

Meeting Minutes

PUBLIC PROTECTION COMMITTEE MEETING

Monday, June 10, 2002 - 6:00 P. M.

City Water Department - 300 Bliss Avenue

Present: Chairman Phillips, Alderpersons Sevenich, Filipiak, Seiser, Moore

Also Present: Mayor Wescott, C/T Schlice, City Attorney Molepske, Clerk Zdroik, Directors Disher, Gardner, Schrader, Van Alstine; Alderpersons Barr, Rackow, Molski, Nealis, Moore; Police Captain Dowling, Mayoral Assistant Molepske, Barb Martin (Journal), Gene Kemmeter (Portage County Gazette), Matt Mattano (WIZD)

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  - C. Special Temporary Class "B"/"Class B" Retailers License - Knights of Columbus, 401 W. Clark Street.
  - D. Transfer of Class "B" Beer - Mission Coffee House, 1319 Strongs Avenue.
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1. Recommendation on License list.
  - A. Operator's (Bartender's) License.
  - B. Renewal Operator's License.
  - C. Special Temporary Class "B"/"Class B" Retailers License - Knights of Columbus, 401 W. Clark Street.
  - D. Transfer of Class "B" Beer - Mission Coffee House, 1319 Strongs Avenue.

Ald. Filipiak moved, Ald. Moore seconded, for approval of the Operator's (Bartender's) License, Renewal Operator's License, Special Temporary Class "B"/ "Class B" Retailers License - Knights of Columbus, 401 W. Clark Street, and the Transfer of Class "B" Beer - Mission Coffee House, 1319 Strongs Avenue.

Ayes, all; nays, none. Motion carried.

- E. Transfer of "Class B" Beer and Liquor - The Keg, 200 Isadore Street from Partnership to LLC.

Clerk Zdroik stated the application for the transfer of "Class B" Beer and Liquor for The Keg included a change in the premise description, a 26 feet x 36 feet beer garden on the southwest corner of the building.

Director Gardner indicated the Common Council adopted an ordinance on May 19, 1997, regarding expansion of licensed premises to outdoor areas such as patios, volleyball pits, beer gardens, and the like. One of the provisions of the ordinance is that the establishment install fencing around the perimeter of the outside premises.

Police Captain Dowling stated this was discussed three years ago and there was no objection to the extension of premises assuming that it will be fenced and the only entrance will be through the main building. That was never done, the Captain said.

Chairman Phillips said the recommendation will be similar to the one recommended for Archie's on the south side as far as fencing the deck and the entryway through the bar. If this is done by The Keg, it will meet the criteria.

Captain Dowling said he believes so.

Carol Garski, The Keg, said the plan will be similar to Archie's. She added that there was fencing around the beer garden before but it was damaged by storm.

Clerk Zdroik told the Committee they can take action on the transfer from Partnership to LLC but the establishment cannot serve alcohol in the beer garden until all the conditions as far as fencing, lighting, and entryway are met. She added the establishment must be inspected by the Inspection Department and Police Department for compliance with the ordinance.

Ald. Sevenich moved, Ald. Filipiak seconded, to approve the transfer of "Class B" Beer and Liquor license from Partnership to LLC, for The Keg, 200 Isadore Street.

Ayes, all; nays, none. Motion carried.

- F. Rejections:
  - a. John James Preuss did not appear.

Ald. Sevenich moved, Ald. Moore seconded, to deny the operator's (bartender's) license application for John James Preuss and that Mr. Preuss reapply in six months from the date of the previous application.

Ayes, all; nays, none. Motion carried.

- b. Cindy R. Luke was present.

Ms. Luke said she was somewhat misled by the guidelines. The requirement per the guidelines states that the applicant has not had two or more alcohol related convictions within the past two years. She admitted having the OWIs, one in 1990 and one in 1994 which are both over two years ago.

Captain Dowling explained the reason for recommending denial of Ms. Luke's operator's (bartender's) license is not because of her two OWIs but rather her failure to list the same. The guidelines clearly state that the applicant must complete the application completely and accurately. Any incomplete, inaccurate or untruthful information on any license application shall be cause for denial of such license.

Ald. Sevenich moved, Ald. Filipiak seconded, to deny the operator's (bartender's) license application for Cindy R. Luke and that she reapply in six months from the date of the previous application.

Ayes, all; nays, none. Motion carried.

c. Renee Marie Wiza appeared before the Committee.

Ms. Wiza said she is fully aware of what she did a couple months ago and she is still paying the fine. She said her conviction was possession of drug paraphernalia and there was no drug involved. She added that the guidelines do not mention drug paraphernalia at all. She is a single mother with a four-year old child and three other kids besides. She also said this is her livelihood. She is not trying to deceive, lie or hide anything.

