

**CITY OF STEVENS POINT
PUBLIC PROTECTION COMMITTEE AGENDA
Monday, January 14, 2019 – 6:21 P.M.
Police Department, 933 Michigan Avenue**

Present: Ald. Nebel, Oberstadt, Kneebone, Dugan, Phillips.

Also

Present: Mayor Wiza; C/T Ladick; City Clerk Piotrowski; Attorney Beveridge; Alderpersons Jennings, Shorr, Johnson, Slowinski, McComb, and Morrow; Directors Schrader, Beduhn, and Ostrowski; Chief Finn; Brian Beaulieu; Amelia DelGreco; Polly Dalton; Preston Mertins; John Lewis; Lee Bartnik; Taylor Hale – Portage County Gazette; Brandi Makuski – Metro Wire.

Discussion and Possible Action on the Following:

1. Appeal of notice/service charge for property maintenance violation:

A. 1233 5th Ave.

Ald. Nebel asked Mr. Bartnik if he had any ideas on how long the grass was at that time.

Lee Bartnik, 1233 Fifth Avenue, said on October 16th he and his wife took a picture of the grass and it was seven inches tall. He said he is disputing the claim because there is not an ordinance in which he was in violation of. Mr. Bartnik said he has asked Mr. Kordus a couple of times which ordinances he was in violation of. He said they were cited for obnoxious weeds and rodent harborage both of which were not issues on his property.

Dir. Ostrowski said in addition to the two ordinances Mr. Bartnik described he was in violation of 21.15 (1) (a) as well. He said normally they send out violations when the grass is at about seven inches because of the time frame the home owner is given to correct the issue. Dir. Ostrowski said if left uncut after the extensions the grass can get up to 17 inches.

Ald. Nebel asked Mr. Bartnik why he did not just mow it.

Mr. Bartnik said he and his wife just moved and they did not have a lawn mower. He said when he received the first notice he called Mr. Kordus and asked which ordinances he was in violation of and asked for an extension. Mr. Bartnik said he had not heard from Mr. Kordus so he had called and left him a voicemail and sent him an email. He said after a couple of days Mr. Kordus called him back and said it needed to be taken care of by the next day. Mr. Bartnik said he is a business owner and said he could not get it completed within the time frame. He said the grass was cut a week later after he took the photo and was charged at the higher rate. Mr. Bartnik said the grass did not grow 11 inches in a week.

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

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

B. 439 Walker St.

May Vang, 439 Walker Street, said she talked with Mr. Kordus and asked for an extension and was given until the fifth and said the citation was sent out on the third. She said she called Mr. Kordus on the fourth to let him know that they were still trying to find someone to come and take the car.

Ald. Nebel asked about the memo from Mark Kordus.

Dir. Ostrowski said it was not put in the packet and read Mark's memo.

Ald. Kneebone said she is inclined to let this go because they had the vehicle removed. She said they thought they had until the fifth and they called on the fourth for an extension. Ald. Kneebone said Ms. Vang included the receipt showing the vehicle was picked up on the sixth and thought they were in compliance.

Mayor Wiza said those were the notes from the appellant and they were given until the third in which it was re-inspected.

Ms. Vang said she was verbally told the 5th and did not receive a letter saying the third.

Ald. Nebel **moved**, Ald. Phillips seconded, to postpone action until next month and asked for a hard copy of the correspondence between Community Development and a memo from Mark Kordus.

Ald. Dugan said this was tough for her and said she agrees with Ald. Kneebone to waive the fee.

Ms. Vang asked if they were looking for the first or second notice letter.

Ald. Nebel replied any of them.

Ms. Vang said she only received the first notice letter.

Mayor Wiza asked what the compliance date was in the first notice letter.

Ms. Vang replied November 16th and said she got the letter when she got back from vacation and called Mr. Kordus. She said Mr. Kordus granted her an extension until December 5th.

Dir. Ostrowski said when an extension is granted it is noted in their system when the re-inspection will occur and said there is not a second letter that is generated. He said it sounds like there was confusion on whether it was the third or the fifth.

Ald. Oberstadt restated the motion.

Mayor Wiza said Dir. Ostrowski has already read all of the information and they will not receive any additional information.

Ald. Phillips said he would like to see Mark's notes before the next meeting.

