the budget.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to refer to Finance to approve the purchase of two skunk traps. Motion carried.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to refer to Personnel the issue of replacing damaged uniforms. Motion carried.

9. Appeal by Michael L. Andrews to the denial of his Public Vehicle Operator License application.

Atty. Bohnert stated the City Attorney's Office recommends denial based on the applicant's criminal history.

Capt. Laux stated the GBPD recommends denial for the same reasons.

Ald. Wery read from the list of Mr. Andrews' felonies.

Ald. Wery opened the floor without objection.

Michael Andrews, 1040 Michaline Drive, appeared and stated that most of the crimes committed were from a long time ago and that he is a changed person. Mr. Andrews stated he could be hired immediately for Tundra Valley Cab Company if he can receive this license.

Ald. Steuer inquired if Mr. Andrews had any letters of recommendation or support with him. Mr. Andrews replied that he didn't think he would need to bring any paperwork and that he has been in prison for the past 16 years and only received a few tickets while incarcerated, and that his parole agent doesn't object to him driving a cab. Mr. Andrews stated both armed robbery charges were for attempting to rob drug stores for drugs. Mr. Andrews stated he has filled out job applications for other businesses but nobody wants to hire a felon. Mr. Andrews stated he no longer drinks or takes drugs.

Ald. Wery stated this Committee believes in giving second chances especially when the applicant hasn't been in any trouble for at least a year; however Mr. Andrews was just released from prison two months ago and he has concerns granting this license. Ald. Steuer stated that he feels the same way and would have liked to see a letter of recommendation from Mr. Andrews' parole officer and doesn't feel comfortable issuing a license at this time. Ald. Scannell stated he also agrees that there hasn't been an adequate amount of time that has passed; however if Mr. Andrews had provided a letter of approval from his parole officer he may have allowed this license.

Discussion that followed centered on advising Mr. Andrews to appear before the Common Council meeting and provide letters of support from his parole agent and the owner of the Tundra Valley Cab, and information on his behavior while incarcerated.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to deny the appeal by Michael L. Andrews to the denial of his Public Vehicle Operator License application. Motion carried, Ald. Scannell voted to approve.

10. Request by Ald. Nicholson for council to draft a resolution restoring zoning control of cell towers.

Ald. Wery stated in the past permission to place a cell tower needed the approval of neighboring residents, the Planning Department and City Council; however the State changed this to allow cell towers to be placed anywhere. Ald. Wery stated that Ald. Nicholson is requesting an ordinance for permission to go through the old channels of approval again.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the request by Ald. Nicholson for council to draft a resolution restoring zoning control of cell towers. Motion carried.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to adjourn the meeting at 6:30 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)