

**CITY OF STEVENS POINT  
PUBLIC PROTECTION COMMITTEE AGENDA  
Monday, December 11, 2017 – 6:11 P.M.  
Police Department, 933 Michigan Avenue**

**Present:** Alderpersons: Oberstadt, Johnson, Dugan, McComb and Phillips

**Also**

**Present:** Mayor Wiza; City Attorney Beveridge; Comptroller/Treasurer Ladick; City Clerk Moe; Alderpersons Jennings, Shorr, Nebel, Slowinski, Kneebone and Morrow; Directors Schrader, Beduhn, Lemke and Ostrowski; Chief Skibba; Asst. Chief Zenner; John Quirk; Mark Rice; Marh Cook; McHailey Johnson; Lynn Schulist; Ben Kollock; Joe Martino; Brandi Makuski – Metro Wire; Joe Bachman – Stevens Point City Times; Gene Kemmeter – Gazette

**Discussion and Possible Action on the Following:**

1. **License List:**
  - A. **New Operators (Bartenders) Licenses.**
  - B. **Corporation or Limited Liability Company Name Change: Matsu Ya Inc., 5751 Sandpiper Drive, Stevens Point, WI 54482 for Matsu Ya Sushi and Grill at 5725 Windy Drive Suite A.**
  - C. **“Class A” Liquor and Class “A” Fermented Malt Beverage License: Point Foods, LLC, for Save A Lot, 3264 Church Street, Stevens Point; Zach Berard, agent for license period beginning December 12, 2017.**
  - D. **“Class B” Combination Beer and Liquor License at a Winery: SPB LLC, for Stevens Point Brewery/Ciderboys Cider Co., 2617 Water Street, Stevens Point for license period beginning December 19, 2017.**
  - E. **Pawnbroker/Secondhand Jewelry Dealer (Renewal):**
    - i. **Grubba Jewelers Inc, 949 Main Street, Stevens Point, Mark and Charles Grubba, owners.**
    - ii. **E-Ways Sales LLC, 3296 Church Street, Stevens Point, Jonathan Ruder, owner.**
    - iii. **Point Title and Pawn Loans, 2625 Church Street, Stevens Point, Dan J. Spaulding, owner.**
    - iv. **Lee Ayers Jewelers, 1044 Main Street, Stevens Point, Lee Ayers, owner.**

Ald. Phillips **moved**, Ald. Johnson seconded to approve A,B,C,D, and E.

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

2. **Appeal of service charge for property maintenance violations:**
  - A. **2132 Water Street**

Lorna Gagas, 2132 Water Street, said she received a ticket for having a couch on the curb for two days. She did not know items could not be put on the curb as she has seen others in town do it.

Ald. McComb said there was a pink ticket on the couch and it says that you need to move the item.

Ms. Gagas said she did not see a pink slip on the couch and noticed in the second picture there is not a pink slip. She said there were originally two couches on the curb and assumed when the truck came it was the people coming back to pick up the other couch.

Ald. Dugan said the committee has discussed pink slips not being visible and more needs to be done to educate residents. She suggested having the neighborhood coordinator leave a notice on the door in the future.

Ald. Johnson said the City needs to have more enforcement and suggests greater outreach to make residents aware of this ordinance. She said the City can do a better job of letting residents know about these ordinances.

Dir. Ostrowski said the pink slips are put on the item for an instant notification and a follow up letter is sent if the couch was placed in the resident's yard. Dir. Ostrowski said the couch was placed at the curb, in the right-of-way. He said in these cases, the Inspection Department does not send a letter. He said the contracted company is contacted to pick up the item and then the owner is notified.

Ald. Johnson asked Dir. Ostrowski if the service charge of \$100 and the nuisance abatement charge of \$63.17 are the same.

Dir. Ostrowski said the \$63.17 is what the contractor charges to remove and dispose of the item.

Ald. McComb asked about the \$100 service charge is for.

Dir. Ostrowski said it is for sending someone out to the property twice to look at the violation and contacting the contractor.

Ald. Phillips **moved**, Ald. Dugan seconded, to deny the appeal.

Mayor Wiza agrees that public education is extremely important and encourages more outreach.

Call for the vote: Ayes, majority; nays, minority; motion adopted.

