

**CITY OF STEVENS POINT  
PUBLIC PROTECTION COMMITTEE AGENDA  
Monday, August 12, 2019 8:58 P.M.  
Police Department, 933 Michigan Avenue**

**Present:** Ald. Kneebone, Dugan, Dalton, Phillips.

**Excused:** Ald. Nebel (9:15 p.m.)

**Also**

**Present:** Mayor Wiza; C/T Ladick; City Clerk Piotrowski; Attorney Beveridge; Alderpersons Jennings, Zarazua, Johnson, Slowinski, and Morrow; Directors Beduhn, Ostrowski; Chief Finn; Assistant Chief Zenner; Interim Dir. Schneider; Jeff Vaughter; Jay Wolf; Michael Allen Taylor.

**Discussion and Possible Action on the Following:**

**1. Appeal of notice/service charge for property maintenance violation:  
A. 1950 Water St.**

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

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

**B. 0 Welsby Avenue.**

Jeff Vaughter, 418 Cedar Street, said in 2011 he bought the property from a County Tax deed. He said this lot does not have street frontage, no surveying corner markers, and no utilities. Mr. Vaughter said he cleaned up the neglected property and tried planting trees. He said the trees do not survive on the lot because it is too hot and dry. Mr. Vaughter said once the lot improves he is going to try and replant trees.

Ald. Meleesa Johnson, District 5, said she received an email from a constituent saying the property looked awful and thought she saw a turkey living there. She said the last thing she heard was that it was agreed upon to mow five feet back from the alley way so then it does not obstruct the view. Ald. Johnson said she had a discussion with Neighborhood Improvement Coordinator Kordus on undeveloped lots.

Mr. Vaughter said Mr. Kordus asked him to mow five feet in which he did. He said the lot is undeveloped and asked how you maintain an undeveloped lot.

Ald. Kneebone said there are a lot of undeveloped lots in District 7 that are un-mowed and said she does not see an issue with this.

Ald. Dalton said in Chapter 21 Section 3 (17) it does not say weeds/grass as a violation and asked what qualifies it as a nuisance. She said she did not see any weeds that are listed in State Statute. Ald. Dalton said in this case the long grass would pertain to rodents. She said every lawn has insects and said the language is hard to enforce.

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

Ald. Phillips said there are mowed vacant lots all over the City. He said there are rules in Stevens Point and there are too many people that are trying to escape the rules.

Ald. Kneebone said the uniqueness of the lot needs to be taken into consideration. She said the public does not see the lot.

Ald. Dalton said seven inches is used as a guideline and said that any height could be a nuisance.

Ald. Dugan said intentionality is important. She said the Committee should discuss and make the necessary changes to the ordinances, and then stick by them.

Ald. Phillips said he thinks the majority of constituents want their neighbors to cut their grass and obey the rules.

Ald. Kneebone asked Dir. Ostrowski if The City has an accommodation to keep a lawn in a natural habitat state.

Dir. Ostrowski said there are some more wooded and natural areas near the boundary edge of the City that are required to be cut about five feet in. He said this lot is a little different because it is in the City more; however, it fronts an alley and not a City street. Dir. Ostrowski said from a staff perspective this is a unique lot and he does not care if the grass is cut. He said they should base their opinion off of the uniqueness of the lot and recommends that it is mowed five feet back. Dir. Ostrowski said inner City lots typically require a Natural Vegetation Plan. He said the Committee should start to see some ordinance amendments that would address this.

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

### **C. 2425 Ellis St.**

Dir. Ostrowski said Mr. Kordus told the appellant that the City would waive the fee if she fixed her fence. He said the property owner said she has no intention of fixing the fence.

Ald. Phillips **moved**, Ald. Dugan seconded, to deny the appeal at 2425 Ellis Street.

Ald. Kneebone said the appellant contacted her because the letter was unclear of what she had to fix.

Dir. Ostrowski said if she agreed to fix the fence then they would waive the service charge.

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

**D. 2533 Patch St.**

Jay Wolf, 1600 Michigan Avenue, said he recently took ownership of the property and has never owned an industrial building. He said he never got the first notice and as soon as he received the bill he contacted the Community Development Office. He said he used what was around him to gauge what expectations were for up keep. He said he is more than happy to comply going forward.

Ald. Dalton asked if he was able to talk with Mr. Kordus after he received the bill.

Mr. Wolf said he was able to talk with Mr. Kordus at length.

Dir. Ostrowski said both of the notices were sent to the same address and said he was unsure why one was received and the other was not. He said they sent the contractor out to the site and the City occurred the cost of the contractor to mow the grass.

Mr. Wolf asked Dir. Ostrowski if he could speak about the lot across the street.

Dir. Ostrowski said the lot across the street is owned by the City. He said departments have been notified to cut that portion of the right of way.

Ald. Dalton **moved** to approve the appeal, because of the lack of a second the motion failed.

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

Jonas Oren Jakobson, 1579 Church Street, said nowhere in the ordinance does it state that you need to cut your lawn. He said in order to follow the rules you have to know the rules. Mr. Jakobson said if the Committee denies his appeal based on Mr. Wolf not mowing then the committee will be creating a rule out of thin air.

Mr. Wolf said he would be happy to pay for the contractor portion of the fine. He asked for an explanation of why he is expected to take care of his property and the property that is owned by the City does not have to be.

Attorney Beveridge said it makes sense in certain context to have things be subject to a rule of reasonableness but if Council would like to see an ordinance drafted to specifically address lawns it can be done. He said he would strongly urge against assigning a numeric value to the height of grass. Attorney Beveridge said he would disagree that in current form it is not enforceable because of vagueness, and said it could be more specific to lawns.

