

Meeting Minutes

PUBLIC PROTECTION COMMITTEE

Monday, November 12, 2001, 6:00 P.M.

City Water Department, 300 Bliss Avenue

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

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

1. License list.

**Ald. Sevenich moved, Ald. Walther seconded, for approval of the new operator/bartender s licenses, including the supplemental list handed out tonight.**

Ayes, all; nays, none. Motion carried.

**TRANSFER OF CLASS B COMBINATION LICENSE.**

**Big Hunchie s Roadhouse - 2408 Division Street.**

**Ald. Seiser moved, Ald. Sowieja seconded, to approve the transfer of "Class B" Combination License for Big Hunchie s Roadhouse, 2408 Division Street, formerly Dewey Bar.**

Ayes, all; nays, none. Motion carried.

Clark Place - 1009 Clark Street.

Thomas J. Marks, 4005 Wilderness Drive, Rosholt, WI, stated they are planning on doing some changes to the property at 1009 Clark Street. They intend to eliminate the bar in the basement and convert that area to an antique store which will be open seven days a week. There will be a coffee shop, music hall, and bar on the main floor. The coffee shop and music hall will be open from 7:00 A.M. to 6:00 P.M., seven days a week.

City Attorney Molepske said the City of Stevens Point has not adopted an ordinance which would permit the occupancy of a licensed premises by underage persons.

David Green noted that Clark Place will be a coffee shop by day open until 4:00 P.M., or 5:00 P.M., or 6:00 P.M. After that, alcohol will be served and minors will be not allowed in the premises.

Mr. Marks said one of the changes that will occur is the placement of restrooms upstairs. He added that Clark Place will probably not open until two or three months from now.

Mr. Green said they are just in the planning stage now and would like to know what they can and cannot do.

Chairman Phillips advised that when the building plans are in place, the plans should be reviewed by the Inspection Department, Police Department, and the City Attorney.

City Attorney advised the only action needed tonight is the transfer of "Class B" combination license.

Community Development Director Gardner said the City Inspectors had several conversations with the property owners about the different ways to handle the access to the restrooms, etc. The Director feels confident these issues will be taken care of.

**Ald. Seiser moved, Ald. Sevenich seconded, for approval of the transfer of "Class B" license to Clark Place at 1009 Clark Street, formerly the Underground.**

Ayes, all; nays, none. Motion carried.

Stevens Point Hospitality, LP, 1501 North Point Drive, at Holiday Inn, formerly PAHMB.

The Original Alcohol Beverage License Application for this establishment has been pulled from the agenda due to an incomplete application.

**CHANGE OF AGENT.**

**Ald. Sowieja moved, Ald. Sevenich seconded, to recommend approval of the Change of Agent for Pizza Hut, 417 Division Street, Patti J. Foth replacing Sandra Varga.**

Ayes, all; nays, none. Motion carried.

**RECOMMENDED REJECTION.**

Alfred L. Kawalske - was present.

**Mr. Kawalske delivered a copy of the Clerk of Court s abstract of Dane County showing there were no felony charges and subsequently charges were dismissed. He said he held a taxicab driver s license in Wisconsin Rapids the last two years, completed a responsible beverage server c and was issued a bartender s license in Dane County a few years back.**

Police Captain Daubert said Police Officer Skibba explained to Mr. Kawalske that if the information listed in the report was incorrect, he should contact Dane County and get the necessary papers to prove there was no felony charge ever made and charges have been dismissed.

**City Attorney Molepske, after reviewing the Dane County Clerk of Court s abstract, said the defendant was convicted of theft, but it was not a**

felony. The THC charge was dismissed.

**Ald. Seiser moved, Ald. Sowieja seconded, to approve the application for operator/bartender s license for Alfred L. Kawalske**

Ayes, all; nays, none. Motion carried.

Angela J. Rupp - was not present.

Police Captain Daubert reported that initially the Public Protection Committee was informed by the appellant that there was a plea agreement made and is scheduled for December. The Captain further reported that there is a plea agreement pending.

**Ald. Rackow suggested postponing action for next month s meeting.**

On a matter, Ald. Seiser feels a person is innocent until proven guilty. She is uncomfortable making a decision that has not yet been decided in court. She would also like the City Attorney to explain what a plea agreement means.

Attorney Molepske explained that a plea agreement means the plaintiff, being the State of Wisconsin in this case, will accept a plea to a lesser charge than what was originally charged or if there is a plea on the original charge, then there may be a revised sentencing recommendation.

Ald. Sowieja moved, Ald. Seiser seconded, that no action be taken by the Public Protection Committee until the City receives notification of the pending case and the Committee hears from Angela Rupp.

Ayes: Alderpersons Sevenich, Walther, Seiser, Sowieja.

Nays: Chairman Phillips. Motion carried.

## 2. Garbage violation appeal - 608 Sixth Avenue

Ald. Seiser asked if there was a complaint received on this violation and how long the garbage was sitting out there.

Building Inspector Curless said there was no complaint received by the Inspection Department on this particular property. The inspectors patrol the area from Michigan Avenue to the river and from Ellis Street to the north side of town. The garbage was out on Thursday and he said he cannot say if the garbage had been out for a full week. The pickup day is Tuesday in this area. The Inspector further explained that the charge per bag is \$3.00 and the minimum charge is \$10.00 for up to three bags.

Ald. Seiser asked Inspector Curless the purpose of patrolling the area?

Inspector Curless said several years ago, due to a neighborhood watch of the university area, a bunch of residential people got together and said there was a lot of garbage around the university area. These residential people asked if the Inspectors could take a look at the neighborhood on either Wednesday or Thursday. The Inspectors went around on Wednesday or Thursday and went all the way to the river. About 85-90% of the complaints received are on rental property.

Ald. Sevenich moved, Ald. Sowieja seconded, to deny the garbage violation appeal for 608 Sixth Avenue.

Ayes: Chairman Phillips, Alderpersons Sevenich, Walther, Sowieja.

Nays: Alderperson Seiser. Motion carried.

## 3. Ordinance - amending:

### A. 21.03 - Responsibilities of Owners and Occupants.

Director Gardner explained that this ordinance is just a language clarification where the word "recyclable" was added to Section 21.03 Subsection (4)(b). The ordinance will now read (4)(b) "Non-recyclable and recyclable refuse" versus "Non-recyclable refuse" only before the recommended amendment.

### B. 21.16 - Applications for Reconsideration, Hearings, and Appeals.

Ald. Seiser asked for background information on why this ordinance is being amended.

Attorney Molepske said individuals appealing their parking violations, recycling violations or non-recyclable refuse violations and snow removal violations will no longer appear before the Public Protection Committee to appeal their case but rather will go to Director Gardner, Inspector Curless and ultimately to the City Attorney. If someone wishes to contest the violation, the circuit court will make a determination whether the individual violated the ordinance similar to all other ordinance violations.

Ald. Sevenich moved, Ald. Sowieja seconded, for approval of amending Ordinance 21.03 - Responsibilities of Owners and Occupants and Ordinance 21.16 - Applications for Reconsideration, Hearings, and Appeals.

Ald. Sowieja read a part of the ordinance that mentioned the use of garbage cans or plastic bags for waste and recyclable materials.

Director Gardner said garbage cans are acceptable for that purpose.

Ald. Sowieja asked that the garbage collection department be notified of this because he received a couple notices stating that he has a garbage can with top on but no plastic bag and the garbage collectors did not collect the garbage.

**Ald. Nealis echoed Ald. Sowieja s concern. It also happened to one of his constituents.**

Ald. Seiser likes the idea of just having a garbage can with a tight lid because a person can use the garbage can over and over again.

Chairman Phillips said in his neighborhood, residents use either a garbage can or plastic bags.

Ayes, all; nays, none. Motion carried.

#### 4. Renewal of 2002 Multiple Dwelling License - 2001 Main Street.

Director Gardner said this is the time for renewal of the multiple dwelling license. The subject property is not a student housing. The owner was notified on numerous occasions of the staff's concern with continued violations and the potential of not renewing the housing license. The owner lives in the property. There has been an increase in the noise complaints as listed in the Director's memo. The two pages of violations committed by the property owner have been verified by the Police Department and Inspection Department.

Director Gardner had originally recommended renewing the housing license for this property for three months and the owner be notified that continued problems at his property will result in the denial of a housing license. He said his goal is compliance rather than punitive purposes. He has been advised that the property owner is not current with the payment of his real estate property taxes. He therefore recommends not issuing the housing license for the property.

Marlene Ness, 1924 Main Street, stated she has lived in the area for eight years. She said that since these people took over the house, it has been like Grand Central Station there. She is concerned about the noise, drinking, swearing, and vandalism. She added that the occupants are not college students and she does not want them living there. She further said that if any of the adjacent property owners call and complain, they retaliate.

Ald. Nealis recommended getting the owners out of this property based on the two pages of police reports, orders issued and correspondence on the subject property. He said he also has this problem in his ward and it is very frustrating to deal with the problem.

Ald. Rackow noted that the property is on US Highway 10 westbound in the City. Whether the owner agrees or not, their property gets looked at a lot more than other peoples do. This is not the kind of example we want to show to people who come through our City or residence.

Barb Kranig, 2024 Main Street, pointed out that while there is a long list of violations, there are probably three or four times more violations that go unreported because many of the neighbors were just getting frustrated with making telephone calls night after night. The list is just a small portion of what the neighborhood has to put up with.

Rick Whipp, 2016 Main Street, said since these people at 2001 Main Street moved in, he has had paint balls from paint guns hit his house. He has gone to the subject property from time to time asking them to quiet down. When he went to the property one time, he noticed paint balls in the yard so he is blaming them for the paint ball incident on his property. He is concerned that these people are shooting their paint balls and paint guns on Main Street. He said this problem should be extricated before a paint ball gun is pointed at someone that will cause a tragedy.

Mr. Whipp added that at one time, his wife was verbally abused by these people.

Ald. Filipiak said the subject property is in his ward. This is an issue for where he has gotten much response so far.

Attorney Molepske said the Public Protection Committee has enough information to make a recommendation for a full hearing before the Common Council. The City will notify the property owner and serve him with a formal complaint advising him of whether the rooming house license will be renewed. This body will act as a fact-finding group and make its determination as to the non-renewal.

Ald. Sevenich moved, Ald. Seiser seconded, to refer to the Common Council for a fact finding hearing for a non-renewal of the multiple dwelling license for the property located at 2001 Main Street.

Ayes, all; nays, none. Motion carried.

#### 5. Request for street lights:

- A. Brilowski Road/Sandpiper Drive
- B. Amber Avenue/Sandpiper Drive
- C. Wildwood Drive/Woodland Street

Ald. Sowieja moved, Ald. Seiser seconded, for approval of the requests for street lights.

Ald. Seiser said the requests call for cut off luminaires which are the same as the ones the City has in the downtown area. She approves installation of these shoe box type lights because there is no light pollution.

Ald. Nealis is questioning why the property owners are not being assessed for the cost of installing and maintaining the street lights?

Chairman Phillips noted that installation of these street lights is for the general public, not just the property owners in the area.

Director Van Alstine said this area is a newly annexed area and the development is starting to happen. The area is dark. He added that the valuation of homes in this area is 200% of the central City where we have them at every block, the Director said.

Ayes, all; nays, none. Motion carried.

#### 6. Report and recommendation from the Stevens Point Deer Management Committee.

Ald. Barr said the Stevens Point Deer Management Committee should proceed and come up with a plan to control the deer herd.

Ald. Rackow thanked Chairman Phillips for providing the information on the deer management. It was particularly helpful.

Ald. Sevenich moved, Ald. Sowieja seconded, to move forward to implement the Committee's recommendation to adopt a "no deer feeding" ordinance.

Mayor Wescott asked Chairman Phillips what the timeline is and when the ordinance will be adopted?

Chairman Phillips said the plan is to implement it starting January 1, 2002.

It is doable, the Mayor said.

Ayes, all; nays, none. Motion carried.

#### 7. Inspection Report.

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

Ayes, all; nays, none. Motion carried.

#### 8. Adjournment - 7:00 P.M.

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