

**CITY OF STEVENS POINT
PUBLIC PROTECTION COMMITTEE
Monday, October 14, 2019 – 6:05 P.M.
Police Department, 933 Michigan Avenue**

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

Excused: Ald. Nebel.

Also

Present: C/T Ladick; City Clerk Piotrowski; Attorney Beveridge; Alderpersons Jennings, Shorr, Zarazua, Johnson, Slowinski, and Morrow; Directors Kraemer, Beduhn, Lemke; Chief Finn; Chief Skibba; Interim Dir. Schneider; Engineering Administrative Assistant Church; Brandi Makuski – Metro Wire; Tom Skilhman; Eugene Cramer; Joy Pennell; Nancy Roppe; Joe Roppe; Pam Danielski; Duane Danielski; Tim Hanley; Deb Maslowski; Bob Woehr.

Discussion and Possible Action on the Following:

**1. Appeal of notice/service charge for property maintenance violation:
A. 2533 Patch Street.**

Ald. Kneebone said Mr. Wolf was unable to attend the meeting.

Clerk Piotrowski said this was an item that was discussed a couple of months ago and is a re-hearing of the postponed action of that meeting.

Ald. Kneebone asked why there was an inspection after initial notice charge for \$100 and there was not one for 2219 Dixon Street.

Interim Dir. Schneider said there was an issue with the software for catching the charge and said the Dixon Street appeal should have the \$100 inspection charge.

Ald. Kneebone said it is hard to fault Mr. Wolf after looking at the pictures of the City owned property across the street.

Ald. Kneebone **moved**, Ald. Dalton seconded, to uphold the appeal for 2533 Patch Street.

Bob Woehr, 727 Second Street, said in Chapter 21 of the ordinances it refers to the Building Inspector and not the Community Improvement Officer for issuing notices. He said the ordinance does not reflect what has been transpiring. Mr. Woehr said Chapter 21.03 (17) states that there shall not be obnoxious weeds and it lists the weeds. He said after the list of weeds it states that they shall not grow in proliferation on a premise and questioned what is considered to be growing in proliferation. Mr. Woehr asked if any of the defined obnoxious weeds were growing on the property. He said there is nothing in the ordinance that says anything about grass being over a certain height. Mr. Woehr said he is happy with what the Community Improvement Officer has been doing for the City and said he is doing a great job. He urged the Council to look at all of the ordinances and possibly make revisions. Mr. Woehr said in Chapter 21 Section 16 it

states that snow removal cannot be appealed. He said the committee heard a lot of appeals regarding snow removal this past year.

Attorney Beveridge clarified the ordinances Mr. Woehr brought up and explained the weed and grass ordinance.

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

B. 2219/2221 Dixon Street.

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.

Ald. Dalton said she is voting against the motion because the title in the notice letter can be deceiving because the word grass is not in the ordinance. She said the ordinance they are cited with states that no person can permit or maintain a public nuisance and said the violation was an observation and not a complaint. Ald. Dalton questioned how the City can reasonably and fairly enforce the harborage of rodents and insects.

Ald. Kneebone asked if there has to be a complaint for something to be a nuisance.

Mayor Wiza said City Staff are citizens and are hired to enforce the ordinances.

Attorney Beveridge explained the difference between public and private nuisance. He said public nuisance cannot be predicated upon there being a complaint. Attorney Beveridge said for public nuisance you have to make an argument that it exists.

Interim Dir. Schneider said the appellant is appealing because they did not receive the first notice but received the second notice, not about the length of the grass. He said both letters were mailed to the same address and they should have received the first letter if they received the second letter.

Ald. Jeremy Slowinski, District 6, said he is confused because the Committee granted the first appeal and said the noncompliance notices are identical. He said he agrees that they both should have received a violation but is confused how the committee can grant the first appeal and deny the second appeal.

Ald. Tori Jennings, District 1, said she shares the same concerns with Ald. Slowinski. She said in the appeal form it sounds like they have received the letter of noncompliance for this issue a couple of times. Ald. Jennings said she is becoming increasingly uncomfortable with alders litigating on behalf of the appellant.

Ald. Kneebone said the discussion of an appeals board is coming back to the Public Protection Committee for discussion in December. She said making the ordinance definitions clearer would help. Ald. Kneebone said in the first appeal he was closing on the property and it very well could have gotten missed. She said in regards to the second appeal, both of the letters were mailed to the same address. Ald. Kneebone

said she agrees with Ald. Jennings and said she does not think this should be a role of the alders.

Mayor Wiza said the creation of an appeals committee would not add another layer of government. He said City Staff recommended not having alders be on the appeals board and said alders can then focus more on the letters of the law.

Call for the vote: ayes, two; nays, two; tie vote, motion fails.

Mayor Wiza asked Attorney Beveridge to explain what happens if they take up another motion and it fails.

Attorney Beveridge said absent action by the body would uphold the decision of the department.

Ald. Dalton said last month the Committee postponed until they had a full committee and asked if the committee could do that now.

Mayor Wiza asked Attorney Beveridge if they could postpone until there is a full committee with there already being an action on this item.

Ald. Dalton read the minutes from last month were the committee postponed until a full committee was present to hear the appeal.

Attorney Beveridge said he does not think there would be an issue if the committee made a motion to postpone until next month in order to have an odd numbered quorum.

Ald. Kneebone **moved**, Ald. Dalton seconded, to postpone until November.

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

2. License List:

A. New Operators (Bartenders) Licenses.

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

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

3. Change of Agent:

A. Ultimate Mart, LLC, PO Box 30513, Nashville, TN; Jeron Scheider, 200 Cherry Avenue, Marshfield, WI, agent at Metro Market #132, 1500 Pinecrest Avenue, Stevens Point, replacing Nicole Kearns.

B. Main Street Taps Inc., 956 Main Street, Stevens Point, WI; Nicholas Halsey, E2132 Nelson Road, Waupaca, WI, agent at Main Street Taps, 956 Main Street, Stevens Point, replacing Cory Lesperance.

Ald. Dalton **moved**, Ald. Phillips seconded, to approve the change of agents.

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

4. Request to Hold Event/Street Closing.

A. Stevens Point Community Turkey Trot 11/28/2019.

B. Rick's Run 08/22/2020.

Chief Skibba said he will be contacting the applicants for the Turkey Trot advising that auxiliary will be needed and provided.

Ald. Dalton **moved**, Ald. Dugan seconded, to approve the events and street closures.

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

5. Adjournment.

Adjourned at 6:36 p.m.