

Meeting Minutes

PUBLIC PROTECTION COMMITTEE

Monday, September 10, 2001, 6:00 P.M.

City Water Department, 300 Bliss Avenue

Present: Chairman Phillips, Alderpersons Sevenich, Walther, Seiser, Sowieja

Also Present: Mayor Wescott, Comptroller-Treasurer Schlice, City Attorney Molepske, Clerk Zdroik, Directors Disher, Gardner, Schrader, Van Alstine; Alderpersons Filipiak, Barr, Rackow, Molski, Nealis, Moore; Police Captain Dowling, Mayoral Assistant Molepske, Paul Chronis (Journal), Gene Kemmeter (Portage County Gazette), Matt Mattano (WIZD)

1. License list.

**Ald. Sevenich moved, Ald. Seiser seconded, for approval of the new operator s/bartender s licenses.**

Ayes, all; nays, none. Motion carried.

Recommended Rejection.

Stephanie M. Jones - was present.

**Police Captain Dowling stated the portion of Stephanie Jones operator s/bartender s license application that asks for criminal charges was ma "No".** The background check turned out that an arrest warrant issued in 1995 was still outstanding.

Stephanie Jones said at the time she thought the charges were cleared. She was surprised to hear that the charges were still active.

Captain Dowling said the warrant is not necessarily for the drug violation but it was for failure to appear. She would have been notified of the trial date.

Ms. Jones informed the Committee that she moved out of the area. She remembered paying a bunch of money and since this is her first offense, she thought everything was cleared.

**Clerk Zdroik noted that Ms. Jones operator s/bartender s license application was signed under oath before a notary public. All of Ms. Jones answers to the questions on criminal charges were "No".** The guidelines state that any incomplete, inaccurate or untruthful information on any license application shall be cause for denial of such license.

**Ald. Seiser moved, Ald. Sowieja seconded, to deny the application for operator s/bartender s license for Stephanie M. Jones.**

Ayes, all; nays, none. Motion carried.

2. Request to have a band play in the beer garden - Iguana Club - 916 Maria Drive on Saturday, September 15, 2001, from 6:00 P.M. to 9:00 P.M.

Chairman Phillips asked Captain Dowling if the Police Department has received any comments on this request from the neighbors.

Captain Dowling said not yet but the Police Department will anticipate calls from the neighbors because a band will be playing outdoor.

Ald. Seiser asked if the establishment has ever had a band in the beer garden before?

Captain Dowling said not to his knowledge but he knows from previous experience the Police Department had received complaints from that establishment even when the doors were closed.

Kim Blackhawk, agent for the Iguana Club, said she is not aware of any noise complaint. She has not had any problems. It is totally a different establishment now and she has a new clientele.

Ald. Seiser reminded Ms. Blackhawk that if the request is granted, she should be aware of the noise level.

**Ald. Seiser moved, Ald. Walther seconded, for approval of the request to have a band play in the beer garden at the Iguana Club, 916 Maria Drive, on Saturday, September 15, 2001, from 6:00 P.M. to 9:00 P.M.**

Ms. Blackhawk said alcohol will be served in the beer garden. She will have security on the front door and also on both outside gates.

Ayes, all; nays, none. Motion carried.

3. Concert on Farmers Market Square - Willow Ridge Apostolic Church, on Friday, September 28, 2001, from 7:00 P.M. to 9:30 P.M.

Captain Dowling stated the Police Department has no problem with this request. Bands have played in that area before and there will be no alcoholic beverages served for this event. The event is supposed to end at 9:30 P.M. The crowd that frequents the square does not usually show up until after 10:00 P.M., the Captain said.

**Ald. Sowieja moved, Ald. Sevenich seconded, to approve the request of Willow Ridge Apostolic Church to have a concert on the Farmers Market Square, on Friday, September 28, 2001, from 7:00 P.M. to 9:30 P.M.**

Ayes, all; nays, none. Motion carried.

4. Garbage violation appeal - 1824 College Avenue.

Community Development Gardner reported that Jeff Vaughter, owner of the property at 1824 College Avenue called on Tuesday May 29, 2001, which is the normal garbage collection day for the property. Tuesday was also the day after Memorial Day. Mr. Vaughter talked to somebody from the Streets Department and told the employee who answered the telephone that there was garbage on the curb in front of the property at 1824 College Avenue and what should he do with it. Nothing was said about it being a problem.

When Director Gardner checked with the Streets Department, he was informed that there was no change in schedule since there was no collection on Monday, Monday being Memorial Day. The Streets Department did not have a record of tagging the garbage at 1824 College Avenue. Superintendent Krieski asked the garbage collectors to check the site after the Streets Department received the complaint. The garbage collectors do not remember anything unusual about the site. The only conclusion Director Gardner can come up with is the garbage was not there when the garbage collectors went by the site. It was out there the next day which is Wednesday. The Inspectors observed the garbage was there and ordered the collection of the garbage. The collection fee was passed on to the property owner.

Jeff Vaughter said the violation happened the end of May. This property is a rental property and the incident happened when the students were leaving at the end of the month. He said the property was up for sale and they were highly motivated to keep the place spotless.