Ald. Sevenich moved, to deny Renee Marie Wiza's application for operator's (bartender's) license.

The motion died due to a lack of second.

Ms. Wiza stated that she would like the guidelines to list both drugs and drug paraphernalia.

Ald. Filipiak echoed Ms. Wiza's sentiment. He would like the guidelines to be specific on drugs and drug paraphernalia.

Captain Dowling said an item cannot be drug paraphernalia unless it is used with drugs.

After a lengthy discussion, Ald. Sevenich brought back her motion to deny.

Ald. Sevenich moved, Ald. Moore seconded, to deny Renee Marie Wiza's application for operator's (bartender's) license and that she reapply in six months from the date of the previous application.

Ayes, all; nays, none. Motion carried.

d. David W. Cooper was present.

Mr. Cooper said that he has a license in another municipality in the State and in the last two months he obtained two Wisconsin Health Insurance licenses. He felt that he had disclosed everything in his application.

Ald. Moore moved, Ald. Filipiak seconded, to deny David W. Cooper's application for operator's (bartender's) license.

Ayes, all; nays, none. Motion carried.

2. Request to keep Racing Homing Pigeons.

Director Gardner said his office received a call alerting them that pigeons are being kept at a residence on Pulaski Place. His office did an inspection of the property and found pigeons present and the place to be neat. The City's ordinance does not allow keeping the pigeons in the City. The owners can either move them or come before the Public Protection Committee to ask permission to keep the pigeons in that particular location.

Ald. Sevenich stated that the Public Protection Committee had requests in the last few years to keep chickens, rabbits, and pigeons. In this case the owners just did not know about the ordinance relating to keeping pigeons in the City. The alderman said she was the one who noticed the pigeons.

Ald. Rackow said within the last two years in the 7th District, he had a similar request to keep pigeons. The property owners came before the Public Protection Committee and eventually got approval from both the Committee and Council to keep the pigeons. The alderman said it is working just fine.

Ald. Sevenich moved, Ald. Filipiak seconded, to approve the request to keep the racing homing pigeons at 833 Pulaski Place.

Director Gardner added that the Public Protection Committee issues an annual special permit for the keeping and maintenance of a farm or dangerous or wild animals.

Ayes, all; nays, none. Motion carried.

3. Request to hold truck cruise - Truckin' Buddies Club - Saturday, August 10, 2002, starting at 6:30 P.M.

Captain Dowling noted the routes chosen by the club this year were changed compared to last year and it becomes problematic. The routes they requested are both running through residential areas and the Police Department does not think that is a good idea.

The Captain suggested the club follow the same route they used last year.

Barb Strong, President of the Truckin' Buddies Club, said they would like to try a different route this year and decided to start at Piffner Park on Franklin Street. She added that the club has already printed and distributed flyers showing the new route.

Ald. Moore moved, Ald. Filipiak seconded, to approve the Truckin' Buddies Club cruise on Saturday, August 10, 2002, and that the event organizers work with the Police Department for an alternate route.

Ayes, all; nays, none. Motion carried.

4. Ordinance - creating Section 24.45, Chapter 24 - Sexually Oriented Businesses.

Attorney Molepske said about eight or nine years ago, the City passed an ordinance prohibiting nudity and erotic dancing in establishments licensed to sell alcoholic beverages. About a year ago, the Common Council decided to take a look on the location of these sexually oriented businesses and the Council incorporated it in the zoning, mostly in the M-1 zoning. In order to issue a license to a business that engages in sexual matters as defined in the ordinance, we thought it might be a good idea to control and regulate it, like how close the patrons can be to the dancers, whether they can touch dancers and how dim the lights can be inside the business. That is the background, the City Attorney said.

At the Council meeting on Monday, June 17, 2002, Chief of Police Carpenter will present evidence based on his belief and personal observation that the sexually oriented businesses should be regulated. He will testify that the control of the sexually oriented businesses, unless regulated can lead to criminal activity and negative secondary effects which adversely affect the community and businesses.

Mayoral Assistant Molepske noted that the ordinance is basically finishing what we already started. It simply is setting a few ground rules.

Ald. Sevenich moved, Ald. Filipiak seconded, for approval of the Sexually Oriented Businesses ordinance.

Ayes, all; nays, none. Motion carried.

