

Meeting Minutes

Public Protection Committee

Monday, January 14, 2008, 6:45 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; Alderpersons: Myers, Walther, Hanson, Wiza, Molski, and Moore; Chief Barnes; Capt. Dowling; Director Gardner; Director Halverson; Director Schrader; Assessor Siebers; Personnel Manager Jakusz; Kelly Pazdernik; Shawn Bennett; Patti Cahill; Gene Kemmeter (Gazette); Jason Zencka (Journal).

Index to these minutes:

1. Recommendation on license list: A. New Operator's (Bartenders) Licenses. B. Recommended Rejection of Operator (Bartender) License. C. Change of Agent: 1) Quik Mark, LLC, 1616 Maria Drive, Stevens Point, WI, Dan Grawien, 3304 Christian Ave., Wausau, WI, agent; replacing James Berg at Quik Mark, 1616 Maria Drive, Stevens Point, WI. D. Temporary Class "B"/"Class B" Retailer's licenses: 1) St. Joseph Parish Winter Fest on February 1, 2008. 2) St. Casimir Catholic Church Ponzcka Dance on January 26, 2008.
2. Recommendation of the monthly Inspection Report: A. Construction Starts. B. Violations.
3. Adjournment.

1. Recommendation on license list:

A. New Operator's (Bartenders) Licenses.

Ald. Trzebiatowski moved, Ald. Slowinski seconded, approval of the 22 new operator licenses. Ayes, all; nays, none. Motion carried.

B. Recommended Rejection of Operator (Bartender) License.

Shawn Bennett said the state has a two year limit and leaves it up to municipalities if they want to be stricter. He said what makes him different is that he is in recovery and has made great strides. He is a recovering alcoholic and drug addict from Dane County. He moved up here about four years ago and got his fifth OWI. He said he has been clean and sober for going on two years. He is currently living at the Riverside House where he has been elected president of the house. Through this position he represents the house. He also volunteers for the United Way and has obtained his GED. He will finish his probation on February 8, 2008. Through the house mostly, he has been reaching out to the young people that come in that are living the life that he once did. Through his experiences he has been able to help quite a few of them. He said that part of his recovery is to move forward with his life. Part of doing that is trying to better himself through finding a better job.

Ald. Brooks asked what the license was needed for.

Mr. Bennett said that he is currently a clerk at The Store and would like to move into management. He said he is trying to move up and that depends upon obtaining a license.

Ald. Stroik asked if this was for managing a convenience store which would sell liquor.

Mr. Bennett said that the store that he works at only sells beer.

Ald. Brooks asked for the date of his last conviction.

Mr. Bennett replied that it was in July, 2004. February 8, 2005 was his conviction date.

Ald. Trzebiatowski asked for the Police Department's input.

Captain Dowling said that Mr. Bennett has five OWI convictions. That is a felony conviction and the rules set by the Committee regarding operator licenses specify that a person cannot have a license if he or she has a felony conviction within the last five years where the offense was substantially related to the license sought.

Ald. Trzebiatowski felt that working at The Store is a lot different than working at a tavern.

Patti Cahill, owner of the Riverside House, stated that she has known Mr. Bennett since he moved in and it is her opinion that he has one of the strongest recovery programs that she has seen. He is an asset to the house. She said that she would not recommend this for everyone. She said he is a model that addiction is treatable.

Ald. Stroik asked the City Attorney if it would be possible to limit a license to a convenience store setting.

City Attorney Molepske said the Council would have a problem because section 125 of the state statues provides that municipalities can be more restrictive in the conditions that are to be met to get the licenses, but once the license is granted, we cannot necessarily restrict what rights he is granted as a bartender. He then asked Mr. Bennett if one of the conditions of his probation is that he is not allowed to have any alcohol.

Mr. Bennett said that is right but he would not be in possession. He said that he spoke to his probation officer about this and she said in his situation it would be fine.

City Attorney Molepske advised him to talk to his attorney because normally possession is control of the substance, whether it is for retail sales or for personal consumption that is possession under the statute. As the Captain said a fifth OWI is a felony and it directly relates under the Council rules. The rules say that a felony conviction that is substantially related to alcohol within the past five years is grounds for rejection. He suggested that Mr. Bennett contact his own attorney in regards to possession. He then asked Mr. Bennett when he is off probation.

Mr. Bennett replied February 8.

City Attorney Molepske stated that Mr. Bennett's civil rights will not be restored until the eighth of February.

Ald. Trzebiatowski asked what the Committee's options were other than rejection.

Ald. Stroik noted that Mr. Bennett's conviction was on February 8, 2004. If rejected today and if he stayed clean he could apply again in February 2009. He asked the City Attorney if it is possible to look at what other cities are doing with cases like this.

City Attorney Molepske said if the Committee wants to revisit the guidelines next month they can do that.

Ald. Wiza noted that Mr. Bennett's probation is up on February 8 and if the Committee postpones their decision until next month than that will no longer be an issue.

Ald. Stroik said that the guidelines could be changed if the Committee thinks that five years is too harsh or the City Attorney to do some research. He would like to see that addressed tonight to give the City Attorney some direction. The City Attorney has made it clear that if the Committee starts amending the guidelines they will no longer hold weight.

Ald. Trzebiatowski moved, Ald. Stroik seconded, to postpone action for one month and direct the City Attorney to provide some information on what other cities are doing with their ordinance in similar situations relating to felony convictions substantially related to alcohol use for the Committee's review. Ayes, all; nays, none. Motion carried.

C. Change of Agent:

1) Quik Mark, LLC, 1616 Maria Drive, Stevens Point, WI, Dan Grawien, 3304 Christian Ave., Wausau, WI, agent; replacing James Berg at Quik Mark, 1616 Maria Drive, Stevens Point, WI.

D. Temporary Class "B"/"Class B" Retailer's licenses:

1) St. Joseph Parish Winter Fest on February 1, 2008.

2) St. Casimir Catholic Church Ponzcka Dance on January 26, 2008.

Ald. Heart moved, Ald. Slowinski, approval of the Change of Agent for Quik Mark, LLC, 1616 Maria Drive, Dan Grawien replacing James Berg and the Temporary Class "B"/"Class B" for Retailer's licenses for St. Joseph Parish Winter Fest on February 1, 2008 and St. Casimir Catholic Church on January 26, 2008. Ayes, all; nays, none. Motion carried.

2. Recommendation of the monthly Inspection Report:

A. Construction Starts.

B. Violations.

Director Gardner said that he will present a recap of 2007 next month.

Ald. Slowinski moved, Ald. Brooks seconded, to accept the monthly Inspection Report and place it on file. Ayes, all; nays, none; motion carried.

Adjourned at 7:12 P.M.

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