When he got there on Tuesday, the garbage was still there. Since he did not live there, he did not know if the garbage was missed or if the students got the garbage out late. He called the Streets Department and asked if the garbage pick-up was missed and what his option was to get the garbage out so he will not be liable for any violation. He offered to take the garbage to the dump or remove it from the curb. Nothing was said to him of what was required. He tried to communicate the best way he can to know what is needed to take care of the problem.

He came back on Thursday, May 31, 2001, and did not see any notice on his door nor did he get a phone call telling him about the violation.

The property has now been sold.

On July 6, 2001, he got a bill from the City for the garbage violation. It is way over a month after the alleged violation. As a landlord, he is required to refund to the tenants the security deposit after twenty one days from the last day of their lease. He cannot collect from the tenants anymore. Inspector Curless said there was a lot of trash, about fifteen feet long. If the garbage was fifteen feet long, there was no way there were twenty eight bags, Mr. Vaughter said.

**Mr. Vaughter was also concerned about the statements made regarding LB s slow billing process.**

**The following are Mr. Vaughter s concerns:**

1. **Whether it is his fault for not being fair or is it the City s fault for not understanding or giving him misinformation.**
2. He was not given any notice of his violation.
3. The bills were sent out so late that he has no way of passing that bill on to the tenants.
4. He does not know who is overcharging who. There is no way there were twenty eight bags out there.

Ald. Seiser asked how many bags did Mr. Vaughter see when he went to the property?

Mr. Vaughter answered six or seven or eight bags, that were not tagged. He has also hauled items to the landfill that the City would not take.

**Director Gardner made two corrections on Mr. Vaughter s statement.**

1. The City does not tag recyclables at all.
2. The City did not drop LB Trucking for bad record keeping. LB was sold to a different company and the new company is not as quick as the company before as far as billing.

Ald. Nealis thinks Mr. Vaughter is sincere. After twenty one days, he cannot collect from his tenants anymore. Since the citation/bill came very late, may it serve as a lesson and hopefully it will not happen again.

Chairman Phillips asked Superintendent Krieski what time is the garbage pick-up in the area.

Superintendent Krieski said it is sometime in the morning.

Chairman Phillips said the garbage collectors could have started early that morning or the tenants could have put the garbage out after the garbage collectors had been there.

Ald. Sowieja feels the landlord was doing the right thing by calling the Streets Department for the schedule. The Alderman suspected if Mr. Vaughter did not call, nothing would have ever happened. The landlord could have come back a day or two after and would have done something about it. In this case, the City was aware of the situation and Mr. Vaughter ended up getting a ticket. The Streets Department should have called Mr. Vaughter to inform him that the garbage collectors had gone by. He could have then corrected the situation.

Ald. Sowieja further informed the Committee that he is a landlord himself and was in the same situation before. He was also ticketed for having garbage put out too late. Having said that, the Alderman does not feel Mr. Vaughter should be fined.

Ald. Sevenich asked when was the last day the students were at your property at 1824 College Avenue and if there was any garbage at the adjacent properties.

Mr. Vaughter said the students were at the property until Memorial Day. He did not see any garbage in the adjacent area.

Ald. Sowieja moved, Ald. Walther seconded, to grant approval of the garbage violation appeal for the property located at 1824 College Avenue.

Chairman Phillips asked C/T Schlice to check on the billing.

**Ald. Barr noted that if the City s procedure for sending out bills conflicts with the regulation on returning the security deposit, that should be considered as a cost of doing business. The Alderman does not want to put a burden on the City in a case like this.**

Chairman Phillips stated we must trust the City employees. He cannot understand how a garbage collector can miss picking up ten to twelve bags of garbage. If the garbage was there on time, the garbage would have been picked up, the Alderman said.

Ald. Sevenich said there is a reason why the City asks the residents to have all their garbage on the curb at 7:00 A.M.

Ayes: Ald. Sowieja, Walther.

Nays: Chairman Phillips, Ald. Sevenich, Seiser. Motion failed.

#### 5. Request to keep a hybrid wolf at 1601 East Avenue.

City Attorney Molepske noted a City ordinance provides that if a person wishes to keep a non-domesticated animal, which include a hybrid wolf, the Public Protection Committee may grant a permit and set conditions. After reviewing the testimony of the applicant and determining whether the animal can be kept safely in the City, the committee can grant the permit.

Jeff Kolodziej, 1601 East Avenue, owner of the hybrid wolf, said they have registration papers for Ice, that they have owned her since she was five weeks old. Mr. Kolodziej went on to say that Ice is very good with kids. He has now built a 5 x 5 unit as a shelter for her.

Ald. Walther said there are three schools and a day care in the area. There is a lot of foot traffic in the spring and fall. During the summer, the kids use the Jefferson School playground a lot. He had a lot of people talk to him and raise some concerns. He feels the hybrid wolf does not belong in the City.

Laurie Berger, Portage County Humane Officer, said the Humane Society received some complaints about the hybrid wolf not having shelter. On July 11, 2001, she went to the Kolodziej residence and informed them of what they have to do. They have to come before the Public Protection Committee to ask for permission to keep the animal in the City. The Humane Society has had continued problems through the years with Mr. Kolodziej and Ice for not complying with the City Ordinance. The hybrid wolf has been seen in the area running loose, there is no proper containment and her hackles come out and she growls at the kids. She is a detriment to the kids, Ms. Berger said.

Ald. Rackow noted that Ice is the biggest non-domestic animal that has come before the Council. His personal opinion is the City is no place for a hybrid wolf. **The animal should be in a large pen with a large run. The Alderman s concern is for the neighbors and children going to and from school.** He said he seldom gets comments or input from constituents. He said callers are telling him children are afraid of the hybrid wolf and there are a lot of children living in the area. The wolf will be better outside the City.

**Ald. Seiser said she called a wildlife professor from the UW-SP and asked his opinion about the hybrid wolf in the City. The professor s opinion that hybrid wolves should not be allowed in the City.**

Ald. Sevenich said she looked at the residence from the outside. It has a garage, the yard was small and there is a lot of stuff on it. Even domesticated animals are wild animals.

Ald. Filipiak asked how big is the hybrid wolf? He said in his studies he has not come across with any documented attacks on humans.

Ms. Berger stated the hybrid wolves have wolflike tendencies which is a major difference between huskies and hybrid wolves.

Tanya Lamers, 1601 East Avenue, said they have four children at home. One is a 10-month old baby who loves Ice and plays with Ice constantly. The family walks Ice regularly. If neighbors are afraid of Ice, so be it, Ms. Lamers said.

Ms. Berger asked why were the problems not taken care of since June 2001.

Mr. Kolodziej stated if they get the permission to keep Ice in the City, they will have everything done.

Ald. Seiser moved, Ald. Walther seconded, to deny the request to keep a hybrid wolf at 1601 East Avenue.

Ayes, all; nays, none. Motion carried.

#### 6. Update on deer population in the City of Stevens Point.

Captain Dowling gave a history on how this subject came about. One member of the Common Council approached the Mayor regarding his constituents having concerns on damage being done by the deer. The Mayor then asked the Police Chief how the City can control the deer population. The Chief made some phone calls and came up with some documents which have been forwarded to everybody.

Captain Dowling checked with the Village of Whiting and the Village of Plover on how they harvest their deer.

The Village of Whiting took twenty three deer last year. They did it in a single night in three locations. The Village hired a bonded contractor to harvest the deer at a cost of \$80.00 a deer. The deer was given to the village residents who wanted the meat. The Village of Whiting has a no feeding ordinance.

Chuck Kell, Village of Whiting President, is concerned about the moral issue. Is it right to feed the deer and then lure them in and kill them because they are a nuisance?

The Village of Plover took sixty deer last year. They did it over a two and one half month period. The Village hired hunters to take the deer at a cost of \$95.00 a deer, which includes processing. The processed animal meat was then donated to the Salvation Army. The Village of Plover has a no feeding ordinance also.

The Police Department is not making any recommendation on whether the City should harvest the deer or not. Should the Common Council determine that it is necessary to control the deer population, the Police Department recommends the City hire a bonded contractor to harvest the deer.

Chairman Phillips would like the Mayor to appoint a sub-committee to look into how to harvest the deer in the City and then make a recommendation in the next Public Protection Committee meeting. The City should then talk to the Village of Whiting and Village of Plover to see if the three municipalities can do it all in one day.

Ald. Sevenich said it is logical to do it all at once.

**Ald. Molski reported that she also gets a lot of complaints from her constituents on deer feeding twice a day on some neighbors yards.**

Ald. Seiser asked if the deer harvest will also include the north side, the 4th Ward, since she is also getting calls from her constituents or will the deer harvest only involve the center of the City.

Chairman Phillips said the whole City will be taken into consideration.

Captain Dowling added the Village of Whiting does their harvest in late winter and the Village of Plover does it late in December to early March. The Captain said the time to do the harvest is in the winter because the deer is attracted to the bait that is put out there for them.

7. Halloween date and time.

Clerk Zdroik explained that when Halloween falls on a week day, it is recommended that Halloween trick or treating be observed on the Sunday closest to and before Halloween. It is therefore recommended that Halloween be observed on Sunday, October 28, 2001, from 3:00 P.M. to 6:00 P.M.

The Halloween date and time in Stevens Point will be coordinated with the neighboring municipalities so that we may all observe Halloween at the same date and time.

Ald. Walther moved, Ald. Seiser seconded, that Halloween trick or treating this year be observed on Sunday, October 28, 2001, from 3:00 P.M. to 6:00 P.M.

Ayes: Chairman Phillips, Ald. Walther, Seiser, Sowieja.

Nays: Ald. Sevenich. Motion Carried.

8. Inspection Report.

Ald. Walther moved, Ald. Seiser seconded, to accept the Inspection Report and place it on file.

Ayes, all; nays, none. Motion carried.

9. Adjournment - 6:55 P.M.

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