

Meeting Minutes

Public Protection Committee

Monday, March 12, 2007, 6:00 P.M.

City Water Department, 300 Bliss Avenue

Present: Ald. Sevenich, Robinson, Trzebiatowski, Slowinski.

Excused: Ald. Barber

Also Present: Mayor Wescott, Clerk Moe, C/T Schlice, City Attorney Molepske, Ald. Walther, Ald. Hanson, Ald. Wiza, Ald. Molski, Ald. Stroik, Ald. Moore, Chief Morris, Capt. Dowling, Director Gardner, Director Schrader, Director Euclide, Director Halverson, Assessor Kuehn, Specialist Jakusz, Andrew Halverson, Reid Rocheleau, Norm Myers Sr., Mary Ann Laszewski, Gene Kemmeter (Gazette).

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1. Recommendation on license list: A. New Operator's licenses. B. Temporary Class "B"/"Class B" Retailer's license to Boys and Girls Club of Portage County on Friday, March 30, 2007. C. Extend premise description for Point County Market.
2. Request to raise horses - northeast corner of County HH and Hoover Road.
3. Recommendation on unpaid multiple dwelling licenses.
4. Recommendation of the February 2007 Inspection Report: A. Construction Starts. B. Violations.
5. Adjournment.

1. Recommendation on license list:

A. New Operator's licenses.

Ald. Trzebiatowski moved, Ald. Slowinski seconded, approval of the 28 New Operator's licenses. Ayes, all; nays, none. Motion carried.

B. Temporary Class "B"/"Class B" Retailer's license to Boys and Girls Club of Portage County on Friday, March 30, 2007.

Ald. Slowinski moved, Ald. Sevenich seconded, approval of a temporary Class "B"/"Class B" Retailer's license to the Boys and Girls Club of Portage County on Friday, March 30, 2007.

Ayes, all; nays, none. Motion carried.

C. Extend premise description for Point County Market.

Jim Schickert, County Market Representative, said he would like to add 7,000 sq. ft. to the store to add more variety to the products they sell.

Ald. Robinson moved, Ald. Slowinski seconded, approval to extend premise description for Point County Market.

Norm Myers Sr., 416 Union Street, asked the Committee to grant the request.

Reid Rocheleau, 408 Cedar Street, raised concerns about adequate parking and increased traffic.

Jim Schickert noted that there are 296 parking spaces total with 225 in the front and 71 on the side.

Director Gardner stated that the number of parking spaces was adequate according to our ordinances.

Capt. Dowling said from the Police Department's standpoint, the addition of the convenience store has not created any traffic issues.

Ald. Moore stated his support for the request.

Call for the Vote: Ald. Robinson moved, Ald. Slowinski seconded, approval to extend premise description for Point County Market. Ayes, all; nays, none. Motion carried.

2. Request to raise horses - northeast corner of County HH and Hoover Road.

Deb Hall, 3383 Hoover Rd, said that they have had horses since the 1960's. She has four horses and does not board any others. She said that she has not had any problems with her neighbors and provided to the Committee copies of vet services, state registration documents, information from the person that removes the waste regularly, and her homeowner's insurance with extra liability.

Ald. Sevenich said the County provided a variance in 1991 and reviewed the conditions set with the approval and directed the Committee's attention to the City Ordinances dealing with Keeping of Animals.

Ald. Robinson moved, Ald. Slowinski seconded, approval of the special permit to raise horses at the northeast corner of County HH and Hoover Road with the same conditions set forth by the County on July 18, 1991: 1) Horses kept on property must belong to the immediate family only, no boarding of horses. 2) Fences must be constructed of all board and be 100 feet from the property line. 3) If the property is subdivided in the future, this decision is void. 4) Animal waste must be disposed of properly.

Ald. Sevenich asked the owners if they have any intentions on moving or sell the property in the future.

Deb Hall responded that the property has been in the family since the 1850s and they have no plans on leaving at this time.

Call for the Vote: Ald. Robinson moved, Ald. Slowinski seconded, approval of the special permit to raise horses at the northeast corner of County HH and Hoover Road with the same conditions set forth by the County on July 18, 1991: 1) Horses kept on property must belong to the immediate family only, no boarding of horses. 2) Fences must be constructed of all board and be 100 feet from the property line. 3) If the property is subdivided in the future, this decision is void. 4) Animal waste must be disposed of properly. Ayes, all; nays, none. Motion carried.

3. Recommendation on unpaid multiple dwelling licenses.

Ald. Trzebiatowski moved, Ald. Sevenich seconded, to direct staff to immediately impose a one-day penalty for operating without a license.

Ald. Trzebiatowski amended his motion, with the approval of the second, to include that if the license is not paid by March 20, 2007, the Public Protection Committee would also increase the penalty to a daily fee plus the license fee until the license is paid.

Ald. Wiza asked if any of the notices were returned in the mail and if we are relatively sure that we have good address for all of them.

Director Gardner said they received one back today and believes that the owner may have dropped their post office box. He stated that the addresses are those used to send out real estate taxes.

Ald. Wiza raised a concern with the date of March 20 being selected as it is the day after the Council will address this item. He asked if 24 hours was enough time for the owners to respond.

Director Gardner said his plan is to immediately send out another letter if this recommendation is passed tonight. He will also see if they can find another address for the owner who dropped their post office box.

Mary Ann Laszewski, 1209 Wisconsin Street, asked at what point would the licenses be pulled if the owners do not respond.

Director Gardner replied that terminating licenses is a legal question best answered by the City Attorney. It really has to do with the intent to abandon the use and because they have not abandoned the use is it legal to pull the license for unpaid license fees. He defers to the City Attorney.

Attorney Molepske said the City can revoke the license for non-payment. Actually, they do not have a license. We can say that we will charge you on a serial basis and prosecute you from January 1 at \$150 a day or you can come into compliance by paying the license fee and any late penalties. If neither happens then the City Council can revoke it.

Mary Ann Laszewski believes that after sufficient notice and legal documentation that there be due process to revoke the license. It is illegal for the businesses to be operating without a license.

Call for the Vote: Ald. Trzebiatowski moved, Ald. Sevenich seconded, to direct staff to immediately impose a one-day penalty for operating without a license and that if the license was not paid by March 20, 2007, the penalty would increase to a daily fee plus the license fee until the license is paid. Ayes, all; nays, none. Motion carried.

4. Recommendation of the February 2007 Inspection Report:

A. Construction Starts.

B. Violations.

Ald. Sevenich moved, Ald. Robinson seconded, approval of the Inspection Report for January 2007 and to have it placed on file. Ayes, all; nays, none. Motion carried.

Adjourned at 6:20 p.m.

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