

City of Stevens Point Meeting Minutes

Public Protection Committee
Monday, August 10, 2009, 6:25 p.m.
Lincoln Center, 1519 Water St.

Present: Alderpersons: Stroik, Wiza, Trzebiatowski, Slowinski, Brooks.

Also Present: Clerk Moe; C/T Schlice; Alderpersons: Mallison, Walther, O'Meara, Heart, Molski, and Moore; Directors Gardner, Schrader, Morris; Interim Director Saunders; Police Chief Ruder; Assessor Siebers; Carrie Freeberg, Bob Woehr; Scott Gile; Nicole Breyham; Pete Schuda; Mark Hilliker; Stuart Morris; John Smith; Elizabeth Wellso; Katy Matthai; Krista Thoe; Mathew Kovalske; Tonya Kowalski; Holly Kukuczka; Connie McElrone; Sharon Mras; Kathy Kruthoff; John Jury; John Smith; Gene Kemmeter (Gazette).

Index of these Minutes:

1. Discussion and Possible Action on the Recommendations on the License List: A. New and Renewal Operator's (Bartender's) Licenses. B. "Class B" Beer and Liquor Application - Sandra Marie Kryshak, 2350 Magnolia Drive, Plover, WI at Papa Joe's, 233 Division Street (replacing John Kryshak). C. Special Class "B" / "Class B" Retailer License - Spud Bowl Committee, 136 Health Enhancement Center, UW-SP, for the 2009 Spud Bowl at Goerke Park on October 3, 2009. Steve Menzel, Mgr. of the event. D. Temporary Extension of Premise - Point After Pub and Grill, 801 Second Street, for special events on September 19 and 20, 2009, extending the licensed premise to include their parking lot adjacent to the building. E. Change of Agent - Schierl Sales Corporation, 2201 Madison Street, at The Store #51, 708 Division Street. Melissa A. Arts, 6220 Pointe Place, Wisconsin Rapids, agent (replacing Edward Storm). F. Wholesale License - BrewFarm Enterprises, LLC, 2470 Wilson Street, Wilson, WI at the Stevens Point Brewery, 2617 Water Street; Arthur Oksuita, agent.
2. Discussion and Possible Action on Ordinance Amendment - Amend Ch. 12.22 - Taxicab Firms.
3. Discussion and Possible Action on Premise Extension Standards for Retail Alcohol Beverage Licenses.
4. Discussion and Possible Action on the Monthly Inspection Report: A. Construction Starts. B. Violations.
5. Adjournment.

1. Discussion and Possible Action on the Recommendations on the License List:

- A. New and Renewal Operator's (Bartender's) Licenses.
- B. "Class B" Beer and Liquor Application - Sandra Marie Kryshak, 2350 Magnolia Drive, Plover, WI at Papa Joe's, 233 Division Street (replacing John Kryshak).
- C. Special Class "B" / "Class B" Retailer License - Spud Bowl Committee, 136 Health Enhancement Center, UW-SP, for the 2009 Spud Bowl at Goerke Park on October 3, 2009. Steve Menzel, Mgr. of the event.

Ald. Trzebiatowski moved, Ald. Slowinski seconded, approval of the 31 New Operator's and 5 Renewal Operator's Licenses; the "Class B" Beer and Liquor Application - Sandra Kryshak, 2350 Magnolia Drive, Plover, at Papa Joe's; and the Special Class "B" / "Class B" Retailer License - Spud Bowl Committee, for the 2009 Spud Bowl at Goerke Park on October 3, 2009.

Ald. Wiza asked if there have been any problems with Spud Bowl at Goerke Park.

Chief Ruder replied no.

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

D. Temporary Extension of Premise - Point After Pub and Grill, 801 Second Street, for special events on September 19 and 20, 2009, extending the licensed premise to include their parking lot adjacent to the building.

Scott Gile, from the Point After Pub and Grill, said they are looking to do some community events with portions of the sales going to charity organizations. They want to put a tent in their parking lot, fence off the area and serve food and beer. They also plan to have a band.

Ald. Stroik noted the letter that they sent out to the neighborhood and asked when the letter was sent.

Nicole Breyham said it was just sent out recently.

Ald. Trzebiatowski asked what they expect for turnout.

Mr. Gile stated they thought around 250.

Chief Ruder had concerns about the event with parking, traffic, and impact on the neighborhood. Noting these concerns and past problems at this location, the Police Department asked the Committee to deny this request.

Ald. Wiza noted in the request the applicants stated they were going to contact the funeral home and ask to use the parking lot. He asked if they had contacted them.

Mr. Gile said they did not speak to them yet and were waiting until they had received an approval before contacting them.

Ald. Wiza asked if they had spoken with SGA or sports groups about using this event as a fund raiser.

Mr. Gile stated they have not established anything.

Mayor Halverson asked if they had approached the University or if the University approached them.

Mr. Gile said neither. It was their intent to approach the University.

Bob Woehr applauds what Nicole has done with the business; however, he is opposed to the request. He noted parking concerns over the weekend especially with other activities such as Saturday mass at St. Pete's. He also said that in their letter Nicole states they were going to work with the funeral home to use their parking lot. He spoke with the owner of the funeral home who said he had not been contacted regarding the use of his parking lot.

Pete Schuda, another area resident, noted that he had no problems with the bar until the new owners. He had concerns about noise, trash, and parking in the area.