Mayor Wiza said Dir. Ostrowski already read Mark Kordus's notes.

Dir. Ostrowski said that Mayor is correct. He said he read the memo from Mark Kordus which is typically put into the packets.

Ald. Nebel asked if the extension date in the letter was December 3rd.

Dir. Ostrowski replied yes and said a follow up inspection was done on the 3rd and the vehicle was still there.

Ald. Nebel asked if there were any other notes of phone calls asking for an additional extension.

Dir. Ostrowski said he would have to check the system.

Ald. Nebel said she does not believe this is worth postponing.

Ald. Nebel **withdrew** her original motion because of possible error, the dates were close, and the vehicle was taken care of.

Mayor Wiza asked Attorney Beveridge if a motion can be withdrawn.

Attorney Beveridge said as long as there is no objection from the chair or the body the motion can be withdrawn.

Ald. Oberstadt asked if there were any objections.

Ald. Kneebone **moved**, Ald. Dugan seconded, to grant the appeal.

Ald. Phillips said they were given plenty of time with the extension and not sure why it was not taken care of.

Call for the vote: ayes, majority; nays, minority; motion carried.

C. 2316 Prairie St.

Mayor Wiza asked Mr. Szczepanski if the vehicle in discussion was his.

Mark Szczepanski, 810 Woodview Drive, said the vehicle is his tenant's. He said he received the letter and pictures and thought his tenants had parked too far over. Mr. Szczepanski said he had them move the vehicle over. He said he received a \$100 fine in the mail for failure to comply. Mr. Szczepanski said the car was parked on a gravel base that led to a garage. He said there is grass growing there so then it looks better than just having gravel. Mr. Szczepanski said there should have been an explanation included that the base of the driveway needs to be complete gravel, and said the first letter was misleading. He said he received a letter from Mark saying that he would

grant him an extension to put gravel in but it was up to the committee to waive the \$100 fine.

Ald. Nebel asked Dir. Ostrowski if the reasoning behind the fine was because there was not a certain amount of gravel in that area to show it is designated for parking.

Dir. Ostrowski said that is correct and said the entire area is completely grass. He said gravel driveways are allowed if they are completely maintained. Dir. Ostrowski read the letter Mark Kordus sent to Mr. Szczepanski.

Mr. Szczepanski said he agrees that the gravel driveway needs to be maintained and said with the way the letter was worded and from the pictures he thought the vehicles were parked too far to the side and were on the lawn. He said just a simple explanation would have solved it.

Ald. Dugan clarified that Mr. Szczepanski thought the violation was that the vehicle was off of the driveway. She asked if he had the letter that was sent to him.

Mr. Szczepanski said he did not bring the letter but it was the same one that Dir. Ostrowski read.

Ald. Oberstadt clarified that he does have an extension through May 31st.

Ald. Nebel said if the committee opens themselves up once they would have to do it with everyone else and said it is not an easy job or decision.

Mr. Szczepanski said there is clearly a garage there and if he would have known what they were talking about in the letter he would have fixed it.

Ald. Dugan said it came down to a misinterpretation.

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

Call for the vote: ayes, majority; nays, minority; motion carried.

2. Operators (Bartenders) License Appeal.

A. Bonnie Jean Jezeski

Bonnie Jean Jezeski, 241 17th Avenue N., said she was honest about her charges and said they did not have anything to do with alcohol or related to alcohol.

Mayor Wiza asked to hear from the Police Department on the original denial and the guidelines for bartender licenses.

Chief Skibba said a copy of the application was provided and part of the requirements is to not have a felony conviction within five years of the application. He said the Clerk's office explained this to Bonne. Chief Skibba said a record check showed a felony

conviction in 2016. He said the felony portion comes from the state and is not a Council imposed regulation.

Ald. Oberstadt confirmed that in the past the committee has denied people with felonies regardless of the felony.

Chief Skibba replied yes and said it is the level of the offense not offense itself.

Mayor Wiza confirmed with Chief Skibba that this is complying with state guidelines.

Ald. Kneebone confirmed with Chief Skibba that at the end of five years anyone who was convicted of a felony and had no subsequent felonies would be eligible for a license.

Ms. Jezeski asked if this is state guidelines why she was able to get a license from Plover.

