

**CITY OF STEVENS POINT
PUBLIC PROTECTION COMMITTEE
Monday, August 14, 2017 – 7:55 P.M.
Lincoln Center – 1519 Water Street**

Present: Alderpersons: Johnson, Dugan, McComb and Phillips

Excused: Alderperson Oberstadt

Also

Present: City Attorney Beveridge; City Clerk Moe; Comptroller/Treasurer Ladick; Alderpersons Jennings, Shorr, Nebel and Kneebone; Directors Schrader, Ostrowski and Beduhn; Fire Chief Finn; Police Chief Skibba; Asst. Police Chief Zenner; Tommy Van Etten; Robert Steinke; Christopher Hertel; Cole Racine; Brigitte Benitez-Vargas; Jami Gebert; Karl Weyers; Lea Kiggins; Liz McDonald; Erin Widenski; John Schlice; Monica and Jeff Lukasavage; Gene Kemmeter – Gazette; Brandi Makuski – City Times

1. Appeal of service charge for property maintenance violation – 1633 Main St.

Dylan Tutton, 3875 Jordan Road, said it took some time for him to contact the tenants but between himself and the tenants the property has been cleaned up.

Ald. Johnson asked if Mr. Tutton regularly visits the properties that he owns and if he informs his tenants of the rules.

Mr. Tutton replied he does not always visit them on a regular basis. He explained the tenants were already living in the house before he purchased the property but they should still be aware of the rules.

Ald. Dugan asked if the tenants should now follow the current owner's rules.

Mr. Tutton said the tenants are currently following the rules of their current lease agreement with the former owner.

Ald. Phillips asked if the tenants will be asked to reimburse the owner for the fine.

Mr. Tutton replied yes.

Ald. Johnson asked if the tenants still reside there.

Mr. Tutton said they are still leasing the property; however, most of them have moved out for the summer.

Ald. Jennings said this property is in her district and there have been issues with it in the past.

Ald. Nebel said the property owner had sufficient time to clean up the property.

Director Ostrowski said his office received a complaint, the property was inspected and then it was revisited again at which time a service charge was issued to recoup the cost of the inspections.

Ald. Phillips **moved**, Ald. Dugan seconded, to deny the appeal for 1633 Main Street.

Call for the vote: Ayes, all; nays, none; motion carried.

2. License List:

A. Recommended denial of Operator License – Erin E. Widenski.

Erin Widenski, 1517 Main Street, is asking to have her license approved. She said she is only 1½ months away from being able to qualify for the license.

Chief Skibba said it is one year from the conviction of Ms. Widenski's offense which would be October, 2017.

Ald. Phillips asked if it possible to allow Ms. Widenski to get her license on October 5, 2017.

City Attorney Beveridge said he does not think there is anything fundamentally wrong with that.

Ald. Phillips **moved**, Ald. Johnson seconded, to allow Erin Widenski to get her license on her anniversary date of October 4, 2017 contingent on maintaining a clean record and repaying the \$35 renewal fee.

Clerk Moe would like clarification that Ms. Widenski does not have to reapply and go through a background check. He asked if he will just need to contact the Police Department on October 4, 2017 to make sure there is nothing on her record and issue the license if her record is clean.

Ald. Phillips replied that is correct.

Call for the vote: Ayes, all; nays, none; motion carried.

B. New Operator's (Bartender's) Licenses.

C. Renewal Operator's Licenses.

D. Temporary Class "B" / "Class B" License (Picnic):

- i. CREATE Portage County, P.O. Box 565, Stevens Point, for Phantom Gallery Party on September 8, 2017 at 2116 Wood Street. Licensed operator on premise: Greg Wright (Beer only).**
- ii. CREATE Portage County, P.O. Box 565, Stevens Point, for Trivia Unplugged on September 23, 2017 at Noel Hangar. Licensed operator on premise: Greg Wright (Beer and Wine).**

Ald. Johnson **moved**, Ald. Dugan seconded, to approve the new operator's licenses, renewal operator's licenses and two temporary Class "B" / "Class B" picnic licenses for CREATE Portage County.

Call for the vote: Ayes, all; nays, none; motion carried.

E. "Class B" Combination Beer and Liquor License:

- i. **Hertel Investments LLC, for The Other Bar, 1221 Second Street, Stevens Point; Christopher J. Hertel, agent for license period beginning August 22, 2017.**
- ii. **Mi pueblo Mc Mexican Food LLC, for Mi pueblo Mc Mexican Food, 5110 Main Street, Stevens Point; Iliana Corona de Mondragon, agent for license period beginning August 22, 2017.**

Christopher Hertel, 3223 Village Lane, was available for questions.

