

Meeting Minutes

PUBLIC PROTECTION COMMITTEE MEETING

Monday, January 11, 1999 - 6:50 P. M.

Portage County Courthouse Annex - 1462 Strongs Avenue

Conference Rooms 1 & 2

Present: Chairman Niedbalski, Ald. Sevenich, Pazdernik, Kedrowski, Rackow

Also Present: Directors Gardner, Schrader, Van Alstine; Mayor Wescott, C/T Schlice, City Attorney Molepske, Clerk Zdroik, Ald. Walther, Perlak, Barr, Nealis, Phillips; Administrator Disher, Assessor Kuehn, Street Supt. Krieski, Police Chief Carpenter, Police Captain Daubert, Adm. Asst. Folke, Design Engineer Yauch, Susan Kampmeier (Journal), Mike Kemmeter (WIZD)

1. License list.

Ald. Rackow moved, Ald. Pazdernik seconded, to approve the new operator licenses and change of agents, including the change of agent application that was handed to us tonight.

Ayes, all; nays, none; motion carried.

2. Request to sponsor a young adult night - American Legion Post 6.

In a letter addressed to the Public Protection Committee, Patrick J. Welch, American Legion Post 6 Commander is making a request to sponsor a young adult night on March 20, 1999. He is also asking that the previously requested time be changed from 8:30 P.M. to 3:00 A.M. to 8:00 P.M. to 6:00 A.M. He said there will be supervision all night and liquor will be locked in the safe.

Brody Welch stated a few of his friends had asked him to help put together a dance party. The charge for the event is \$7 plus a canned food donation to charity that will be designated by the American Legion. This party is for persons between the ages of 17 and 25.

Chairman Niedbalski asked Brody Welch if this party is successful, will he plan on doing it annually? Mr. Welch said if the event is successful, he would like to do it twice a year, once in the summer and once in the winter.

Alderson Rackow feels letting the party run till 6:00 A.M. is better than 3:00 A.M.

Police Captain Daubert asked for the number of people that will be attending this party. Mr. Welch estimated around 150 to 200 persons from the neighboring communities are expected to attend.

Patrick Welch stated there will be adult supervision and members of the American Legion Post 6 will be chaperons. The only time people will be allowed to leave the dance area is when they have to use the bathroom downstairs. People who leave the area will not be allowed to come back in.

Alderson Rackow moved, Alderson Pazdernik seconded, for approval of the event with the hours to be from 8:00 P.M. to 6:00 A.M.

Ayes all, nays, none. Motion carried.

3. Garbage violation appeal - 1900 W. River Drive.

Barbara Berndt was present. She feels she should not be liable for the \$36 special assessment bill that she did not have anything to do with. The garbage bags were picked up on a neighbor's direction.

Alderson Nealis stated he was the listing agent for the property and suggested forwarding the bill to Paul Rowe, the former owner, who the alderperson thinks will honor the bill.

Alderson Rackow moved, Alderson Pazdernik seconded, that the bill be sent to the previous owner (Paul Rowe).

C/T Schlice said any special assessments included on tax bills have to be paid with the real estate tax bill. He recommends the City pay the special assessment and issue a new bill to the previous owner. Chairman Niedbalski asked Clerk Zdroik to monitor the payment or non-payment of the special assessment bill.

Ayes, all, nays, none. Motion carried.

4. Inspection Report.

Director Gardner reported the total valuation for 1998 is \$32 million compared to \$25 million for 1997. There were fifty two single family permits issued last year. A good economy, available land for construction, annexation, and confidence in the Council and City administration are factors that can be attributed to the higher valuation for 1998.

Alderson Rackow moved, Alderman Sevenich seconded, to accept the Inspection Report and place it on file.

Ayes, all, nays, none. Motion carried.

5. Request to amend Section 12.14 of the Revised Municipal Code for Class A Beer/Liquor - Copps Corporation.

A. Abolish separate room requirements.

B. Request to designate more than three cash registers.

C. Request to display malt beverages and wine throughout store.

D. Extension of hours of sale of beer and liquor.

Terry Anderson, on behalf of Copps Corporation, is requesting that the Public Protection Committee revisit the current City liquor ordinance and come up with changes that will address safety concerns, security issues and convenience issues for the customers.

Chairman Niedbalski noted that a memo from the Copps Corporation was received in the early part of December but decided to put it off until the January Public Protection Committee meeting so that all departments can review the request and provide the necessary input on the same.

Jim Schickert, Point County Market, stated he is representing the customers that have to wait a long time during peak business times and peak business days of the week. He feels the three designated lanes cannot handle the customers they have now.