## **B. 2616 Rice Street**

Tammy Larson, 2616 Rice Street, she said that she has lived there for 27 years and this came about when her neighbor repainted the fence and removed the paneling. She said her neighbor threatened to turn her in to the City if she did not get rid of the items in the back yard. Ms. Larson said the items were located by the shed and said she tries to keep her yard clean. She said around this time there was some personal issues and asked for understanding from the committee. Ms. Larson said she has been in contact with Mark Kordus and has cleaned up the back yard.

Ald. Johnson asked if the City allows for a payment plans.

C/T Ladick said if someone receives an invoice and the Treasurer's Office is seeing some sort of payment they are happy. He said at the end of the year any special charge that is

over 30 days old would go on the tax bill for next year. C/T Ladick said this charge would already be on the 2018 tax bill.

Ald. Johnson asked if the owner could pay the property taxes and make payments on the special charge.

C/T Ladick said it is already on the tax bill so that would not be possible.

Mayor Wiza said residents do have through July 31<sup>st</sup> to pay their taxes. He said it would give the owner an additional seven months to pay.

Ald. Phillips **moved**, to deny the appeal; however, to have the \$100 payment be paid by the end of 2018.

Mayor Wiza wanted to verify with C/T Ladick that this could be done.

C/T Ladick said it is already on the tax bill for 2018. He said the owner can pay it off through the end of the year; however, per statue there would be interest charged. C/T Ladick said in August anything outstanding would be sold to the County and the County would take up collections.

Ald. Phillips **amended** his motion, Ald. Dugan seconded, to deny the appeal but allow the service charge to be paid by July 31, 2018.

Ms. Larson said she feels the City should not charge her at all as most of the cleanup was completed by October 25<sup>th</sup>.

Call for the vote: Ayes, majority; nays, minority; motion adopted.

### **C. 924/926 First Street**

Vera Cormier, 924 First Street, said she is a new tenant at this residence and was not aware you could get fined for having a TV by the raod. She said she has been in and out of the hospital with her daughter. Ms. Cormier said she noticed the ticket on the TV and asked her boyfriend at the time to move the TV and thought he took care of it. Ms. Cormier said she contacted her landlord to let her know of the violation.

Ald. Oberstadt asked if Ms. Sowieja was at the meeting and asked if there was anything she wanted to add.

Nancy Sowieja, 2208 Wyatt Avenue, said she was not notified by the City of this and wished she was because she would have taken care of it. She feels the \$100 fine is excessive and asking for it to be reduced to \$25. Ms. Sowieja said she understands there are fees involved with removing an item but said that sometimes the person's income needs to be taken into consideration.

Ald. Nebel suggested when this happens at a rental property in the future the landlord be contacted. She said she knows this has to go forward and be denied but the fine will be taken care of by the Neighborhood Association.

Ald. Johnson said thank you to OMNA (Old Main Neighborhood Association).

Ald. Johnson **moved**, Ald. Dugan seconded, to deny the appeal with the caveat that she will be taken care of.

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

**3. Ordinance Amendment – City/Aldermanic District Boundaries, Polling Places – Polling Place Change for Aldermanic District 5 (Section 15.03(5) of the RMC).**

Clerk Moe said due to disruptions and safety concerns Jefferson School has asked the City to find a new polling place for District 5. He said the City has been unable to find an adequate location in the 5<sup>th</sup> District and said the best option at this point would be to merge with District 7 at the National Guard Armory.

Ald. Phillips **moved**, Ald. McComb seconded, to approve the ordinance amendment.

Ald. Johnson said she has been working with Clerk Moe for the past year and a half to try and find new polling place. She said she understands Jefferson School concern with safety.

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

**4. Ordinance Amendment – Official, Boards, Employees – Amend Eligibility and Compensation for Board of Review Members (Section 3.48(1) and (3) of the RMC).**

Clerk Moe said after the Board of Review he noticed part of the ordinances is for Class 1 cities, which is Milwaukee, and limits who can serve on the Board. He requests striking this portion of the ordinance. Clerk Moe said the ordinance also states the Board will be compensated when there is a hearing before them. He said when the Board has to meet the property assessments are not always completed so the Board goes over what they can and then adjourns to a later date. Clerk Moe said this change will allow members to be compensated for the first meeting.

Ald. Johnson **moved**, Ald. Phillips seconded, to approve the ordinance amending the Revised Municipal Code City of Stevens Point related to Board of Review.

