

**CITY OF STEVENS POINT
PUBLIC PROTECTION COMMITTEE AGENDA
Monday, May 13, 2019 7:03 P.M.
Police Department, 933 Michigan Avenue**

Present: Ald. Nebel, Kneebone, Dalton, Phillips.

Excused Ald. Dugan.

Also

Present: Mayor Wiza; C/T Ladick; City Clerk Piotrowski; Alderpersons Jennings, Shorr, Zarazua, Johnson, and Morrow; Directors Beduhn, Ostrowski, and Lemke; Chief Finn; Chief Skibba; Deputy C/T Freeberg; Doug Ballweg; Eric Carlson; Andrew Halverson; Liz Holbrook; Jonathan Frederickson; Brandi Makuski – Metro Wire.

Discussion and Possible Action on the Following:

**1. Appeal of notice/service charge for property maintenance violation:
A. 517 Washington Ave.**

Ald. Kneebone asked if the appellant was present, as no one responded she opened it up to the committee for discussion and action on the appeal.

Ald. Dalton said it sounded like the items were being moved around rather than accumulating. She said she would be interested in approving his appeal because it seems like what was said to be violated is not actually being violated.

Ald. Nebel said she is concerned because the notice was sent out in November and Mr. Wolfe did not appeal until March. She said the City has ordinances for a reason and said there are a lot of excuses in his appeal.

Ald. Dalton said in the communication from Mr. Kordus it was not clear to the property resident which chair Mr. Kordus was talking about. She suggested clarification in the ordinance for what type of wooden chairs are interior and exterior because there are a lot of people with wooden chairs on their porch.

Mayor Wiza said he knows that it said items were moved but in the two pictures it does not look like anything was moved.

Ald. Phillips **moved**, Ald. Nebel seconded, to deny the appeal.

Dir. Ostrowski said nothing was moved between the two notices. He said a notice was sent to the property owners and the tenant.

Call for the vote: ayes, majority; nays, minority; motion carried.

B. 1320 Main St.

Clerk Piotrowski said he received an email from Postmaster Graham saying he would be unavailable to attend the meeting.

Ald. Phillips **moved**, Ald. Nebel seconded, to deny the appeal.

Mayor Wiza said the ordinance is not only for people who have mobility issues but for the safety of others so they do not have to walk on the road.

Ald. Kneebone said in the memo from Mr. Kordus it said an individual brought it up to the Post Office and they were told it was the City's responsibility.

Call for the vote: ayes, all; nays, none; motion carried.

C. 1901 Prairie St.

Jonathan Frederickson, 1901 Prairie Street, said he moved from Amherst to Stevens Point in February. He said he received a letter for snow removal for a date that was before he owned the property.

Ald. Kneebone asked Dir. Ostrowski if the City can bill the title company.

Dir. Ostrowski said there was about a month in-between the title search and closing of the property. He said title companies provide gap insurance for situations like this.

Ald. Phillips asked if Mr. Frederickson can go to the title company to pay for the service charge if the committee denies the appeal.

Dir. Ostrowski said if the charge is not paid it would go on the tax roll in which the current owner would be responsible for. He said it would be up to the title insurance and the purchaser to discuss the terms of getting the fee refunded.

Ald. Dalton said the ordinance it states that the owner or occupant is responsible for the removal of snow and ice. She said Mr. Frederickson was not the owner or occupant at the time of the violation.

Ald. Dalton **moved**, Ald. Nebel seconded, to approve the appeal.

Call for the vote: ayes, majority; nays, minority; motion carried.

Mayor Wiza thanked the appellant for coming to the meeting and apologized for what happened.

D. 833 Pulaski Pl. (2 violations/separate dates)

Ald. Kneebone asked if the appellant was present, as no one responded she opened it up to the committee for discussion and action on the appeal.

Ald. Dalton asked if the committee could separate the two appeals because they are two unique situations.

Ald. Kneebone confirmed with Clerk Piotrowski that the committee can vote on the two appeals separately.

Ald. Phillips **moved**, Ald. Dalton seconded, to deny the appeal from January 29, 2019.

Call for the vote: ayes, all; nays, none; motion carried.

Ald. Dalton **moved**, Ald. Kneebone seconded, to approve the appeal from March 11, 2019.

Ald. Dalton said it sounded like the individual attempted to remove the ice but could not remove it. She said the ordinance states that ice should be removed if possible.

Ald. Nebel asked if the charge was for ice only, or if it was snow and ice.

Dir. Ostrowski said the sidewalk was not shoveled.

Mayor Wiza said the committee is in a unique situation and said that the vote resulted in a tie the motion would fail.

Call for the vote: ayes, minority; nays, majority; motion denied.

