

**City of Stevens Point
COMMON COUNCIL MEETING**

Council Chambers

**September 17,
2012**

County-City Building

7:00 P.M.

Mayor Andrew J. Halverson, presiding

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

Also

Present: City Atty. Molepske; Clerk Moe; C/T Schlice; Directors Schrader, Ostrowski, Lemke, Schatschneider; Assessor Siebers; Police Chief Ruder; Emergency Mgt. Director McGinty; Asst. Fire Chief Finn; Asst. to Mayor Halverson Pazdernik; B.C. Kowalski-Stevens Point Journal; Matt Brown-Portage Co. Gazette; Brandi Makuski-Stevens Point City Times.

2. **Salute to the Flag and Mayor Halverson's opening remarks.**
3. **Consideration and possible action of the minutes of the Common Council meeting of August 20, 2012 and the Special Common Council meetings of September 10, 2012.**

Ald. Stroik **moved**, Ald. Moore seconded, to approve the minutes of the Common Council meeting of August 20, 2012 and the Special Common Council meeting of September 10, 2012.

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

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

Barb Jacob, 1616 Depot St, thanked everyone for attending the playground fundraiser.

Ald. Stroik thanked Mayor Halverson and Council for allowing him to go to visit Sister City Rostov Veliky, Russia. He remarked that it was a great visit with their government and community and he received a warm reception from the locals.

Mayor Halverson said he was glad we were able to be in Rostov for their 1,150th Anniversary as their delegation was here for Stevens Point's 150th Anniversary.

Consideration and Possible Action on the Following:

***6. Minutes and actions of the Plan Commission meeting of September 4, 2012 and the Special Plan Commission meeting of August 28, 2012.**

Ald. Moore **moved**, Ald. Suomi seconded, to approve the minutes of the Plan Commission meeting of September 4, 2012 and the Special Plan Commission meeting of August 28, 2012.

Bob Enright, 5753 Algoma St, said the Council needs to consider the Plan Commission's role. If the motion is supposed to be recognition that the Plan Commission has indeed done its homework, he does not think in good conscience the Council can do that. He asked where the traffic studies and responses of the people who live in affected subdivisions are.

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

7. Public Hearing - Amend Conditional Use - 2124 Rice St. - to allow temporary premise expansion to the indoor sports area on October 20, 2012, November 9, 2012 and July 20, 2013.

Mayor Halverson declared the public hearing open.

Mayor Halverson said the July 20, 2013 date was not approved by the Plan Commission because it exceeds the liquor license.

Jason Glyczynski, 1920 Adams St, owner **Player's Lounge** (2124 Rice St), spoke about using the indoor sports arena for over age 21 events, including a comedy show and a fundraiser. He has never had any PD related issues with past events.

Barb Jacobs, 1616 Depot St, in regards to the July 20, 2013 event (class reunion) she said these events are planned ahead of time and Jason needs an answer from the City Council in order to set up/plan the event.

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

8. Resolution on the above.

Ald. Wiza **moved**, Ald. Slowinski seconded, to approve the resolution for 2124 Rice St to allow temporary expansion with the five conditions put forth by the Plan Commission to allow temporary premise expansion into the indoor sports arena on October 20, 2012, November 9, 2012 and July 20, 2013.

Roll Call: Ayes: Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski,
M. Stroik, Wiza, O'Meara, Suomi, Beveridge.
Nays: None. Motion Adopted.

9. Public Hearing - Zoning - Rezone 5311 Old Highway 18 from "R-1" Suburban Single Family Residential District to "B-4" Commercial District.

Mayor Halverson declared public hearing open.

Mona Simmons, 5322 Old Hwy 18, said she opposes the zoning change on Hwy 18 to "B-4" Commercial if a 24 hour business is built. She would be in support of a non-24 hour business.

Patricia Kitowski, 5330 Hwy 18, said she is opposed to the rezoning because traffic would be too heavy, too noisy and there would be safety issues with the increased traffic.

Eugene Larose, 5571 Applewood Ct, said he is opposed to zoning. He would like the area to stay residential or non 24 hour businesses be built. He agreed that there would be an increase in traffic issues.

Joseph Paul, 5549 Oakwood Ave, questioned the need for another fueling station when there are four existing stations that have the capacity to meet current and future demand. He said more competition in this circumstance needlessly threatens the viability of existing businesses.

Barb Jacobs, 1616 Depot St, questioned if any studies had been done on the effects of traffic.

Reid Rochelau, 408 Cedar West, said this should be sent back to the Plan Commission and an independent traffic study conducted.

Hans Zietlow, 1626 Oak St, Director of Kwik Trip Real Estate, said a traffic study had been done. The opportunity of this location is great and is hard not to zone it commercial B-4.