Chief Skibba said he is unable to speak to Plover's guidelines. He said the guidelines for the City were drafted two chiefs ago and said the felony restrictions come from state guidelines.

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

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

3. License List:

- A. New Operators (Bartenders) Licenses.**
- B. Provisional Managers License.**

Ald. Phillips **moved**, Ald. Nebel seconded, to approve items 3A and 3B, the license list.

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

4. Temporary Class "B" / Class "B" License (Picnic)

- A. Create Portage County, 1039B Ellis St, Stevens Point for 48 Film Fest on February 17, 2019 at 1039B Ellis Street. Licensed operator on premise: Greg Wright (Beer Only).**
- B. Create Portage County, 1039B Ellis St, Stevens Point for Snow Mountain Movie Night on February 22, 2019 at 1039B Ellis Street. Licensed operator on premise: Greg Wright (Beer Only).**
- C. Create Portage County, 1039B Ellis St, Stevens Point for Levitt AMP Stevens Point Summer Concert Series on June 6, 13, 20, 27 July 11, 18, 25 and August 1 and 8, 2019 at Pfiffner Park. Licensed operator on premise: Greg Wright (Beer Only).**
- D. Create Portage County, 1039B Ellis St, Stevens Point for Trivia Unplugged on September 21, 2019 at the Noel Hangar, Stevens Point Municipal Airport. Licensed operator on premise: Greg Wright (Beer and Wine).**

Ald. Oberstadt thanked Create Portage County for coming forward this far in advance with the paper work.

Ald. Oberstadt **moved**, Ald. Nebel seconded, to approve the licenses.

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

5. Change of Agent:

- A. Ruby Coffee Roasters, 1410 Third Street, Stevens Point, WI; Kellen Ferkey, 725 Franklin Street, Stevens Point, WI, agent at Ruby/Ruby Colorful Coffees, 1410 Third Street, Stevens Point, replacing Jared Linzmeier.**

Ald. Phillips **moved**, Ald. Kneebone seconded, to approve the change of agent for Ruby Coffee Roasters.

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

6. Pawnbroker/Secondhand Jewelry Dealer (Renewal):

- A. Lee Ayers Jewelers, 1044 Main Street, Stevens Point, WI. Leon R Ayers, owner.**

Mayor Wiza said there was a typo in the agenda for the owner's name.

Ald. Dugan **moved**, Ald. Nebel seconded, to approve the pawnbroker/secondhand jeweler renewal for Lee Ayers Jewelers.

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

7. Request to Hold Event/Street Closing

- A. National MS Society – Annual Walk MS: Stevens Point on September 14, 2019.**
- B. Stevens Point Brewery – Point Bock Run on March 02, 2019.**
- C. Stevens Point Police Officers Organization – Run from the Cops on September 14, 2019.**

Chief Skibba said all the events have been reviewed and are held annually.

Ald. Nebel **moved**, Ald. Dugan seconded, to approve all three request to hold event/street closings.

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

8. Discussion on creating internal guidelines relating to beekeeping.

Ald. Kneebone said this is a good idea and has done some research and was advised to look at Madison's ordinance. She said she thought it was a good template to look at and see how they want to facilitate this. Ald. Kneebone suggested having the applications go through the Public Protection committee because of the concerns.

Attorney Beveridge said in regards to the procedure of the committee he said with chickens there were a lot of requests and the requirements were the same from one request to the next. He said he does not believe there will be as many bee requests as there were chickens. Attorney Beveridge said there may be more nervousness for

keeping bees. He said the committee can always revisit this and make changes if necessary.

Ald. Oberstadt verified that Attorney Beveridge's recommendation is to draft guidelines so each case can be reviewed on an individual bases.

Attorney Beveridge said she is correct and said flexible ordinances can be written for guidelines. He said another option is to have it be a resolution so when people are applying can look at it and know what the committee is looking at for the requests.

Ald. Oberstadt asked the committee what they would like their next steps to be: to write the guidelines or to direct Attorney Beveridge's office to create the resolution, or to base it off of the City of Madison's ordinance.

Ald. Kneebone said she would like to hear what others thoughts and opinions are. She said she agrees with Attorney Beveridge and said it is reasonable to have the applicant come to the committee to get approval or a permit.