2. License List:

A. New Operators (Bartenders) Licenses.

B. 2 Year Operator's License Renewals.

Ald. Kneebone confirmed with Chief Skibba that he did not have issues with anyone on the list.

Ald. Dalton **moved**, Ald. Nebel seconded, to approve the license list.

Call for the vote: ayes, all; nays, none; motion carried.

3. Temporary Class "B" / Class "B" License (Picnic)

A. St Stephen Parish, 1401 Clark St, for St. Stephen Family Fest on June 16, 2019 at 1335 Clark Street. Licensed Operator on Premises: Gary Marquard. (Beer and Wine)

B. CREATE Portage County, 1039B Ellis Street, for Hmong Week Celebration on May 18, 2019 at Piffner Park. License Operator on Premises: Greg Wright (Beer Only).

C. St. Joseph Parish, 1709 Wyatt Avenue, for St. Joseph Parish Picnic On June 1 and 2, 2019 at 1709 Wyatt Avenue. Licensed Operator on Premises: David Ligman) (Beer and Wine).

D. Stevens Point Alliance, P.O. Box 675, for Rock the Dock on June 15, 2019 at Piffner Park. Licensed Operator on Premises: Jenica Zettler (Beer and Wine).

E. St. Stanislaus Holy Name Society, 838 Fremont Street, for St. Stanislaus Holy Nmae Society Steak Feed on August 13, 2019 at Bukolt Park. Licensed operators on Premises: Rhody Przekurat and Gerald Check. (Beer and Wine).

Ald. Dalton **moved**, Ald. Nebel seconded, to approve the temporary licenses.

Call for the vote: ayes, all; nays, none; motion carried.

4. Second Hand Article Dealer:

A. EcoATM, LLC, 10121 Barnes Canyon Road, San Diego, David Maquera, owner at 1500 Pinecrest Avenue.

Ald. Kneebone confirmed with Chief Skibba that he does not have any comments or concerns.

Ald. Phillips said that is a long way to drive every day.

Clerk Piotrowski said this is a drop box where people can drop off their cell phones and are later mailed a check. He said surrounding municipalities have these and they have not had any issues.

Ald. Phillips asked where the location of the drop box is going to be.

Clerk Piotrowski replied Cops Market or Metro Market at 1500 Pinecrest Avenue.

Ald. Nebel asked what the drop off items are.

Clerk Piotrowski replied cell phones.

Ald. Dalton **moved**, Ald. Nebel seconded, to approve the second hand article dealer license.

Call for the vote: ayes, all; nays, none; motion carried.

5. Request to Hold Event/Street Closing:

A. Bria Bella & Co. – Bria Bella & Co. Turns 2 event on June 1, 2019. Requesting the use of sidewalk and two parking spots in front of the store. (Recurring)

Ald. Phillips **moved**, Ald. Dalton seconded, to approve the request to hold an event and street closing.

Call for the vote: ayes, all; nays, none; motion carried.

6. 2019-2020 “CLASS B” Beer and Liquor Applicants, “CLASS B: Beer and Liquor – Winery, Reserve “CLASS B” Beer and Liquor, CLASS “B” Beer and “C” Wine, CLASS “B” Beer, CLASS “B” Beer – 6 Month License, “CLASS A” Liquor and CLASS “A” Fermented, and CLASS “A” Fermented License Applicants.

Ald. Kneebone confirmed with Chief Skibba that he does not have any issues with the applicants or the license renewals.

Ald. Phillips asked about the CLASS "B" Beer – 6 month license application and said he thought they were for the year.

Clerk Piotrowski said the six month license is for American Legion Baseball because they only use it during the summer.

Ald. Dalton **moved**, Ald. Nebel seconded, to approve license applications.

Call for the vote: ayes, all; nays, none; motion carried.

7. Discussion about City Council and other governmental bodies attending meetings and open meetings law.

Ald. Kneebone said she knows this is something that members of Council have wrestled with. She said there are public information meetings that council members would like to attend but fear violating open meetings laws. Ald. Kneebone said Council members want to be able to get information and avoid violating open meetings laws and walking quorums. She said you cannot judge the tone in the room from a video.

Ald. Nebel said on the December 2018 Council agenda it was noticed that a quorum of the council attending the holiday party. She said she is wondering why Council was unable to attend Dir. Schrader's retirement party. Ald. Nebel said she feels very strongly that she has not been able to go to any of the meetings for Division Street.

Ald. Tori Jennings, District 1, said there is a memo in the packet in regards to open meetings. She said she researched this and the context is open meetings laws and not walking quorums. Ald. Jennings proposed alders notify the Clerk if they are interested in attending a meeting, and if there will be a quorum then the Clerk can properly notice the meeting. She asked Clerk Piotrowski how much of a notice he would need to get things noticed properly. Ald. Jennings said the wording for the notice needs to be straight and to the point and cannot just say a quorum may be present. She said alders should not be marginalized. Ald. Jennings said when there is an over exaggeration of the law alders are doing a bad job of representing the City.