Jeremy Sullivan, 4501 Nicolet Ave, said he is opposed to all zoning until downtown area is complete. He voiced his disappointment in the Plan Commission and that they have no process of collecting information.

Bob Howell, 433 Minnesota Ave, said the zoning and building of a gas station will produce noise, more traffic and gas smells. He voiced concern about leaks contaminating groundwater and car wash noise.

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

***10. Ordinance amendment on the above.**

Ald. Suomi, **moved**, Ald. Slowinski seconded, to deny the Rezoning of 5311 Old Highway 18 from "R-1" Suburban Single Family Residential District to "B-4" Commercial District.

Ald. Wiza asked Director Ostrowski for examples of what would be permitted in a B-4 commercial district.

Director Ostrowski responded saying gas stations, banks, offices, and medical facilities.

Ald. Trzebiatowski asked for details on the traffic studies done that were mentioned by Mr. Zietlow earlier.

Hans Zietlow, Director of Kwik Trip Real Estate, responded that a traffic study was not done by Kwik Trip. He said this location will not be a traffic issue as the driveway is so far back from the stop light (250 ft).

Director Ostrowski said the City should not be looking at this rezoning as a single use.

Ald. Trzebiatowski said there were past plans for a frontage road running north and south on Highway 10 but the Town of Hull rejected the idea.

Ald. R. Stroik stated that this property should be zoned commercial but not for a gas station.

Ald. Slowinski said he also believes this area should be zoned commercial but not as

aggressive as a B-4 because it will lead to more high traffic properties being added as well.

Ald. Phillips said this gas station will not pull business from across town to its new location; it will only service locals from that area.

Ald. Wiza said the new station will not be serving only those living in that neighborhood as it is right on an off ramp and will create an opportunity to draw people off the highway.

Ald. Suomi said the reason for her motion to deny the rezoning, was to ask the City to slow down.

Ald. Wiza asked what businesses are allowed as a conditional use in B-4, B-2.

Director Ostrowski responded sign companies, the National Guard, indoor skating rinks, bakeries, car washes, sheet metal shops, taverns, and night clubs are in a general commercial district. In a B-2, a transitional district is not recommended.

Mayor Halverson said the rezoning of this location is most applicable as a B-4. Any capacity issues of the intersection will be dealt with by the DOT.

Ald. Trzebiatowski asked if the DOT has the right and control over any driveway within 250 feet of an intersection on a U.S. highway.

Director Ostrowski responded yes that the DOT does have the right and a TIA will be done.

Ald. O'Meara spoke about traffic flow not being as bad due to surrounding businesses.

Ald. Moore said he believes the B-4 zoning to be appropriate for that area.

Roll Call: Ayes: Suomi, Slowinski.
Nays: **Beveridge, O'Meara, Wiza, M. Stroik**, Trzebiatowski, Patton, R. Stroik, Phillips, Moore. Motion fails.

Ald. R. Stroik **moved**, Ald. Phillips seconded, to approve the **Zoning - Rezone 5311 Old Highway 18 from "R-1" Suburban Single Family Residential District to "B-4" Commercial District.**

Roll Call: Ayes: Moore, Phillips, R. Stroik, Patton, Trzebiatowski, M. Stroik, Wiza, **O'Meara**, Phillips.
Nays: Slowinski, Suomi. Motion adopted.

11. Public Hearing - Conditional Use - 5311 Old Highway 18 - to operate a gas station and convenience store within Groundwater (Wellhead) Protection Overlay District B.

Mayor Halverson declared the public hearing open.

Reid Rochelau, 408 Cedar St, said if the area has to be rezoned B-4 then it should not be used to build a gas station as it will create more complications in that intersection.

Mona Simmons, 5322 Old Highway 18, spoke on the petitions she collected and that it shows that the people in the area do not want a gas station due to concerns over spills, groundwater, noise and safety issues.

Gene Larose, 5571 Applewood Ct, voiced safety concerns regarding spills and higher traffic on

Old Highway 18 due to an already busy Highway 10.

Patricia Kitowski, 5330 Old Highway 18, said no one wants to look out their window and see a gas station. It is a beautiful area.

John Holdridge, 710 Hofmeister Dr, Chairperson Town of Hull, voiced his concerns about spills, truck traffic and that a traffic study needs to be done on Old Highway 18 and Highway 10.

Jeff Schuller, Portage County Planning and Zoning, spoke on groundwater concerns. He read a memo from the county on groundwater precautions already to be taken.