Iliana Corona de Mondragon, 5110 Main Street, was available for questions.

Ald. Phillips asked if there are any licenses available.

Clerk Moe said if these two establishments are granted licenses, there would be one regular and three reserve licenses remaining.

Ald. Phillips **moved**, Ald. Johnson seconded, to approve the "Class B" Combination Beer and Liquor licenses for The Other Bar and Mi pueblo Mc Mexican Food.

Call for the vote: Ayes, all; nays, none; motion carried.

F. Change of Agent:

- i. **Schierl Sales Corporation, 2201 Madison Street, Stevens Point, Miranda Hicks, 3420 Deer Road, Wisconsin Rapids, WI; agent at The Store #51, 708 Division Street replacing Megan Walker.**
- ii. **Schierl Sales Corporation, 2201 Madison Street, Stevens Point, Megan Walker, 1200 River View Ave. Apt. 113, Stevens Point, WI; agent at The Store #57, 201 W. Clark Street replacing Sally Bonnell.**
- iii. **Apple Hospitality Group, LLC, 2120 Pewaukee Road, Waukesha, WI, Tracey Q. Enerson, 3300 Johnson Ave #2, Plover, WI; agent at Applebee's Neighborhood Grill & Bar, 5609 Hwy 10 East replacing Andrew J. Lynch.**
- iv. **Joe's Bar LLC, 831 Main Street, Stevens Point, Chad M. Bielen, 732 Michigan Ave., Stevens Point, WI; agent at Joe's Bar, 831 Main Street replacing Sean Stroik.**

Ald. Phillips asked if a background check was completed for the agents.

Chief Skibba said the Police Department looks at the establishments to see if there have been any issues and a background is completed for each agent.

Ald. Phillips **moved**, Ald. Dugan seconded, approval of the change of agent for Schierl Sales, Schierl Sales, Apple Hospitality and Joe's Bar.

Call for the vote: Ayes, all; nays, none; motion carried.

3. Request to Hold Event/Street Closings:

- i. Stevens Point Police Officers Organization – Run From the Cops 5k Run/Walk on Sept. 23 at 8:00 a.m. Requesting temporary closure of a section of Church St. from 8:00 a.m. to 1:00 p.m.**
- ii. Gus Macker Basketball Tournament on Sept. 9-10, 2017. Requesting temporary closure of a section of Crosby Ave.**
- iii. St. Paul's Lutheran School – St. Paul's Lutheran Color Walk/Run for Wellness on Sept. 30, 2017.**

Chief Skibba said this is an annual event and the Police Organization donates the funds back into the community.

Lea Kiggins, 508 Bukolt Ave, said St. Paul's is sponsoring a Color Run that begins and ends at Piffner Park.

Ald. Phillips **moved**, Ald. Johnson seconded, approval of the events and street closings.

Call for the vote: Ayes, all; nays, none; motion carried.

iv. Belts' Soft Serve – Welcome UWSP Students on Sept. 4, 2017.

Ald. Phillips asked if this event needs approval since it is on private property.

Chief Skibba said this is an event that effects the immediate neighbors.

Cole Racine, 1727 Pine Street, said he would like to have a live band from 7:00 p.m. to 10:00 p.m. on Labor Day to welcome the students back. The band will be set up on the northeast side of the business.

Ald. McComb asked which direction the speakers will face.

Mr. Racine said they will face southeast.

Ald. Dugan asked if it possible to keep the amplification level down.

Mr. Racine said this band will be low key.

Ald. Johnson asked if additional staff will be present for crowd control.

Mr. Racine said the property is small and he will be monitoring it.

John Schlice, 2140 Church Street, said he originally had some concerns but if the band is placed on the northeast side of the business it should work out better.

Ald. McComb said she received a concern from a neighbor and she will share this information with that individual.

Ald. Nebel said the property owner has well thought out this event.

Ald. McComb **moved**, Ald. Johnson seconded, approval of the event on September 4, 2017 with a live band at Belt's.

Call for the vote: Ayes, all; nays, none; motion carried.

4. Ordinance Amendment – Fair Housing – Transgender Fair Housing (Subsection 27.01, 27.03 of the RMC).

Robert Steinke, 5753 Shady Drive, read a brief statement on discrimination regarding transgender and gender identity rights.

Tommy Van Etten, 2915 Tuscany Way, supports this proposal.

Karl Weyers, 933 Meadow Street, endorses this action.

Ald. Kneebone supports this ordinance amendment.

Ald. Johnson **moved**, Ald. Dugan seconded, to approve the ordinance amendment as written.