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

**5. Ordinance Amendment – Licenses and Permits – Fee Adjustments for Cigarette and Tobacco Products Retail License and Class “A” Fermented Malt Beverages Retail License (Section 12.00 of the RMC).**

Clerk Moe said licenses fees for cigarette and tobacco were set back in 1998 and Class “A” fermented malt beverages were set back in 1984. He said both he and the Mayor had received a letter from the State regarding the cigarette and tobacco fee. Clerk Moe said the fees offsets administering and enforcing the law. He said he spoke with the Police Department and with surrounding municipalities. Clerk Moe said the recommendation is to increase the cigarette and tobacco license fee to \$100 and the Class “A” fermented malt beverage license fee to \$75.

Ald. Johnson **moved**, Ald. Phillips seconded to approve increase both license fees.

Ald. Jennings said a business owner contacted her and is concerned with the increase of price due to their small profit margin.

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

**6. Ordinance Amendment – Building and Premises Maintenance and Occupancy – Storage of Garbage Carts (Section 21.03(4) of the RMC).**

Dir. Ostrowski said two changes have been made with this ordinance He said garbage carts cannot be stored alongside of a porch and some areas, like duplexes, would be allowed to store the carts in the front of their home but no more than two deep. He said the reference in Chapter 7 is eliminated and is only located in Chapter 21.

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

Ald. Dugan said she is pleased that there is clarification and the City will not be so strict regarding garbage bin storage when there are no other options to comply.

Ald. Johnson thanked Ald. Nebel and Dir. Ostrowski for their work on this.

Recessed the meeting at 7:00 p.m. for the Special Council meeting.

Ald. Oberstadt called the Public Protection meeting back to order at 7:01 p.m.

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

**7. Ordinance Amendment – Public Peace and Offenses Against Public Policy – Amend Deposit Amount for Possession of Marijuana (Section 24.52(4)(a) of the RMC).**

Ald. McComb said this ordinance does not legalize but attempts to decriminalize the adult private use of marijuana. She said marijuana is seen as a soft drug and is in the same category as tobacco and alcohol. Ald. McComb said the City needs to get real on accepting marijuana into our culture because it is becoming a part of it.

Ald. Dugan asked Ald. McComb if she came across anything when she was doing her research that said the opposite.

Ald. McComb said there are studies that say marijuana is a gateway drug and that it is not the only factor if someone starts smoking marijuana and then becomes a hard drug user. She said studies show that social settings, income level, and poverty level play a factor of this leading to hard drug use.

Ald. Oberstadt said Clerk Moe received an email from Gary Gurske, the County Health Officer which included information from an AODA study done in June of 2016.

Ald. Johnson said marijuana was legal until the 1930s. She said in the Portage County LIFE report it stated that those who drink alcohol are 2 times more likely to get addicted other drugs and those who used marijuana are 3 times more likely to get addicted to other drugs.

Ald. Oberstadt said the email from Mr. Garske, states he is concerned with the proposal and creating a culture of acceptance similar to that of alcohol especially among youth.

She said he also highlighted a study done in 2016 with the effects of marijuana and the 2017 Portage County LIFE report.

Chief Skibba said the idea of the fine is for it to be a deterrent for a particular behavior and said a \$5 fine is comparable to smoking in a public place. Chief Skibba said a second offense for possession of marijuana is a felony. He said if the City lowers the fine it will no longer be a deterrent and there will be more people being arrested and convicted of a felony. Chief Skibba said the states that have legalized marijuana have more prostitution, trafficking, and hard drug sales because there is no money in marijuana. He said the fines are lower than the agencies around Stevens Point and asked the Committee to keep that in mind as the ordinance is reviewed.

Ald. Oberstadt asked Attorney Beveridge about how many people would be affected by this change.

Attorney Beveridge said from January 2016 – October 2016 there were 44 marijuana violations.

Ald. Dugan **moved**, to postpone until January in order to get more information. The motion failed due to a lack of a second.

Ald. Morrow said there are kids who see marijuana as an ordinance problem until they get a second offense and a felony charge. He said these decisions should be made at the State not the municipal level. He said by lowering the fine it would only encourage people to break the law.

Charles Green, Town of Hull, said there was a man in the 60's who tried to prove marijuana was bad for people and all of his studies have been proven false. He said it would be better to eliminate the syndicate crime structure because it will only encourage people to do it more.

Ben Kollock, 1372 North Second Drive, said lowering the fine to \$5 is the right choice. He said seven states and Washington D.C. has legalized the recreational use of marijuana. Mr. Kollock said since 1977 Madison has allowed the casual possession of cannabis with no problems. He said marijuana users are otherwise law abiding citizens and being fined for a small amount of cannabis is unjust. Mr. Kollock said marijuana is 114 times safer than alcohol and substantially safer than tobacco products and said the time to change is now.

