

City of Stevens Point Meeting Minutes

Public Protection Committee

Monday, September 14, 2009, 6:55 p.m.

Lincoln Center, 1519 Water St.

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

Excused: Alderperson Brooks.

Also Present: Mayor Halverson; Clerk Moe; C/T Schlice; City Attorney Molepske; Alderpersons: Mallison, Walther, O'Meara, Molski and Moore; Directors Gardner, Halverson, Morris; Interim Director Saunders; Police Chief Ruder; Assessor Siebers; Bob Woehr; Cathy Dugan; Leah Czerwonka; Christian Czerwonka; Michelle Zielinski; Erik Carlson; Reid Rocheleau; Tawnya Schilt; Jeremy Moss; Jay Johnson; Andy Letson; Whitney Scheid; Richard Tolbert; Tim McKeown; Jim Billings; Susie Egerhard; Sue Hall; Chad Jones; Dave Lockett; Kurt Schoen; Nichole Lysne; Dan Withrow; Tricia Church; Joel Lemke; 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. Recommended Rejection. C. "Class B" Beer and Liquor Application - Kenneth Butterfield, 904 Clark Street, Stevens Point; at Butter's Brickhouse Tavern, 1343 Second Street, Stevens Point (previously granted to Brick House Entertainment, LLC). D. Class "B" and Class "C" Wine Application - **Twisted Seasons, LLC, 945 Clark Street, Stevens Point; Thomas J. Wolf, agent at Café 27, 945 Clark Street, Stevens Point (indoor and outdoor dining areas)**. E. Temporary Extension of Premise - Partner's Pub and Grill, Inc., for Partner's Pub, 2600 Stanley Street, Stevens Point, for UWSP Homecoming on Saturday, October 10, 2009 to include outside beer and food stands in their parking lot adjacent to their building. Tim McKeown, agent. F. Extension of Licensed Premise: 1. Tilted Kilt Pub and Eatery located in the Ramada Hotel, 1501 North Point Drive, Stevens Point, for an outside dining patio. 2. JADA, LLC, 709 Sunset Avenue, Stevens Point; Deborah Jean Billings, Agent for Final Score, 908 Maria Drive, Stevens Point, for an outside dining patio. G. Request for City Held Beer and Liquor Combination Licenses: 1. Blazing Wings, Inc., 5500 Wayzata Boulevard, Suite 1600, Minneapolis, MN 55416 at Buffalo Wild Wings Grill and Bar, 5370 Hwy. 10 E, Stevens Point; Richard Tolbert, agent. 2. CHP of Stevens Point, 1000 Third Street, Stevens Point, at Father Fats, 1000 Third Street, Stevens Point, WI 54481; Leah Czerwonka, agent. 3. E. Ann Ananiadis, 3624 Robert Street, Stevens Point, at Park Ridge Family Restaurant, 5110 B Main Street, Stevens Point.
2. Observance of Halloween - Date and Time of Trick-or-Treat.
3. Request to Hold Event/Street Closings - Association of Downtown Businesses - Annual Holiday Parade on November 20, 2009.
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. Clerk's Memo

Ald. Trzebiatowski moved, Ald. Slowinski seconded, approval of the 38 New Operator's Licenses.

Ayes, all; nays, none; motion carried.

B. Recommended Rejection. Clerk's Memo

Ms. Zielinski said that in November of 2008 she was fined \$375.00 for serving a minor. She was on the job for two weeks and was going through training. She said that she did try to recheck the ID but the individual had left. She was then served with her fine. The Court Officer reduced the fine to \$250. It has been almost a year since and she has not served another minor. She would like to have the license so she could go to work at night when her husband would be home to take care of their child. They are currently living off of one income which is hard to do.

Ald. Wiza noted that she was licensed from Stockton prior to working in Stevens Point so she should have known the drinking age and how to check a license.

Ald. Trzebiatowski asked when she would be eligible for a license.

Chief Ruder said using the criteria set by the Council, November 12, 2010.

Ald. Stroik noted that the criteria require a time period of one year from an OWI to be eligible for a license, while it is two years from serving a minor.

Chief Ruder said that any conviction that is directly related to the license such as incidents inside a bar is two years.

Ald. Stroik asked for the Police Department's recommendation.

Chief Ruder stated that she does not meet the requirements set by the Council to hold a license at this time.

Mayor Halverson feels that the Council may want to review the requirements for holding a license so the penalties more accurately reflect the severity of the offense.

Chief Ruder said that for compliance checks they send someone into the establishment who is definitely underage, usually 18 or 19 years old. If the minor is served alcohol they leave the establishment and identify to an officer the person that served them. The server is then cited for serving a minor.

Ald. Wiza said the Council increased the waiting period if the violation is directly related to the job. There is an appeals process and different situations call for different solutions. She previously held a license. She knew the law and how to check the ID. This will not stop her from working, it will prevent her from getting a license.

Ald. Wiza moved, Ald. Trzebiatowski seconded, to accept the recommendation to deny the request for an operator's license.

Ald. O'Meara said that the current system does not take into account the severity of the violation. Serving a minor gets the same two year waiting period for a license as someone who delivered two half barrels to a group of high schoolers out in a field. He believes the penalties should be differentiated by the severity of the violation.

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

C. "Class B" Beer and Liquor Application - Kenneth Butterfield, 904 Clark Street, Stevens Point; at Butter's Brickhouse Tavern, 1343 Second Street, Stevens Point (previously granted to Brick House Entertainment, LLC). Clerk's Memo  
D. Class "B" and Class "C" Wine Application - Twisted Seasons, LLC, 945 Clark Street, Stevens Point; Thomas J. Wolf, agent at Café 27, 945 Clark Street, Stevens Point (indoor and outdoor dining areas). Clerk's Memo  
E. Temporary Extension of Premise - Partner's Pub and Grill, Inc., for Partner's Pub, 2600 Stanley Street, Stevens Point, for UWSP Homecoming on Saturday, October 10, 2009 to include outside beer and food stands in their parking lot adjacent to their building. Tim McKeown, agent. Clerk's Memo

Chief Ruder asked that as a condition of issuing a temporary extension to Partner's Pub that they continue to work with the Police Department and that they hire two contractual officers for security.

Tim McKeown from Partner's Pub said he agrees with Chief Ruder. They would be more than happy to continue their partnership with the Police Department.

Ald. Mallison asked that the Police Department have more of a presence between Partner's and the downtown area to deal with all the foot traffic.

Chief Ruder said they would work with Tim (McKeown) on that issue.

Cathy Dugan reiterated what Ald. Mallison said and noted the amount litter in the area after the event.

Jim Billings, owner of the Final Score, asked about the City's late night bus routes and stops.

Ald. Stroik noted they are listed on the web site.

Ald. Slowinski moved, Ald. Stroik seconded, to approve the requests as stated with the two contractual officers.

Ald. Slowinski asked if the premise to serve alcohol at Twisted Seasons included the outdoor area.

Clerk Moe stated that it was.

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

F. Extension of Licensed Premise: Clerk's Memo

1. Tilted Kilt Pub and Eatery located in the Ramada Hotel, 1501 North Point Drive, Stevens Point, for an outside dining patio.

An updated plan was passed out at the meeting.

Ald. Wiza asked if the Conditional Use Permit set the height of the fence.

Mayor Halverson said a height requirement was not set due to the distance between the fence and the serving area.

Ald. Wiza asked if such conditions should be addressed now.

Dan Withrow, General Manager for the Ramada Stevens Point, said they are going to use a styled rail about four feet high.

Ald. Wiza asked the Police Department if the height of the fence and depth of the area was good enough.

Chief Ruder said that other requests had pedestrian walkways nearby. This is a unique situation where the patio is on private property which is far from pedestrian traffic. There should not be a problem given the setbacks.

Bob Woehr said that this is one of many extensions to come. He noted in the letter from Ramada Stevens Point that currently they do not have any plans for outdoor electricity or music in the area. He feels that there need to be stipulations added to address future requests.

Ald. Stroik asked that these issues deal with the Conditional Use Permit.

Director Gardner said if the Committee wants to add conditions it should do so under the Conditional Use at Council next week.

Attorney Molepske added that tonight the Committee is either going to approve the extension or reject it. Any conditions should be done through the Conditional Use which can be amended.

Ald. Wiza moved, Ald. Slowinski seconded, approval of the extension of premise for the Tilted Kilt Pub and Eatery as per the revised design with the emergency gate.

Ayes, all; nays, none; motion carried.

2. JADA, LLC, 709 Sunset Avenue, Stevens Point; Deborah Jean Billings, Agent for Final Score, 908 Maria Drive, Stevens Point, for an outside dining patio.

Jim Billings, owner of the Final Score, stated that they do not plan on having loud music. They are reacting to the state's new smoking ban that will go into effect next July. They hope that adding the patio will restrict where people go when they leave the building to have a smoke.

Ald. Wiza asked about the actions of the City Plan Commission.

Mayor Halverson noted that the plan as presented was approved unanimously with no restrictions of operation.

Ald. Wiza feels that the Council should consider some changes to the Conditional Use next week so that we are treating everyone the same.

Ald. Wiza moved, Ald. Trzebiatowski seconded, approval of the extension of premises for JADA, LLC, 709 Sunset Avenue, Deborah Jean Billings,

Agent, for the Final Score, 908 Maria Drive, as presented.

Bob Woehr has concerns about not having standard restrictions and the effect that will have on future permits issued. He asked that the Council take a good look at the Conditional Use and set some restrictions.

Cathy Dugan asked the Committee to strongly consider the recommendation of Director Morris to deny this request. She has concerns with its proximity to residents and the noise at night this may cause.

Ald. Stroik noted that he has some concerns that will need to be addressed through the Condition Use at the Council meeting next Monday.

Ald. Wiza stated that the Council should address these requests on a case by case basis.

Mr. Billings said this area is for casual dining and drinks and that they are willing to work with the Police to address their concerns.

Call for the Vote: Ayes, three; nays, Stroik; motion carried.

G. Request for City Held Beer and Liquor Combination Licenses: Clerk's Memo

1. Blazing Wings, Inc., 5500 Wayzata Boulevard, Suite 1600, Minneapolis, MN 55416 at Buffalo Wild Wings Grill and Bar, 5370 Hwy. 10 E, Stevens Point; Richard Tolbert, agent.

Richard Tolbert, Agent for Buffalo Wild Wings, was there to answer any questions. He said that as a sports bar they do plan to have outside music.

Ald. Trzebiatowski asked what the Class designation is for the license.

Clerk Moe stated that combination licenses are for both beer and liquor.

Ald. Trzebiatowski asked when they plan on opening.

Mr. Tolbert said in a year.

Ald. Wiza noted that if a business does not use a license in a year that the license could be forfeit.

Attorney Molepske stated that if it is under construction and they are making substantial progress then they meet the conditions for having a premise.

Ald. Stroik read ordinance Sect. 12.14(7)(a) which explains the conditions for renovations and new construction.

Ald. Trzebiatowski moved, Ald. Slowinski seconded to approve the request.

Ayes, all; nays, none; motion carried.

2. CHP of Stevens Point, 1000 Third Street, Stevens Point, at Father Fats, 1000 Third Street, Stevens Point, WI 54481; Leah Czerwonka, agent.

Leah Czerwonka said they would like to open a casual restaurant like the one they are currently operating in Plover. They have a lot of details to work out with the City so they do not have a timeframe right now but think no more than a year.

Ald. Wiza said that when he heard about this he was excited especially because a few months ago the City was contemplating taking down the building.

Ald. Wiza moved, Ald. Slowinski seconded, approval of the Beer and Liquor Combination License for CHP of Stevens Point.

Ald. Stroik asked if they would keep the license if the plans fell through with the building.

City Attorney Molepske stated they would keep the license but would no longer have a premise. They cannot move it from there without the City's approval so they would have to come back once they found a new location.

Ald. Stroik asked about the worst case scenario. If one year passes and they would not have made substantial progress per the ordinance would the license revert back to the City.

City Attorney Molepske replied that was correct. For example, the license year expires on June 30, 2010 which is in about nine months, if there was no progress at that time the City could just not renew the license.

Cathy Dugan reiterated what Ald. Wiza had said and noted the possibility for the Czerwonkas to obtain historical tax credits with this project.

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

3. E. Ann Ananiadis, 3624 Robert Street, Stevens Point, at Park Ridge Family Restaurant, 5110 B Main Street, Stevens Point.

Ald. Wiza moved, Ald. Trzebiatowski seconded, to approve the license for E. Ann Ananiadis at Park Ridge Family Restaurant, 5110 B Main Street.

Ayes, all; nays, none; motion carried.

2. Observance of Halloween - Date and Time of Trick-or-Treat. Clerk's Memo

Ald. Wiza moved, Ald. Stroik seconded, to set Trick-or-Treat for Saturday, October 31, from 5:00 p.m. to 8:00 p.m.

Chief Ruder noted that daylight savings time will not take place until November so there will be a lot of hours of darkness which is a matter of

concern for safety because of the number of kids walking in the streets.

Ald. Wiza said he would look into it and the Council can amend the time if necessary.

Ald. Mallison suggested that it be from 3:00 p.m. to 6:00 p.m. He said that to him Halloween and trick-or-treating is not for 15 and 16 year olds running through the night, it is for small children who are taken around by their parents.

Call for the Vote: Ayes, all; nays, nays; motion carried.

3. Request to Hold Event/Street Closings - Association of Downtown Businesses - Annual Holiday Parade on November 20, 2009. Clerk's Memo

Chief Ruder said they have no issues with the event.

Ald. Stroik moved, Ald. Slowinski seconded, to approve the event.

Ald. Slowinski noted that they removed all big trucks from the parade.

Call for the Vote: Ayes, all; nays, nays; motion carried.

4. Discussion and Possible Action on the Monthly Inspection Report: Clerk's Memo

A. Construction Starts.

B. Violations.

Mayor Halverson noted that with the license issued to Buffalo Wild Wings the City will see on the next inspection report a permit in excess of \$1 million.

Director Gardner stated the report reflects the state of the economy. He said we are now seeing a bit of an uptick.

Ald. Slowinski moved, Ald. Stroik seconded, to approve the Monthly Inspection Report.

Ayes, all; nays, none; motion carried.

5. Adjourned at 8:05 p.m.

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