

**City of Stevens Point  
REGULAR COUNCIL MEETING**

**Council Chambers  
County-City Building**

**July 15, 2013  
7:00 P.M.**

**Mayor Andrew J. Halverson, presiding**

**Roll Call:** Ald. Doxtator, Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore  
Excused: Ald. Wiza

**Also Present:** City Atty. Beveridge, Clerk Moe, C/T Ladick, Directors Schatschneider, Schrader, Ostrowski, Lemke, Emergency Mgt. Director McGinty, Police Chief Ruder, Fire Chief Kujawa, Human Resources Manager Jakusz, Chris Jones-Stevens Point Journal, Gene Kemmeter-Portage County Gazette, Brandi Makuski-Stevens Point City Times.

**2. Salute to the Flag and Mayor's opening remarks.**

Mayor Halverson did not have opening remarks due to the length of the agenda.

**3. Consideration and possible action of the minutes of the Regular Common Council meeting of June 17, 2013 and the Special Common Council meeting of June 10, 2013.**

Ald. Moore **moved**, Ald. Trzebiatowski seconded to approve the minutes of the Regular Common Council meeting of June 17, 2013 and the Special Common Council meeting of June 10, 2013.

Roll Call: Ayes: All  
Nays: None. Motion carried.

**4. Persons who wish to address the Mayor and Council on specific agenda items other than a "Public Hearing" must register their request at this time. Those who wish to address the Common Council during a "Public Hearing" are not required to identify themselves until the "Public Hearing" is declared open by the Mayor.**

Mary Ann Laszewski, 1209 Wisconsin Street, Stevens Point  
Item #5 – Persons who wish to address the Mayor and Council

Reid Rocheleau, 408 W Cedar Street, Whiting  
Item #5 – Persons who wish to address the Mayor and Council

Barb Jacob, 1616 Depot Street, Stevens Point  
Item #5 – Persons who wish to address the Mayor and Council

Krista Olson, 3317 Della Street, Stevens Point  
Item #6 – Ordinance Amendment Allowing Bowfishing on McDill Pond

Cathy Dugan, 615 Sommers Street, Stevens Point  
Item #15 – Final Plat of Washington Terrace subdivision

**5. Persons who wish to address the Mayor and Council for up to three (3) minutes on a non-agenda item.**

Reid Rocheleau, 408 Cedar W, Whiting, requested the Council members have Mayor Halverson explain the \$60,000 settlement with a former employee.

Mary Ann Laszewski, 1209 Wisconsin Street, requested that the standard legal agenda procedure be followed for the scheduled public hearings in relation to the order in which citizens speak. She said that according to the Municipal Research Services Center of Washington and their standard agenda for public hearings, it is stated that the applicant of an agenda item is required to speak first to present their burden of proof for their request. Ms. Laszewski said that public testimony then follows in which the proponents of the applicant speak first; followed by the opponents. She stated this order gives the pursuit of fairness.

Barb Jacob, 1616 Depot Street, thanked the Council for retaining Edgewater Manor and asked that maintenance issues of the building be addressed before winter.

**6. Ordinance Amendment – Allowing bowfishing on McDill Pond (Section 24.14(5) of the RMC).**

Krista Olson, 3317 Della Street, Secretary/Commissioner of the McDill Lake District explained the request being brought forward to the Council regarding an amendment to allow bowfishing on McDill Pond since discharging a weapon is illegal in the City limits. She said part of the McDill management strategy for the fish and restoration of the fish is to remove carp from McDill Pond and bowfishing is an opportunity to remove the carp.

Ald. Slowinski questioned if the Village of Whiting will be adopting the same ordinance.

Mayor Halverson said he understood the Village of Whiting had no interest in moving forward with the matter.

Krista Olson confirmed that the Village of Whiting decided not to go forward with the amendment as enforcement is an issue through the Village. She said they had other concerns in regard to lower Whiting Park. Ms. Olson explained the border of McDill is drawn at the Business 51 bridge and that is where the Lake District would like to see bowfishing allowed.

Ald. Slowinski **moved**, Ald. Phillips seconded to approve the amendment.

Ald. Moore asked if there has been any consideration for having the Wisconsin River included.

Mayor Halverson stated there have not been conversations about those portions of the river within the City limits, but there is bowfishing on the river as it runs through different municipalities.

Ald. Moore stated it should be looked into further.

Roll Call: Ayes: Ald. Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski,  
M. Stroik, O'Meara, Suomi, Doxtator  
Nays: None.  
Excused: Ald. Wiza. Motion carried.