Alderson Rackow gave an overview on how the liquor ordinance was amended for the first time in a very long time to allow the sale of intoxicating liquor and fermented malt beverage at the same place where motor fuel is being sold. Before this happened, there was a hard rule that no intoxicating liquor and fermented malt beverages would be sold where motor fuel was being sold. This was precipitated by a request to open a grocery store on the west side that would include the sale of intoxicating liquor and fermented malt beverages at the site. An inspection was done on establishments at which intoxicating liquor and fermented malt beverages were sold to see how close they came to meeting the requirements. All came close with the exception of one business that eventually went out of business a month after the inspection. The committee came up with an ordinance requiring a separate room with one required cash register to sell liquor and beer. This was later changed to three registers. About six other applications were received to sell liquor and beer in places that sold motor fuel. With all this, Alderson Rackow needs to be convinced that there is any need for a change.

Dave Diamond, Copps Corporation, named some neighboring municipalities that do not have a separate ordinance. He said all they are asking is to relax the ordinance somewhat to help a little bit.

Chairman Niedbalski commented that in Wisconsin Rapids, they follow state statutes but it is left to the discretion of the owner how he would handle the sale of liquor and beer. The chairman said one of the stores in Wisconsin Rapids opted to have a separate room with one cash register in the room. Mr. Diamond said he is familiar with the store as Copps Corporation supplies that store. The owner owns seven other stores that do not abide by that rule. This particular location was never changed.

Comments made to Chairman Niedbalski by other people include the use of the three designated registers, that these registers are not always being used at the stores. Another comment is the use of the designated cash registers to check out large volumes of groceries. Mr. Schickert stated that customers would like to check out their groceries and liquor at the same checkout lane so that they can pay for everything at one time.

Jeff Tewes, Point County Market, said that in the last five to six years off-premise sales have increased every year and with the increase in sales comes the need for more check out lanes for beer and liquor.

City Attorney noted that sometime in the mid-seventies grocery stores were not allowed to sell liquor. Liquor stores had an exclusive right to sell. Grocery store owners then petitioned the City to allow them to sell liquor with a separate area. This ordinance has been in existence for the past twenty years.

Police Captain Daubert said a considerable amount of time was spent discussing this subject within the Police Department and reading the information included in the packet. She said the current ordinance is working and the Police Department believes there are some dangers if the requirement is loosened up. They do not want to see impulsive decisions in obtaining intoxicating liquor and fermented malt beverages for underage consumers. The Police Department has some concerns on the proposed ordinance change. The department's concerns are obtaining it during the closed hours, that it will encourage shoplifting since there will be no way of controlling underage persons roaming around the store and the availability of licensed personnel on duty twenty four hours a day in the store. The Captain also talked about fairness and consistency on all business establishments. Underage persons are not allowed in taverns without parents or guardians while the grocery stores allow it. The Police Department is concerned about quality control. Separate areas for sale of liquor and beer will give the department better control in watching the customers, whether they are underage or of age.

The Police Department recommends that the ordinance stay intact.

Chairman Niedbalski agrees with what Captain Daubert said as to consistency in enforcement. He also reminded the Committee that any change in the ordinance will include every gas station in the area. Right now, there are only five gas stations affected due primarily to the building requirements and the number of designated cash registers. The establishment will also be required to have a licensed operator twenty four hours a day.

Mr. Anderson said three options were suggested by Copps Corporation. He said if the Committee decided to have the separate room, it is fine for them. They are more concerned on opening more checkout lanes. He would also like the wording on the ordinance that reads "directly adjacent to" the cash registers be clarified as to how close do the registers have to be to the allowed area.

Alderson Barr said he was surprised to see this item on the agenda. He said he is not aware of any problem in buying alcohol and urges the Committee to keep the ordinance as is.

Police Chief Carpenter made it clear that if lanes are expanded that the check out clerks must meet all the requirements to check out liquor and beer.

Alderson Kedrowski asked about the request to change opening time to 8:00 A.M. on Sundays. Mr. Anderson said this is for consistency only, that the hours of sale will be 8:00 A.M. to 9:00 P.M., seven days a week.

Alderson Kedrowski moved, Alderson Rackow seconded, to keep the ordinance as it is but change the opening time to 8:00 A.M. on Sundays.

Chairman Niedbalski asked that Captain Daubert coordinate with the establishments' representatives as far as the wording in the ordinance stating that cash registers have to be "directly adjacent to" the enclosed area.

Ayes: Chairman Niedbalski, Aldersons Kedrowski, Pazdernik, Rackow.
Nays: Sevenich. Motion carried.

6. Adjournment - 7:50 P.M.

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