Ald. Mallison noted the friction with the bar's neighbors and asked the Committee to deny the request.

Ald. Wiza stated that both sides need to work to improve the situation. He feels that the ongoing problems need to be addressed before approving any events.

Ald. Wiza moved, Ald. Brooks seconded, denial of the Temporary Extension of Premise for the Point After Pub and Grill, for the special event on Sept 19th and 20th.

Ald. Brooks echoed that sentiment, stating that more needs to be done to improve the relationship between the bar and the neighborhood.

Ald. Stroik stated that individuals should contact their neighbors and get their support prior to making a request.

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

E. Change of Agent - Schierl Sales Corporation, 2201 Madison Street, at The Store #51, 708 Division Street. Melissa A. Arts, 6220 Pointe Place, Wisconsin Rapids, agent (replacing Edward Storm).

F. Wholesale License - BrewFarm Enterprises, LLC, 2470 Wilson Street, Wilson, WI at the Stevens Point Brewery, 2617 Water Street; Arthur Oksuita, agent.

Ald. Trzebiatowski moved, Ald. Stroik seconded, approval of the Change of Agent - Schierl Sales Corporation, at The Store #51, Melissa A. Arts replacing Edward Storm; and the Wholesale License - BrewFarm Enterprises, LLC, Wilson, WI at the Stevens Point Brewery, 2617 Water Street.

Ayes, all; nays, none; motion carried.

2. Discussion and Possible Action on Ordinance Amendment - Amend Ch. 12.22 - Taxicab Firms.

Ald. Trzebiatowski asked if taxicab drivers were subject to DOT regulations regarding the number of hours that a driver could work before taking mandatory downtime.

Director Morris stated this policy is taken from a number of municipal ordinances from around the state dealing with taxicab companies. They are not subject to DOT constrictions.

Ald. Trzebiatowski said he had concerns about how this would be enforced.

Director Morris stated that they will have to work with the company and the City will have to develop a form to use. If it becomes a problem the City will then make modifications as needed.

Chief Ruder stated that much of this will be based on complaints. If there is a complaint they will be able to review records to find out the hours worked during a particular time frame.

Ald. Trzebiatowski asked why there was not a zero tolerance for alcohol consumption by the driver while on duty.

Director Morris stated that was their intent in the writing that it would be zero; however, law enforcement can only enforce state law regarding intoxication and the company would have to enforce it. The committee could amend it to include that provision.

Ald. Wiza moved, Ald. Trzebiatowski seconded, approval of the Ordinance Amendment to Ch. 12.22 - Taxicab Firms.

Ald. Wiza moved, Ald. Trzebiatowski seconded, to amend the motion to change subsection 6 of section 12.22 to strike "to use any profane or obscene language" and replace it with "use any controlled substances which would cause impairment of the operator."

Call for a Vote on the Amendment: Ayes, all; nays, none; motion carried.

Bob Woehr asked if specialized vehicles used to transport patients to and from medical treatment facilities should be included under subsection 2.

City Attorney Molepske stated that the current language is sufficient.

Call for a Vote on the Motion: Ayes, all; nays, none; motion carried.

3. Discussion and Possible Action on Premise Extension Standards for Retail Alcohol Beverage Licenses. Memo

Director Morris said that with the passage of the statewide smoking ban the City anticipates an increase in the number of requests for extension of premises. With that in mind he, Director Gardner, and Chief Ruder put together possible guidelines and asked Clerk Moe to place the item on the agenda so members could begin the discussion about the issue.

Mayor Halverson noted that the state statute seems to have been written to give flexibility to the state and restrict the flexibility of municipalities in implementation. The guidelines outlined in the memo will give the City a set of uniform standards to use when considering requests.

Ald. Stroik asked if it would make more sense for the Plan Commission to deal with this when they are reviewing plan layouts for conditional use permits. He also asked if this was adding an extra meeting before a proposal went to the Plan Commission.

Attorney Molepske replied no it does not since this committee deals with the premise for liquor licenses and the Plan Commission deals with zoning and conditional uses. These are separate issues even though the committees are using the same standards.

Ald. Stroik said Public Protection could deny a conditional use before it ever gets to the Plan Commission under this proposal.

Ald. Wiza feels that the City already does this in other areas where it is necessary to get approval from one committee before it gets approval from another. He believes it is a good idea to have guidelines in place to be fair and that the Plan Commission should also review it and offer

suggestions.

Chief Ruder noted that the state law says that municipalities cannot disallow an addition for smoking purposes. A lot of taverns and bars are going to add these additions for their smoking customers and at the same time afford them the opportunity to drink in this area. While the committee cannot control the additions for patrons who smoke, it does have the ability to decide extension of premise for liquor licenses.

Bob Woehr said the committee should look at the definition of a structure and change it to a percentage of open air rather than three or more walls.

Ald. Wiza said that the state law prohibits municipalities from having more restrictive local ordinances.

Ald. Stroik said the committee should use these guidelines and revisit them in six months. Following that timeframe he believed that they should take all the feedback and use it to come up with an adopted policy.

Ald. Stroik said that as no one wished to speak or make a motion that the committee would not take action on this item at the present time.

4. Discussion and Possible Action on the Monthly Inspection Report:

A. Construction Starts.

B. Violations.

Ald. Wiza moved, Ald. Slowinski seconded, to approve the Monthly Inspection Report and place it on file.

Ayes, all; nays, none; motion carried.

5. Adjourned at 7:25 p.m.

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