City Attorney Beveridge said these amendments have a large impact on equality.

Ald. McComb reviewed the amount of housing discrimination nationwide for transgender.

Call for the vote: Ayes, all; nays, none; motion carried.

5. Ordinance Amendment – Standing Rules – Introduction of Business (Subsection 2.05 of the RMC).

City Attorney Beveridge said language was added for more clarity.

Ald. McComb asked if the language applies to both Committee and Council agendas.

City Attorney Beveridge said there are general practices for Committee agendas.

Ald. Dugan supports this ordinance amendment. She asked if an alderperson forwards an item for consideration, will that alderperson be involved with the process.

City Attorney Beveridge replied yes.

Ald. Johnson **moved**, Ald. Dugan seconded, to approve the ordinance amendment as written.

Call for the vote: Ayes, all; nays, none; motion carried.

6. Ordinance Amendment – Animal Care and Licenses – Chickens, Ducks, and Rabbits (Subsection 14.14(6)(a) of the RMC).

City Attorney Beveridge said this amendment is to clarify that it is one request per household.

Ald. Johnson **moved**, Ald. Dugan seconded, to approve the ordinance amendment for chickens, ducks and rabbits, allow only one permit per household and one permit per residential parcel.

Call for the vote: Ayes, all; nays, none; motion carried.

7. Discussion of the Noise Ordinance.

Ald. Kneebone said she has been dealing with amplified sound in her neighborhood. She suggested amending the current ordinance to address amplified sound.

Ald. Nebel said she experiences noise issues from the neighboring businesses.

Monica Lukasavige, 5798 Kingfisher Drive, said they built their home before knowing soccer fields would be developed in that area. She said the noise is even loud with all the windows closed. Ms. Lukasavige provided the Committee with samples of the noise heard from their home.

Jeff Lukasavige, 5798 Kingfisher Drive, said he is encouraged that the Committee is willing to listen to residents' noise concerns. He said the amplified as well as other noise from the soccer fields is daily.

Ald. Jennings voiced her concerns on noise in her neighborhood and the downtown area.

City Attorney Beveridge said currently our ordinance is a subjective standard based on an impression of the sound expressed in word terms. He reviewed the complications and limitations of measuring noise levels.

Ald. Phillips said he believes the Parks Department has a policy where amplified music is not allowed.

City Attorney Beveridge said there are a couple of provisions in the ordinance that state no owner or occupant shall without written approval of the City suffer, permit or allow any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity and no person shall suffer, permit, or allow any loud, excessive or unusual noise in the operation or use of any radio, phonograph, or other mechanical or electrical device, instrument or machine, which loud or excessive or unusual noise shall disturb the comfort, quiet, or repose of persons in the vicinity.

Ald. Johnson said the Milwaukee noise ordinance provided by Ald. Kneebone is both an objective method and subjective opportunity. She said the ordinance provides a good template.

Ald. Nebel said there is nothing on the books that relates to equipment noise from businesses.

City Attorney Beveridge said there are sound performance standards for most of the equipment for businesses.

Ald. McComb said she did some research and found that some communities are using a measurement called Plainly Audible. She said our ordinance could be improved.

Ald. Dugan provided some examples of noise concerns she has observed.

Chief Skibba asked that the Committee keep in mind that the Police are not to be used as a stick, they are caretakers of the community.

8. Consideration of 933 Michigan Ave. as the new location for the Police Department.

Chief Skibba said he is asking for formal approval for the Police Department to move because there are monetary as well as nonmonetary issues that needed to be addressed.

Ald. Johnson **moved**, Ald. Dugan seconded, to support the move of the Police Department to 933 Michigan Avenue.

Ald. Phillips said this is the wrong place to be addressing this issue. He said it is also premature because they do not even know if they will be moving to that location.

Ald. Johnson said the Committee is approving this so the Chief can proceed with obtaining a conditional use permit.

Chief Skibba said he apologizes if this is not the appropriate place to be discussing this issue. He said it was brought up as an agenda item and the persons who reviewed this item did not bring it to his attention that this was not appropriate.

City Attorney Beveridge said there is nothing in the ordinance that vests this Committee with authority over this subject matter. He said the relocation could move forward with or without a recommendation from the Public Protection Committee.

Ald. Phillips asked if the Police and Fire Commission has any say in this matter.

City Attorney Beveridge said the Police and Fire Commission has broad authority over the operations of the Police Department. He said they do not have authority over location and construction of facilities.

Call for the vote: Ayes, all; nays, none; motion carried.

9. Adjournment.

Adjournment at 9:43 p.m.