5. Ordinance - creating Section 12.02, Chapter 12 - Public Square - Farmers Market

The City Attorney informed the Committee that he received a proposal from the Stevens Point Farmers Market Association. He made some minor changes and suggested that a particular area be assigned to handle the farmers market and the overflow. The City Clerk's office shall assign individual spaces to vendors. At the present, all fifteen stalls have already been assigned.

The ordinance contains rules and regulations such as reserving vendor's spaces till 5:30 A.M. All rights to the assigned space is forfeit for that day in the event the vendor has not arrived and occupied the space by that time. A vendor space is not assignable. The rules also require that produce sold at the farmers market be grown within the State of Wisconsin. The use of tobacco products within the canopy area is prohibited. Vendors shall not engage in hawking or use a radio or any sound amplification device emitting sound within the canopy or reserved space. These are some of the rules.

Evidently, the downtown vendors seem to like the idea, the City Attorney said.

Dan Mielke, Stevens Point Farmers Market Association, said they formed an association to provide some sanity in the market. Instead of the vendors coming in at 3:00 A.M., now they know that there will be a stall reserved for them. The older and more stable vendors have concerns about being shoved out. This is another reason why the association was formed. The association adopted some guidelines and regulations to give some protection to the market square and the vendors who have been there for a long time. There are a total of twenty five to twenty seven vendors coming now. The farmers market is growing all over the country, Mr. Mielke added.

Ann Kulinski, Downtown Business Association, asked what happens to the farmer vendor when there are cars parked in the area?

Mr. Mielke said it has always been a problem when bar patrons leave their cars overnight. If a stall is occupied by a car, the farmer will unload manually and move the car to the parking lot and walk back to the stall. We do not want to detract from the business of the bars, Mr. Mielke said.

Another question from Ann Kulinski is that if somebody who has been in the farmers market all those years and is not currently a member of the Farmers Market Association and decided to take one of the stalls, who are they to regulate it being a public area?

City Attorney Molepske said the City owns the public square and it has rules and regulations as to whether it is a public square, public building, or a public park. No one has the right to be at that stall. The Police Department and Streets Department will have signs placed in the area that will say THESE STALLS ARE RESERVED FROM 4:00 A.M. TO 5:00 P.M., MAY 1 THROUGH OCTOBER 31. VEHICLES PARKED IN THIS AREA WILL BE TOWED.

Ald. Sevenich moved, Ald. Filipiak seconded, for approval of the Public Square - Farmers Market ordinance.

Captain Dowling said he favors Mr. Mielke's idea of unloading their cars and moving their vehicles some place. The Police Department does not encourage drunks to drive. If the car is towed once, they will not leave their cars again, the Captain added.

Carol Molepske, Clark Street, commended the farmers for doing a good job. She would like the group to stay down there and bring more produce.

Ayes, all; nays, none. Motion carried.

6. Ordinance - creating Section 12.18, Chapter 12 - Food Vending Carts on City Property.

The City Attorney said this ordinance is divided into three segments, vehicular carts, push carts, and pull carts for use on the sidewalk and streets to sell food and the person on foot who may have a soda dispenser or candy bars. These vendors are required to have a permit and are allowed no more than two-hour parking downtown. This ordinance does not cover just downtown, it covers the whole City, City Attorney Molepske said. The Parks Board has a rule that provides that there will be no vendors vending within the parks. The food peddler shall not sell door to door except for non-profit organization, as defined under Section 12.25, Direct Sellers/Transient Merchants. These are some of the provisions of the ordinance.

Carol Molepske asked if the hot dog vendor can go on the market square?

City Attorney Molepske said sure he can. To be in one of the stalls, the vendor must come to the City Clerk's office and ask for a permit. If they want to be mobile, they can walk up and down the street.

Ald. Seiser thinks that if we get used to this idea, it is likely that the vendors will be known to be in an area at a certain time. It might be good to make it less restrictive so that the person would not have to move every hour. Maybe there will be a place by the parking area on the market square for these vendors. What will be the harm for someone to be some place over the lunch hour? The Alderperson would like to see the ordinance be less restrictive and more lenient.

City Attorney Molepske reminded the Committee members this applies to vendors on the street only.

Ald. Filipiak moved, Ald. Seiser seconded, to approve the ordinance with a change in the hours of operation, from 9:00 P. M. to 6:00 A.M. to 11:00 P.M. to 6:00 A.M., without a sunset clause.

Ayes, all; nays, none. Motion carried.

7. Recommendation on Inspection Report.

Ald. Sevenich moved, Ald. Moore seconded, to accept the Inspection Report for May 2002, and place it on file.

Ayes, all; nays, none. Motion carried.

8. Adjournment - 7:00 P.M.

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