John Quirk, 325 Front Street, said on a regular basis the City will fine someone \$163 for leaving a couch on the curb and now the City is only going to charge \$5 for something that is illegal.

Ald. Phillips **moved**, Ald. Oberstadt seconded, to deny the ordinance amendment.

Ald. Phillips asked Ald. McComb what percentage of the population are in favor of marijuana.

Ald. McComb said she was not sure of the percentage.

Ald. Phillips said it is probably around 5-10% and said government should not do something just because 5-10% of people want it. He said he made the motion because at

least 90% of people in his district want to keep the law as is. Ald. Phillips said if that changes then we can bring it back up.

Ald. Oberstadt said there have been some good arguments on benefits and freedom for medical or recreational use. She said she is not sure if the ordinance amendment is designed to encourage marijuana use. Ald. Oberstadt said this is pushing the limits of the Committee's authority.

Ald. Dugan said it is really eye opening that it is a \$5 citation for a first time offense and second time offense is a felony.

Ald. Johnson said she likes to think the alders represent the minority. She said Attorney Beveridge said there were 44 cases in 2016 and said regardless of the amount it will not be a deterrent.

Ald. McComb said reducing penalties or decriminalizing marijuana does not increase marijuana use. She said second offense as a felony needs to be addressed at a state or national level.

Mayor Wiza said democracy is majority ruling but does not mean the majority is always right. He said \$100 fine is more of a deterrent than \$5. Mayor Wiza said there is nothing that Council can do about the second offense being a felony.

Ald. Oberstadt asked Chief Skibba if someone gets pulled over by a state Police Officer if the fine is going to be more.

Chief Skibba said yes, the person would be facing a state charge of possession of marijuana. He said regardless of who pulls you over, city, county, or state the fine is going to be a different amount and the City is the lowest fine.

Attorney Beveridge said the fine would be \$5; however, when you start to add on other fees it adds up to be around \$68.

Ald. Phillips asked about how much of an ounce of marijuana costs.

Mayor Wiza said research shows nothing was less than \$100. He said medical marijuana on average was between \$200 - \$300.

Call for the vote: Ayes, majority; nays, minority; motion adopted.

## **8. Review of Public Protection Committee's Agenda Development Process.**

Ald. Oberstadt said it was brought up last month that there is a delay in getting items on the agenda. She said if any of her colleagues would like something on the agenda they can email it to her and if she needs more information she will get in contact with them.

Ald. Oberstadt said packets come out the first Wednesday of the month and agenda items need to be given to Clerk Moe by the first Monday of the month. She said Clerk Moe will call her either the first Monday or Tuesday to discuss agenda items and verify nothing has been forgotten. Ald. Oberstadt said at that time if the agenda is looking a little full items may be postponed until the following month. She said since the summer there have been 5 agenda requests. Ald. Oberstadt said of the five requests one came in on her deadline, one came in the day after her deadline and one came in two days

after her deadline; after the agendas were sent out. She said those items were postponed until the following month. Ald. Oberstadt said she wants to do her due diligence as a leader and do the research and make sure all the information is there for a discussion. She said she has never turned down a request. Ald. Oberstadt said out of the two remaining requests one came in 6 business days before her deadline and did not make it on the agenda due to additional research. She said the fifth request came in mid-month and there was enough time for additional research and it made it on the agenda. Ald. Oberstadt said on average it takes about 39.8 days from the day of the request to the day it was discussed in committee. She said the longest was a request that took 60 days because it came in on her deadline.

Ald. Jennings said in July she worked with Attorney Beveridge on ordinance for the Order of Business for putting items on the agenda or people blocking items. She said the Executive Committee had little to nothing to do with this.

Ald. Kneebone asked if the requests are supposed to go to the City Clerk.

Attorney Beveridge said the wording on the ordinance says to send agenda topics to the City Clerk.

Ald. Johnson asked Attorney Beveridge if setting a procedure for putting items on an agenda would constitute a governmental body. She said in which some of that discussion needs to take place during a public meeting.

Attorney Beveridge said the process for setting agendas would not be subject to the same analysis. He said there is an administrative duty to place items on an agenda.

Mayor Wiza said his biggest complaint is things cannot be done fast enough. He said 39.8 days is a good turnaround time. He said nothing has been denied that has been asked to be placed on an agenda.

## **9. Adjournment.**

Adjourned at 8:06 p.m.