Mr. Wolf asked who he is a nuisance to. He said he does not have rodents and has never caught a mouse in any of his traps.

Call for the vote: tied vote; motion fails.

Attorney Beveridge said either the appeal is granted or it is not. He said the third motion would have to be worded significantly different from the first two motions.

Mayor Wiza said the committee could motion to postpone action until next month until all members can be present.

Mr. Wolf asked if the motion could be that the appeal is denied but he pays for only the costs that the City accrued.

Ald. Kneebone **moved**, Ald. Dugan seconded to postpone until next month or when they have full membership of the committee.

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

## **2. License List:**

- A. New Operators (Bartenders) Licenses.**
- B. Renewal Operators Licenses (2 Year).**

Ald. Phillips **moved**, Ald. Dugan 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. Peter Parish, 800 Fourth Avenue, for St. Peter Indian Buffet Fundraiser on October 13, 2019 at 800 Fourth Avenue. Licensed operator on premise: Joe Niescior (Beer and Wine).**

Ald. Dalton **moved**, Ald. Dugan seconded to approve the temporary Class "B" license.

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

## **4. COMMERCIAL ANIMAL ESTABLISHMENT (RENEWAL):**

- A. The Barking Lot, 3432 Minnesota Avenue, Stevens Point, WI; Pamela Schneider, 1937 Plover Street, owner.**

Ald. Dugan **moved**, Ald. Dalton seconded to approve the commercial animal establishment license for The Barking Lot.

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

## **5. Special Event/ Road Closure Requests:**

- A. Mother Teresa India Festival and ColorWalk, Pacelli September 14, 2019 No Road Closures just an FYI.**
- B. Pointoberfest and Blubber Run, on September 21, 2019 Point Brewery, 2617 Water St., Water St road closure requested.**
- C. Discover Downtown, on September 14, 2019 Downtown Business Alliance, 912 Main St requesting road closure of Main St from Strongs Ave to the Public Square.**

**Rescheduled from the Discover Downtown Event on July 20<sup>th</sup> which was cancelled due to severe weather.**

Ald. Phillips **moved**, Ald. Dalton seconded to approve the special event/road closure requests.

Mayor Wiza said Discover Downtown is in conjunction with Dozynki Festival because it got rained out.

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

**6. Ordinance Amendment – Chapter 3.56 – Creation of Administrative Appeals Board.**

Ald. Phillips **moved**, Ald. Dugan seconded to approve the ordinance amendment for Chapter 3.56 the creation of an Administrative Appeals Board.

Attorney Beveridge said he can answer questions anyone has. He said he took the comments from the previous meeting to draft the ordinance amendment. Attorney Beveridge explained the items he excluded and why.

Ald. Dalton said she would want to make sure about the accountability of the board because those decision would not go to Council.

Ald. Phillips asked if there is an alder requirement.

Mayor Wiza replied two.

Jeff Vaughter, 418 West Cedar Street, asked about the appointment process of the board.

Mayor Wiza said if this is approved next Monday at Council he would solicit and review applications from the general public. He said he would then make a recommendation to Council and Council would approve or deny the recommendation.

Ald. Shawn Morrow, District 11, said when first elected alders may have known this could be one of their jobs. He said some of the decisions are hard but it is a task that they have. Ald. Morrow said he is against forming another Committee.

Ald. Tori Jennings, District 1, said she agrees with Ald. Morrow and is concerned that people may let something slide because they know the appellant. She said she and Ald. Nebel's districts are impacted the most and they have worked hard to enforce ordinances, get things cleaned up, and being consistent.

Attorney Beveridge said the major point is getting lost, which is a municipality does not have a committee then the state explains what they have to use. He said Council members should remember the other committees that do not have any alders on them and deal with higher stakes than what the appeals board would hear. Attorney Beveridge said if people want to change the makeup of the committee they can.

Ald. Dalton **moved**, Ald. Kneebone seconded, to amend section five from two to three Council members.

Mayor Wiza said he envisions Council creating this to allow more flexibility for the appellants for the Committee to meet at varying times.

Ald. Dalton said her thoughts with having more Council participation is being closer and interacting with how the ordinances are being enforced.

Ald. Meleesa Johnson, District 5, said part of the reasoning for this was to have more flexibility with the meeting times and to engage more citizens. She said she would not support having three alders on the committee and said one alder acting as a liaison would be adequate. Ald. Johnson said the more citizens they engage with the committee the better.

Ald. Dalton said she has seen a lot of miscommunication or communication errors as a part of the appeals process. She said asking for another sacrifice on the behalf of citizens to participate is the correct way to go about education and communication.

Mayor Wiza said Mark Kordus has done a fabulous job of educating and not being the hard hand of the City. He explained the improvements Mark Kordus has made to have gotten over 70% compliance.

Dir. Ostrowski said he agrees with what Mayor Wiza said. He said the reason why the Committee is seeing more appeals is because they include a comment on the notice on how to appeal. Dir. Ostrowski said he agrees with Ald. Johnson's recommendation.

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

Ald. Phillips **moved**, Ald. Kneebone seconded, to amend the ordinance to have five citizen appointed members and have a non-voting alder liaison assigned to the committee.

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

Ald. Phillips asked if there is a time table where someone can try it for a year or two.

Mayor Wiza said a sunset could be put in place and could be rescinded by Council.

Attorney Beveridge said he is not a fan of sunset clauses.

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

## **7. Adjournment.**

Adjourned at 10:09 p.m.