Ald. Wiza asked **why the county's wellhead protection plan strictly prohibits the use of retail fueling stations in the wellhead protection area.**

Mr. Schuller responded saying he was not involved with the creation of the county wellhead protection plan. If the gas station were in the county then it would be prohibited but it is in the **City of Stevens Point therefore the city's wellhead protection plan applies not the county's.**

Bob Enright, 5753 Algoma St, spoke on the risks of having a gas station in a wellhead protection area, the rewards (tax revenue) and the history of spills.

Hans Zietlow, Director of Real Estate Kwik Trip, said the leaks have not been from Kwik Trip. They had purchased a station and then had to clean up a previous spill. He said there will be **no traffic analysis if there isn't development.**

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

12. Resolution on the above.

Ald. Trzebiatowski spoke about role of chairperson asked Hans Zietlow about the procedures if leaks happen.

Hans Zietlow, Director of Real Estate for Kwik Trip, responded by saying the underground storage gas tanks double/triple lined with a liner underneath that sensors monitoring pressure variations.

Ald. Trzebiatowski asked what would happen if a truck hit the monitoring wells.

Mr. Zietlow explained what the well is and how the monitoring equipment senses micro particles. He also said the wells will be recessed.

Ald. Beveridge said gas stations are eye sores. He is not opposed to all development in the area just not a gas station.

Ald. Beveridge **moved**, Ald. Suomi seconded, to deny **Conditional Use - 5311 Old Highway 18 - to operate a gas station and convenience store within Groundwater (Wellhead) Protection Overlay District B.**

Ald. Wiza said new technology in the retail fueling industry is very advanced. It minimizes the risks, but it doesn't eliminate it.

Ald. R. Stroik asked if the proposed station will have diesel fuel available.

Director Ostrowski responded yes, there will be diesel fuel but it will not be a truck stop.

Ald. Wiza asked when Fleet Farm and Mobil were approved if they were in the Town of Hull or City of Stevens Point.

Director Ostrowski said Fleet Farm was in the Town of Hull.

Mayor Halverson said the Mobil was in the Town of Hull and annexed after construction.

Ald. Moore said he has lived by Kwik Trip for 17+ years and there was some noise but minimal and it was very convenient.

Ald. O'Meara said the forces of growth are inevitable.

Ald. Slowinski asked when the DOT would be involved with Kwik Trip at intersection of Highway 10 and Old Highway 18.

Director Ostrowski said the DOT will look at the prior to construction and if there is an impact on the community, a TIA will be done.

Ald. Suomi asked the Assessor to provide how much tax revenue will come from Kwik Trip.

Assessor Siebers replied that looking at other developments, the City would be looking at around \$20,000 a year.

Director Ostrowski spoke on permit requirements due to the site being in a wellhead protection area.

Ald. Wiza asked how many feet away the nearest city well is from the site.

Director Ostrowski provided said around 2400 ft.

Call for the vote on the motion:

Roll Call: Ayes: M. Stroik, Wiza, Suomi, Beveridge.
 Nays: Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski, O'Meara.
 Motion fails.

Ald. R. Stroik **moved**, Ald. Phillips seconded, to approve the Conditional Use for 5311 Old Highway 18 to operate a gas station and convenience store within Groundwater (Wellhead) Protection Overlay District B.

Ald. R. Stroik spoke about the conditions the project needs to meet.

Director Ostrowski spoke about adding the ability to modify the site plan if it is deemed necessary.

R. Stroik amended his motion to include: **Condition 31 - Allow minor changes to the site plan** as long as it meets zoning ordinance requirements. Ald. Phillips agreed with the change to the motion.

Ald. Suomi asked if the resolution could include hours of operation.

Mayor Halverson said the only reason this is before the Council is because of groundwater

protection. He does not know if conditions on hours of operation would be appropriate.

Director Ostrowski does not recommend placing limits on hours of operation. The only reason it is before you is because of the wellhead protection zone.

Ald. Wiza said he disagrees. The hours of operation are relevant because the fewer hours they are open the less likelihood of accidents or a spill and less traffic issues which directly affects the groundwater.

Ald. Suomi **moved** Ald. Wiza seconded, to add a condition addressing hours of operation of 6 a.m. to 11 p.m.

Voice Vote: Ayes: Minority
Nays: Majority. Motion failed.

Ald. O'Meara asked about the enforcement mechanism if the owner was not maintaining the site properly.

Director Ostrowski answered saying the Council can pull the conditional use and the store would cease to operate.

Ald. Moore asked how many full/part time positions this station will create.

Mr. Zietlow responded saying 25-30 people, 1/3 full time and 2/3 part time.

Call for the vote on the motion:

Roll Call: Ayes: O'Meara, Slowinski, Trzebiatowski, R. Stroik, Patton, Moore,
Phillips.
Nays: Beveridge, Suomi, Wiza, M. Stroik. Motion adopted.