Ald. David Shorr, District 2, said alders will need to discuss and plan sooner if this goes through. He said there will have to be more coordination prior to the meeting. Ald. Shorr said meeting at UWSP that ended up getting postponed because someone had to leave during it. Ald. Shorr said a point of order if this is how much of a notice is needed.

Ald. Meleesa Johnson, District 5, said with her job she is used to open meetings and said council members are going too busy to be making decisions at the meetings. She said there are a number of situations where Council members are together and do not talk about policies or make decisions. Ald. Johnson said she was at the Division Street reconstruction project meeting and ran into one of her constituents. She said her constituent told her it was nice to see her at the meeting because it is important stuff.

Attorney Beveridge said he agrees 100% with Ald. Jennings when she said that he advises the council and does not have the authority over the body in her memo. He said Council can make their own decisions and said if they want to go to a meeting they can go. Attorney Beveridge said for how meetings get noticed it comes down to numbers. He said the number of members present to constitute a meeting is different from the quorum number. Attorney Beveridge said it is rare but you can have negative quorums which are numbers smaller than a majority. He said they are going to run into a pinch if six or seven council members say they want to attend a meeting because there are a gray areas. Attorney Beveridge said the ultimate issue is not a disagreement with what the law says, rather making things work in a calendar perspective.

Ald. Phillips asked when there are issues that pertain to a certain area, if it needs to be a Special Common Council meeting. He said the meeting may not pertain to all of the alders. Ald. Phillips asked if the meeting is informational only and no decisions are being made if the meetings are still constituted the same way.

Mayor Wiza replied yes. He said if information is being gathered it constitutes as conducting business. Mayor Wiza said alders have a choice to attend or not to attend any meetings. He said if the City notices the informational session as a Council meeting they still have to have a quorum. Mayor Wiza said if there is not a quorum the Council meeting cannot be held. He said if the City does not notice it as a Council meeting they cannot have a quorum, or six to seven alders present because they could be violating open meeting's law. Mayor Wiza said if the City does not notice the meeting, there is not a quorum, and no more than six to seven alders they are good.

Attorney Beveridge read a section from the Attorney General's office manual pertaining to alders being engaged in informational government business. He asked Ald. Jennings why she disagrees with Mayor Wiza when he said a meeting cannot be held if it was noticed and a quorum is not present. Attorney Beveridge said his understanding of a quorum is two thirds of the Council.

Ald. Tori Jennings, District 1, said she ran this scenario past a number of individuals including the Department of Justice and was told that the spirit of the law is that the public knows that a meeting is happening. She said if there is a meeting being noticed it is assumed that there is a quorum. Ald. Jennings said if eight people show up there is a quorum, and if seven people it's not a quorum and the meeting does not have to be stopped. She read a statement stating if a quorum is not present at a noticed meeting and no action is to be taken, the meeting can still continue.

Ald. Kneebone said one thing that often confuses her is if something is noticed as a City meeting and there is not a quorum then a meeting cannot happen. She said maybe this is something how the meeting is put forth and it needs to be clarified.

Attorney Beveridge said there is nothing in Robert's Rules that is pertinent to open meetings compliance. He said Robert's Rules pertain to what happens during the meeting. Attorney Beveridge said Chapter 19 of the State Statue says what needs to happen before hand, and said those two can blend together a little. He said there is some level of gray area, and said these are all opinions of attorneys. Attorney

Beveridge asked why the City would want to operate in a gray area and proposed that the City should operate in the area that is in known compliance. He said his job is to guide the alders and said he will help notice meetings properly if that is something they want.

Mayor Wiza said this is a sticky situation that has been discussed. He said the City Attorney is there to advise the alders and said his ultimate responsibility is to defend the City should something occur. Mayor Wiza said he would be curious to know if there were any citations in regards to continuing a meeting if there is not a quorum present. He said what Ald. Jennings is proposing will work in a lot of cases if the City can comply with all of the statutory requirements.

Andrew Halverson, 501 Wilshire Blvd, said inconvenience is a small price to pay for transparency and eliminating any form of secrecy.

Ald. David Shorr, District 2, said it could be mis-matched if a quorum of a committee is attending but not a quorum of Council. He said the information pertaining to the meeting may be different from what the committee is.

Ald. Dalton said neither the City Attorney nor the Mayor are the boss of Council. She said they are responsible for governing their conduct.

Ald. Kneebone said this comes down to be balancing the right or need to obtain information with the intent of transparency in government. She said she believes they can work together to figure out a way to make it easier to gather information without violating open meeting laws.

8. Adjournment.

Adjourned at 8:15 p.m.