**7. Authorizing amendment to the Reciprocal License Agreement between the City of Stevens Point, the Community Development Authority of the City of Stevens Point and Mid-State Technical College for the purposes of allowing encroachments onto the property south of 1001 Centerpoint Drive (Parcel ID 2408-32-2029-64).**

Ald. R. Stroik moved, Ald. Moore seconded, to approve the Reciprocal License Agreement.

Roll Call: Ayes: Doxtator, Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Patton,  
R. Stroik, Phillips, Moore  
Nays: None.  
Excused: Ald. Wiza. Motion carried.

**8. Minutes and actions of the Plan Commission meeting of July 1, 2013.**

Ald. Moore moved, Ald. Patton seconded, to approve the Minutes and actions of the Plan Commission meeting of July 1, 2013.

Roll Call: Ayes: All  
Nays: None. Motion carried.

**9. Public Hearing – Conditional Use Permit Amendment - to operate a body shop, relating to parking and fencing at 3725 Patch Street (Parcel ID 2308-03-2200-47).**

Mayor Halverson declared the public hearing open.

Ald. R. Stroik called for point of order from City Attorney Beveridge of which the guidelines of a public hearing are to be followed.

City Attorney Beveridge said he is not familiar with any laws that dictate the order of presentations at a public hearing. He said it could be addressed by the Council moving forward if they felt such guidelines need to be established.

Mayor Halverson stated that historically people have spoken regarding the pros and cons on the issues and the Council has listened and made their judgments.

Roger Hackler, 1025 Park Street, Stevens Point said he has issues with parking in the City and questions why there are no parking garages.

Mayor Halverson stated to Mr. Hackler that this is a public hearing relating to parking and fencing at 3725 Patch Street which are the perimeters of the property being discussed.

As no one else wished to speak, Mayor Halverson declared the public hearing closed.

**10. Resolution on the above.**

Ald. Slowinski **moved**, Ald. O'Meara seconded, to approve the resolution on the above with an adjustment made to item #7 to include privacy slats that include 75% screening.

Ald. Trzebiatowski questioned requiring this particular body shop to have screening; whereas, Johnson Towing across the street has a chain link fence.

Mayor Halverson said it is most likely due to the fact that Johnson Towing has existed longer than a conditional use required and the zoning allows it to operate without it.

Director Ostrowski confirmed that if they existed prior to being a conditional use, they would be allowed to remain without making changes. However, if they added on to the building, they would fall back into those conditions where the Plan Commission and Council could require certain screening to be met.

Roll Call: Ayes: Ald. Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski,  
M. Stroik, O'Meara, Suomi, Doxtator  
Nays: None.  
Excused: Ald. Wiza. Motion carried.

**11. Public Hearing – Rezone the property located at 3500 Main Street (Parcel ID 2408-33-1001-15) from "R-2" Single Family Residence District to "B-4" Commercial District.**

Mayor Halverson declared the public hearing open.

Mary Ann Laszewski, 1209 Wisconsin Street, stated there was a verbal understanding between Mrs. Haertel and the Cemetery Association for the land. She explained the Haertel lot is adjacent to a cemetery on two sides and that is the most natural use for this corner. She said the lot's best use is spiritual and it is a morale issue.

John Okonek, 2916 Dixon Street, read a note from the pastor at St. Stan's Church and Newman Parish and the Dean from Stevens Point which urged the Council not to rezone the property to commercial use.

Albert Walkush, Chair of the Cemetery Association, said a rezoning of this property would be an invasion of the cemetery that has been there for over 75 years.

Roy Shafranski, 1300 Sixth Avenue, said the area is a spiritual place and would like to see it maintained that way.

Bill Maher, 1100 Brawley Street, stated it is not right to add a commercial development on the corner of that block. He also assured the Council that the Catholic Cemetery Association is sound and will be supportive.

Cathy Dugan, 615 Sommers Street, asked that the Council deny the rezoning to commercial and keep it residential as it would impact the peace and quiet of the burial sites.

Bernice Sevenich, 1324 Fourth Avenue, said there are other areas in town which can support a commercial tax base.

Barb Jacob, 1616 Depot Street, also spoke in opposition of the property being rezoned to commercial.

Reid Rocheleau, 408 Cedar W, Whiting spoke about the comprehensive plan which lists the property as residential.

Nancy Schultz, 925 Smith Street, said she was in opposition of the rezoning and putting a commercial business on this property is unnecessary.