13. Public Hearing - Conditional Use - northeast quadrant of the intersection of Badger Ave. and Highway 10 (Parcel ID 2408-36-1100-01 (former County Parcel ID: 020240836-02.05)) - to operate a gas station and convenience store within Groundwater (Wellhead) Protection Overlay District B.

Mayor Halverson declared the public hearing open.

Dr. Kent Hall, 200 Pine Bluff Rd, representing ALAS, spoke about conservation and the environmental impacts of the proposed gas station.

Bob Gifford, 517 Fieldcrest, Park Ridge, said the area should be used for an environmental conservancy education center.

Mary Kneebone, 5718 Sandpiper Dr., spoke about how great the area is and how the 24 hour gas station will impact wildlife and endanger residents because of increased traffic.

John Holdridge, 710 Hofmeister Dr., said he is opposed to the development due to it being too close to wetlands.

Bob Enright, 5753 Algoma St, Chairman of the Town of Hull, spoke about the stereotype of Hull always being in opposition. He said the City of Stevens Point works behind closed doors and in secret.

Jeremy Sullivan, 4501 Nicolet Ave., voiced his concern on the affect on groundwater and clean air by removing green space.

Reid Rochelau, 408 Cedar Rd., was concerned about the groundwater issue.

Fritz Schierl, 2201 Madison St, asked the Council to approve the conditional use. He said any spill that may occur will take 7 years to reach the wellhead, this is a safe development.

Jenny Burton, 5718 Sandpiper Dr., asked if the developers have a permit from the DNR, as it affects wetlands and quality of life.

Jim Lundberg, Professional Civil Engineer, said he is obligated to and will be following state and federal regulations regarding public health and welfare when developing a property.

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

14. Resolution on the above.

Ald. Moore **moved**, Ald. Phillips seconded, to approve the **Conditional Use - northeast** quadrant of the intersection of Badger Ave. and Highway 10 (Parcel ID 2408-36-1100-01 (former County Parcel ID: 020240836-02.05)) - **to operate a gas station and convenience store** within Groundwater (Wellhead) Protection Overlay District B. - Allow minor changes to the site plan as long as it meets zoning ordinance requirements.

Ald. R. Stroik asked about the acreage being purchased for this development.

Mayor Halverson responded by saying there will not be an 18 acre clear cut.

Ald. Trzebiatowski asked about the wellhead already on the property.

Ray Schmidt, Portage County Groundwater Specialist, said there is a 6" wellhead present and it will need to be abandoned.

Ald. Wiza said he consulted experts on groundwater and that there is less risk with this project due to the distance from the wellheads.

Ald. Suomi stated that a gas station is a gas station. Due to conservation and the effects on the **area's** quality of life she is opposed. She asked if the property owner was required to get a DNR permit.

Director Ostrowski answered by saying that if the project affected the wetlands a permit would be required but this will not be affecting them. He asked to add the same ability to make minor modifications to the site plan.

Ald. O'Meara asked about the depth of the groundwater.

Director Ostrowski responded that the groundwater is shallow, 5-8 feet.

Ald. O'Meara asked about how the tanks being strapped in.

Director Ostrowski responded saying the tanks will be double/triple lined with a liner underneath.

Ald. O'Meara asked about actually strapping them in so the tanks will not float.

Ald. O'Meara **moved**, Ald. Wiza seconded, to amend the motion with the addition of securing the tanks to ensure that **there isn't any movement relating to groundwater fluctuation.**

Ald. Moore asked what the tanks would be secured to.

Ald. O'Meara responded that the tanks would be secured to concrete laid underneath.

Call for the vote on the amendment:

Ayes: All.

Nays: None. Motion adopted.

Call for the vote on the motion:

Ayes: Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara.

Nays: Suomi, Beveridge. Motion adopted.

15. **Public Hearing - Official Street Map - Deletion of a portion of Fourth Avenue from the Official Street Map of the City of Stevens Point. Such area starts approximately 575 feet east of Minnesota Avenue (east of 2920 Fourth Avenue) to a point where Fourth Avenue and Maria Drive extended east would intersect.**

Mayor Halverson declared the public hearing open.

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

16. **Ordinance amendment on the above.**

Ald. Beveridge **moved**, Ald. Suomi seconded, to approve the deletion of Fourth Avenue from the Official Street Map of the City of Stevens Point. Such area starts approximately 575 feet east of Minnesota Avenue (east of 2920 Fourth Avenue) to a point where Fourth Avenue and Maria Drive extended east would intersect.

Roll Call: Ayes: Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore.

Nays: None. Motion adopted.

17. **Minutes and actions of the Public Protection Committee meeting of September 10, 2012.**

Ald. R. