

Meeting Minutes

Public Protection Committee

Monday, August 13, 2007, 6:00 P.M.

Lincoln Center, 1519 Water Street

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

Also Present: Mayor Halverson; City Clerk Moe; C/T Schlice; City Attorney Molepske; Ald. Myers, Walther, Hanson, Wiza, Molski, and Moore; Chief Barnes; Chief Morris; Capt. Dowling; Director Gardner; Director Schrader; Director Halverson; Director Euclide; Alex Saunders; Specialist Jakusz; Dennis Laidlaw; Jami Gebert; Andrea Davisson; Dieter Marx; Daniel Selle; Leana Waltenberg; Dave Frane; Cecilia Koziczowski; Michael Bery; Howie Krieski; Tricia Church; Gene Kemmeter (Gazette).

Index to these minutes:

1. Recommendation on license list: A. New and Renewal Operator's (Bartenders) Licenses. B. Recommended Rejection of Operator (Bartender) License. C. Class "B" Beer: Ryan M. Ulbrich, 581 Canterbury Drive, Plover, WI at RCO Computers-Cyber Café, 135 Division Street North, #G, Stevens Point, WI (main floor area of RCO Computers-Cyber Café)
2. Consideration of Variance Request from Ronald Kezeske for a parking area in the front yard of 701 Walker Street.
3. Request from Association of Downtown Businesses to close Main Street from Strongs Avenue to Water Street on Saturday, October 6, 2007, for the fourth annual Harvest Festival.
4. Observance of Halloween - Time and Date of Trick-or-Treat.
5. Recommendation of the monthly Inspection Report: A. Construction Starts. B. Violations.
6. Adjournment.

1. Recommendation on license list:

A. New and Renewal Operator's (Bartenders) Licenses.

Ald. Trzebiatowski moved, seconded by Ald. Heart to approve the 29 New Operator's and 10 Renewal Operator's licenses. Ayes, all; nays, none; motion carried.

B. Recommended Rejection of Operator (Bartender) License.

Andrea Davisson, 912 Main Street, Stevens Point, apologized for the mistake she made. She said that she is assistant manager and she depends on having a bartender license.

Ald. Stroik asked if she understood the requirement about OWI convictions.

Ms. Davisson stated that she understood that was one of the requirements, but applied because she needs a license.

Ald. Stroik asked if her employment depended on having a license.

Ms. Davisson stated possibly since there would be times when she would there by herself such as at closing. Without a license someone else would have to do it.

Ald. Heart asked how many years she has had a license.

Ms. Davisson replied that she has worked there for two years and had a license for one.

Ald. Brooks asked if she had any other alcohol related offenses.

Ms. Davisson said no.

Ald. Trzebiatowski noted that it was his understanding that Troy (Hojnacki) wanted all his employees to have a license and that she could still work as a bartender as long as she worked with a licensed bartender.

Capt. Dowling stated that her application was automatically rejected because she did not meet the criteria. She was convicted on October 17, 2006. This is the only violation she has on her record. He did meet with her and her employer and her employer stated that he relies on her to sometimes open and close. The Department is neutral on this matter because it has been almost a year from the offense and she is also a full-time employee where most applicants are part-timers.

Ald. Stroik asked the City Attorney if a provisional license could be granted until the year limit has expired without having to amend the guidelines.

City Attorney Molepske stated that the guidelines were established to create a uniform standard for all applicants. If you had an OWI within the past year you did not get a license. The previous Councils wanted to make it an absolute. If you want to grant the license, you'll have to strip the guidelines.

Ms. Davisson stated that for her this is not just a bartender license, she is an assistant manager. She is not just a part-time employee, she works there all day.

Ald. Wiza asked if she has gone through an alcohol assessment class.

Ms. Davisson said that she is going to sign up.

Ald. Heart asked if waivers were done in the past.

City Attorney Molepske said they were waivers granted in the past and that was why the requirements were set.

Ald. Brooks stated that although he feels bad for Ms. Davisson, the situation could have been a lot worse. If a license is granted in this case where do you start discerning who gets a license and who does not.

Ald. Brooks moved, second by Ald. Slowinski, to reject the renewal of the two-year operator's license of Andrea Davisson. Ayes, all; nays, none; motion carried.

C. Class "B" Beer: Ryan M. Ulbrich, 581 Canterbury Drive, Plover, WI at RCO Computers-Cyber Café, 135 Division Street North, #G, Stevens Point, WI (main floor area of RCO Computers-Cyber Café)

Director Gardner stated the Plan Commission has approved the proposal and that the Police Department did not have an objection to it. The Commission did ask that the specific dimensions be included on the drawing for future reference.

Ald. Heart moved, second by Ald. Brooks to approve the Class "B" Beer for Ryan M. Ulbrich, 581 Canterbury Drive, Plover, WI at RCO Computers-Cyber Café, 135 Division Street North, #G, Stevens Point, WI and request that the square footage be provided to the Common Council. Ayes: Stroik, Slowinski, Heart, Brooks; nays: Trzebiatowski; motion carried.

2. Consideration of Variance Request from Ronald Kezeske for a parking area in the front yard of 701 Walker Street.

Ronald Kezeske, 5474 Oakwood Ave., said the property had originally been two lots. The property was three driveways for the house. The lot was split so they could add a prefabricated home to the second lot. There are two driveway entrances that would be accessible to the house. He said the driveway currently used was provided to the City with the building plan. In order to comply with the ordinance, one of the trees would have to be cut down and an easement would have to be filed with the second property. He said the house is already rented to a family with two vehicles. It is not like a college rental with several vehicles parked out front. He is asking the Council to make an exception because of the unique situation with the location of the driveway, the fact that the driveway had already existed and that they have done their best to make the property more appealing. He also noted the expense of having to remove the driveway, moving it to the side of the house and having to take down the tree.

Director Gardner asked the members to look at what is the basis for this request. The ordinance was originally created to prevent parking in the front yard. If this variance is allowed then a garage will not be built there because it is too close to the setback. The house was placed in that location so cars could be parked in the side yard and that maybe someday a garage could be added to the rear yard. He reiterated that the ordinance was created to keep residential areas looking residential and not commercial.

Roger Kezeske, 5474 Oakwood Ave., said there is not enough room for the driveway right now because of the alterations they had to make because the Inspection Department told them different things.

Ronald Kezeske stated that they were told that the house had to be placed two feet over to the right and therefore there is no room for a garage at this point.

Director Gardner noted that the site plans provided to the City showed a 62 ½ foot wide lot. The home is 45 feet long leaving 17 feet on the side. The ordinance requires 15 feet. They could never place a garage on the side. It was always anticipated that they would put the garage in the rear yard and that the driveway would be next to the house.

Ald. Stroik asked if they read the ordinance that no driveways can be in the front of the house.

Ronald Kezeske said all plans were run by the Inspection Department. Before the house was put in the inspector came out to the site and said nothing about the driveway that was already put in. Once the house was in the inspector came out again and said that he thought the driveway was temporary to place the house in. Mr. Kezeske said they would not put in two loads of gravel for just a temporary driveway.

Director Gardner said he did speak with the Roger Kezeske about putting a driveway on the side of the house and the garage in the rear yard.

Ald. Wiza said that he spoke to the surrounding neighbors and no one seemed to have a problem with the driveway. Some did question why a house was allowed there in the first place. He asked that if an exception was given that some conditions be included such as the gravel driveway be removed and be replaced by concrete and a limit of two vehicles be allowed to park there. He suggested that since the Kezeskes own the property next door, that one solution would be to have the Kezeskes grant themselves a deed for enough land to put in the driveway.

Ald. Heart asked for clarification on the changing plans for the driveway and garage.

Ronald Kezeske said that when the original plans were submitted the drive was in front of the house with the consideration of a garage being added later. He contends that they changed their plans a couple of times based on what they were told. Had they had clear direction from the beginning they would have done things differently.

Attorney Molepske said that the applicant must show a hardship in order to get the variance. The applicant is presumed to know the law. He suggested the Committee look at when the permit was granted and when the law changed. Cutting down a tree and putting in a gravel driveway is not necessarily an economic hardship. The owners made the decision to place the house where it is and elected to place a driveway contrary to the ordinance. If the hardship is self inflicted, then we do not provide relief. He said that Mr. Curless and Mr. Zepp were there and have all the details. They should come and present that information Monday night before a final decision is made.

Ald. Stroik moved, second by Ald. Slowinski to postpone a decision on the Variance Request from Ronald Kezeske for a parking area in the front yard of 701 Walker Street until a Special Committee meeting prior to the Common Council meeting on Monday and that Mr. Curless and Mr. Zepp be present to give their testimony at that meeting. Ayes: Stroik, Trzebiatowski, Slowinski; nays: Heart, Brooks; motion carried.

3. Request from Association of Downtown Businesses to close Main Street from Strongs Avenue to Water Street on Saturday, October 6, 2007, for the fourth annual Harvest Festival.

Jami Gebert, Main Street Manager, said the Festival has changed a little from last year. They are asking to put up a tent on the Square on Friday afternoon until Sunday morning.

Capt. Dowling said the Police Department is working with the Association and will work out the details with them.

Ald. Slowinski moved, second by Ald. Trzebiatowski to approve the request from the Association of Downtown Businesses for closing portions of Main Street on Friday, October 5, and on Saturday, October 6 for the fourth annual Harvest Festival. Ayes, all; nays, none; motion carried.

4. Observance of Halloween - Time and Date of Trick-or-Treat.

Ald. Slowinski moved, seconded by Ald. Brooks to approve the observance of Halloween on Sunday, October 28, 2007, from 3:00 P.M. to 6:00 P.M. Ayes, all; nays, none. Motion carried.

5. Recommendation of the monthly Inspection Report:

A. Construction Starts.

B. Violations.

Director Gardner noted that it has been a good year so far and that growth has kept pace with the previous two years. He also noted that written violations come out to about three per working day.

Ald. Stroik moved, second by Ald. Trzebiatowski to approve the monthly Inspection Report and place it on file. Ayes, all; nays, none; motion carried.

Adjourned at 7:03 P.M.

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Bottom of Form