Ald. Phillips said a lot of constituents in his district are against this. He said he is concerned when a bee stings someone and they have to go to the hospital, who is going to pay for that. Ald. Phillips said the committee can say no sometimes and that government cannot be everything for everybody.

Ald. Dugan asked about the fly away barrier in Madison's ordinance and if they swarm or are single bees. She said most people are allergic to wasp and hornet stings not honey bees and said it would be interesting if it were a real worry.

Mayor Wiza said the allergy is for all types of bees and said he witnessed someone having an allergic reaction to a honey bee.

Brian Beaulieu, 2132 Elk Street, said is allergic to all species of bees and agrees that caution needs to be used when granting requests. He said if an ordinance goes through he suggested a warning sign be installed at each approved property.

John Lima, 508 Meadow Street, said he does not agree with Mr. Beaulieu's statement. He said bees rarely sting when they are away from the hive collecting nectar. Mr. Lima said the City of Madison's ordinance sounded reasonable and suggested contacting them to see if there have been any issues. He said beekeepers can get liability insurance for their bees. Mr. Lima said he has kept bees for 19 years and has not had any problems because he monitors them and has not had issues with his neighbors. He said he would be happy to answer any questions regarding bees the committee has.

Ald. Dugan asked Mr. Lima if he keeps bees on his property on Meadow Street.

Mr. Lima said he does.

Mayor Wiza said he needed to have a permit to keep bees in the City.

Mr. Lima said he checked the ordinances and did not see any permit requirement.

Ald. Nebel asked Mr. Lima how many hives he has in the City.

Mr. Lima said he currently has four hives. He said he normally keeps one but he brought the other three in town to keep an eye on them during the winter.

Ald. Nebel said it is important that if this goes through they need to know the applicant has taken a class or has insurance.

Ald. Jennings said this is an attempt to compensate for the decline in pollinators. She said Mr. Lima is an expert at keeping bees and knows what he is doing.

Cary Tauchman, 11 Ridgewood Drive, said he has kept bees for the past 11 years. He said honey bees are not aggressive and said the only person who has been stung was himself because it was his own fault. Mr. Tauchman said even if your neighbor does not have any hives you will have bees. He said some regulation is appropriate.

Ald. Oberstadt said she recalls from the committee's previous conversation that if someone gets stung by a bee how do you know whose bee it was that stung them.

Mayor Wiza referenced the current ordinance and how it currently prohibits bees. He said reviewing case by case is appropriate to start off. Mayor Wiza suggested if an applicant wants to keep bees to set a perimeter and notify the property owners within that perimeter.

Ald. Oberstadt asked what is going to be the most efficient use of their time to get the guidelines setup. She asked Attorney Beveridge for his opinion and said she would like to get something setup now before bee season.

Attorney Beveridge said he can work with the Clerk's office with creating draft guidelines. He said there is no need for a motion that he can put something together for their consideration.

Mr. Tauchman said rather than going through the whole process to contact the City of Madison and get their feedback for their ordinance.

Polly Dalton, 1579 Church Street, said she was on the City of Appleton's Council when they passed their bee keeping ordinance. She suggested notifying the neighbors within the perimeter of the applicant. Ms. Dalton said Council should not give the neighbors complete veto power because it is infringing upon individual property owners rights. She said she agrees with Ald. Nebel's point of keeping the fee low because of all of the startup costs for keeping bees. She said the City should also look at the chemicals they spray on the park lawns because they can harm the bees.

Ald. Kneebone read an email from Wendy Dolan who wrote in support of a bee keeping ordinance. She said she like that in Madison's ordinance it clarifies beekeeping based off of zoning districts.

Ald. Phillips said he talked with a lot of people in his district and they were all against it.

Dir. Schrader said they spray roundup along fence lines but not on the playground.

Mr. Beaulieu said he agrees with setting perimeters and letting neighbors know. He said even though he is allergic to bees he sees the benefit for having bees. Mr. Beaulieu said he would still like to see a sign on the property notifying people there are bees on the property.

Ald. Kneebone questioned if a sign would encourage a curious young children.

Mr. Beaulieu said the "Beware of Dog" signs keep people away.

Ald. Oberstadt asked Ald. Kneebone to work with Attorney Beveridge and the Clerk's Office to put guidelines together.

Ald. Kneebone said she would be happy to.

9. Adjournment

Adjourned at 7:26 p.m.