Helen Gollon, Plover, also requested the property be kept in its current zoning.

Grace Mitchell, 3632 Prais Street, said the property is a sacred place and should be honored as such.

As no one else wished to speak, Mayor Halverson declared the public hearing closed.

## **12. Ordinance Amendment on the above.**

Mayor Halverson explained the ordinance in the Council packet differs from the public hearing notice which highlighted B-4 Commercial as the potential rezoning; however, the Plan Commission had moved forward with B-1 Neighborhood Commercial.

Ald. Trzebiatowski **moved**, Ald. Suomi seconded to deny the rezoning of the property at 3500 Main Street.

Ald. Patton asked Director Ostrowski to inform the Council on what could be constructed now and what could be constructed under a B-1 zoning.

Director Ostrowski explained the existing zoning would allow any single type family structure as well as conditional use through churches or schools whereas, the B-1 zoning would allow smaller commercial or retail office type uses or small branch banks/offices but would not allow large scale commercial. He said through the conditional use process, there could be a gas station but that would have to be approved through Plan Commission and Council.

Ald. Patton then asked how close grave sites could be to the street if the land were vacant.

Director Ostrowski said they are probably within 20' of the back of the sidewalk.

Ald. Patton questioned if Town of Hull's zoning behind the Airport Bar would allow some type of commercial development.

Director Ostrowski said the zoning behind the Airport Bar is B-1 Neighborhood Business, which is the same zoning the Plan Commission recommended for this property.



Ald. Moore **moved**, Ald. Patton seconded, to approve the ordinance amendment on the above.

Roll Call: Ayes: Ald. Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski,  
M. Stroik, O'Meara, Suomi, Doxtator  
Nays: None.  
Excused: Ald. Wiza. Motion carried.

**15. Resolution - Final plat of the Washington Terrace subdivision (Parcel ID 2408-28-4001-06).**

Ald. O'Meara **moved**, Ald. Phillips seconded to approve the resolution.

Cathy Dugan, 615 Sommers Street, said the only down side to the subdivision plat is limited green space. She encouraged a neighborhood park in the subdivision.

Roll Call: Ayes: Doxtator, Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Patton,  
R. Stroik, Phillips, Moore  
Nays: None.  
Excused: Ald. Wiza. Motion carried.

**16. Public Hearing – Conditional Use Permit to allow the installation of a 30,000 gallon above ground liquid propane tank at 2172 Prairie Street (Parcel ID's 2408-32-4014-13 and 2408-32-4014-15).**

Mary Ann Laszewski, 1209 Wisconsin Street, spoke against approval of the tank and discussed possible value depreciation of the surrounding properties and the effects of an explosion on that side of the City.

Cathy Dugan, 615 Sommers Street, spoke against approval of the propane tank and requested assistance for residents to be able to relocate.

Reid Rocheleau, 408 Cedar Street W, Whiting said he owns a number of properties on Water Street and agrees there is a problem with the truck route in that particular area. He also discussed the ramifications of a possible explosion of a 30,000 gallon propane tank.

William Cooper, 1320 Phillips Street, asked to continue his business and install a 30,000 gallon propane tank as it is an industrial area. He said they went through the State of Wisconsin to obtain approval and they did not deliberately avoid permits with the City. Mr. Cooper also said the land is zoned heavy industrial and the Fire Department was aware of the installation of the tank. He further said fencing will be put around the tank along with barb wire as he would like to keep it safe.

Mildred Neville, 1709 Jefferson Street, stated that when a conditional use is requested, it is requested for a piece of land to see if something can be done on it and that is what the Council should be considering. She instructed Council members to view the property as if the tank were not already in place. Ms. Neville also discussed some of the standards of the conditional use not being met in this instance and the decrease of property values in this area due to the installation of the tank.

Wayne Bushman, owner of 2216 and 2240 Wood Street said the Coopers are doing what is conducive of zoning and he does not believe it produces any more of a threat than Ferrell or Lakes Gas. He talked about the liquefied petroleum gas tanks and risk of the rail cars traveling through the City on a daily basis being more of a hazard than the Cooper tank. Mr. Bushman also stated that with the present conditions in that area, property values could not decrease any more. He said he would like to see the conditional use granted to the Coopers.

As no one else wished to speak, Mayor Halverson declared the public hearing closed.

**17. Resolution on the above.**

Ald. Patton moved, Ald. Phillips seconded to approve the resolution on the above.

Ald. Moore said he spoke with several business people in the area about the tank and he reported they did not have a problem with its location.

Ald. Suomi said she spoke with the neighboring property owners and she does not support this resolution due to the setback between the road and the tank not being met. She thanked the Fire Chief for her report but feels that a 30,000 gallon propane tank is not appropriate on this site.

Ald. O'Meara stated he is in support of this resolution stating it is a clean operation as the tank will be sealed and painted with a minimum risk in comparison to other contaminations.

Ald. Trzebiatowski asked if either the Fire Chief or Assistant Police Chief had knowledge of the railway tank accident that happened in Weyauwega and if they could elaborate on the incident.

Fire Chief Kujawa said there were tankers with flammable gas that were involved in the crash and cooling methods were used to prevent those tanks from exploding.

Mayor Halverson touched on the likelihood of an explosion which was outlined in the Fire Chief's report as possible, but unlikely. He said our real vulnerability is the countless rail tanks that travel through the city on a daily basis which carry hazardous material. Mayor Halverson stated that currently the tank does not meet the street setback. He called on Director Ostrowski to discuss the code setback.

Director Ostrowski stated the tank is 19' from the street property line and the M-2 zoning district would require a 40' setback.

Mayor Halverson said that is going to be one of the more difficult perimeters to meet; however, that setback is going to have to be met. He further stated a variance will probably not be granted, although Cooper has the right to take it to the Board of Appeals. Mayor Halverson repeated that it is an important setback for obvious reasons.

Director Ostrowski referred to Item #3 of the resolution which indicates that the 30,000 gallon propane tank shall meet the zoning district setback requirements of a variance for a

lesser setback if denied by the Board of Zoning Appeals. He instructed if a 40' setback is requested, Item #3 would need to be struck and add the 40' setback clause.

Mayor Halverson also touched on the fact that the property is zoned M-2 Heavy Industrial and deceit was not the intent of the property owner which should be respected as part of the thought process.

Mayor Halverson **moved** to amend the motion (within reference to the setback if a variance is not approved), that a 40' setback be required in the resolution.

Director Ostrowski stated that verbiage is already in the resolution.

Mayor Halverson reiterated if the variance is denied, Coopers will have to meet the 40' setback.

Director Ostrowski said that is correct.

Ald. Moore said Mr. Cooper wanted to put barb wire along the top of the tank and asked if that condition should be considered with the zoning.

Director Ostrowski said the Council could add that condition.

Ald. Moore **moved**, Ald. Slowinski seconded to amend the motion that barb wire be installed along the top of the tank.

Roll Call: Ayes: Majority.  
Nays: Minority. Motion carried.

Mayor Halverson wanted clarification on the motion relating to the barb wire. He questioned if it is a permitted condition as part of the fencing that would surround the tank.

Ald. Moore said yes because he does not know what stipulations are at the state or federal levels, but he would like it to be allowed.

Mayor Halverson agreed and stated he highly suggests it. He reiterated the resolution has been amended and now the original resolution is before the Council.

Roll Call: Ayes: Ald. Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski, O'Meara, Doxtator  
Nays: Ald. M. Stroik, Suomi  
Excused: Ald. Wiza. Motion carried.

**18. Approval of a Settlement Agreement between the City of Stevens Point, the Community Development Authority and Marshfield Clinic relating to the construction commencement date for the Hwy 66 site.**

City Attorney Beveridge explained this agenda item is related to the Developer's Agreement with Marshfield Clinic which originated in 2008. He explained in the agreement, the Clinic was to begin construction by July, 2012; however, construction was

not commenced until late November. The original agreement contained some penalties due to the City in the event the Clinic failed to meet the commencement date and this Settlement Agreement represents a resolution of differences between the two entities as to the interpretation of those provisions. City Attorney Beveridge said in terms of the settlement, the City would receive \$80,000 in compensation from Marshfield Clinic to compensate for the lost property tax revenue had construction been commenced on time. He explained the agreement also releases the City from any obligation to make road improvements on Highway 66 to service the site.

Ald. Suomi **moved**, Ald. M. Stroik seconded to approve the Settlement Agreement.

Roll Call: Ayes: Doxtator, Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski,  
Patton, R. Stroik, Phillips, Moore  
Nays: None.  
Excused: Ald. Wiza. Motion carried.

#### **19. Minutes and actions of the Public Protection Committee meeting of July 8, 2013.**

Ald. Suomi **moved**, Ald. R. Stroik seconded to approve the Minutes and actions of the Public Protection Committee meeting of July 8, 2013 with the exception of pulling items 2B & 2E for further discussion.

Roll Call: Ayes: Majority.  
Nays: Minority. Motion carried.

Ald. Suomi called on Assistant Police Chief Skibba to discuss the Harvest Fest and Corn on the Curb events.

Assistant Police Chief Skibba said the initial recommendation was to have law enforcement present for all hours alcohol is being served; however, after reviewing the events, contractual officers were requested from 5 to 8 p.m. and then upon closing. He said for the Corn on the Curb, contractual officers would be present from 7 p.m. to 11 p.m.

Ald. Moore stated for clarification purposes, the time of the contracted officers is being shortened.

Assistant Police Chief Skibba said that is correct.

Ald. O'Meara **moved**, Ald. Moore seconded, that both agreements be amended to reflect the changed requirements for the contracted officers.

Roll Call: Ayes: Majority.  
Nays: Minority. Motion carried.

#### **20. Minutes and actions of the Finance Committee meeting of July 8, 2013.**

Ald. Slowinski **moved**, Ald. Moore seconded, to approve the Minutes and actions of the Finance Committee meeting of July 8, 2013.

Roll Call: Ayes: Majority.  
Nays: Minority. Motion carried.

**21. Minutes and actions of the Board of Public Works meeting of July 8, 2013 and the actions taken at the Special Board of Public Works meeting of July 15, 2013.**

Ald. Patton **moved**, Ald. Doxtator seconded, to approve the Minutes and actions of the Board of Public Works meeting of July 8, 2013 and the actions taken at the Special Board of Public Works meeting of July 15, 2013.

Roll Call: Ayes: Doxtator, Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore  
Nays: None.  
Excused: Ald. Wiza. Motion carried.

**22. Ordinance Amendments – Traffic – Place Stop Signs on Third Street and an Emergency Vehicle Parking Only sign on Maria Drive (Sections 9.06(a) 798 & 799 and 9.05 (ah) of the RMC).**

Ald. Suomi **moved**, Ald. R. Stroik seconded, to approve the above ordinance amendment.

Roll Call: Ayes: Ald. Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski, M. Stroik, O'Meara, Suomi, Doxtator  
Nays: None.  
Excused: Ald. Wiza. Motion carried.

**23. Minutes and actions of the Personnel Committee meeting of July 8, 2013.**

Ald. Moore **moved**, Ald. Phillips seconded, to approve the Minutes and actions of the Personnel Committee meeting of July 8, 2013.

Roll Call: Ayes: Majority.  
Nays: Minority. Motion carried.

**24. Minutes and actions of the Board of Water & Sewerage Commissioners meeting of July 8, 2013.**

Ald. M. Stroik **moved**, Ald. Doxtator seconded, to approve the Minutes and actions of the Board of Water & Sewerage Commissioners meeting of July 8, 2013.

Roll Call: Ayes: Doxtator, Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore  
Nays: None.  
Excused: Ald. Wiza. Motion carried.

**25. Minutes and actions of the Police and Fire Commission meeting of July 9, 2013.**

Ald. O'Meara **moved**, Ald. Moore seconded, to approve the Minutes and actions of the Police and Fire Commission meeting of July 9, 2013.

Ald. Suomi requested additional information about the plan and implementation of the inter-agency delivery system with the Town of Hull that voted to join the metro.

Mayor Halverson said more information and approval of the agreement will be brought forth to the Council in September.

Roll Call: Ayes: Majority.  
Nays: None. Motion carried.

**26. Minutes and actions of the Transportation Commission meeting of June 27, 2013.**

Ald. O'Meara **moved**, Ald. Slowinski seconded, to approve the Minutes and actions of the Transportation Commission meeting of June 27, 2013.

Ald. Slowinski clarified the April Financial Report and Claims were accepted and not approved because there were questions. He said the report will be brought back by Transit Manager Lemke for approval.

Roll Call: Ayes: Majority.  
Nays: None. Motion carried.

**27. Minutes and actions of the Board of Park Commissions meeting of July 3, 2013.**

Ald. M. Stroik **moved**, Ald. Phillips seconded, to approve the Minutes and actions of the Board of Park Commissions meeting of July 3, 2013.

Roll Call: Ayes: Majority.  
Nays: None. Motion carried.

**28. Statutory Monthly Financial Report of the Comptroller-Treasurer.**

Ald. Moore **moved**, Ald. Doxtator seconded, to accept the report and place it on file.

Roll Call: Ayes: Majority.  
Nays: None. Motion carried.

**29. Adjournment.**

Adjournment at 8:51 p.m.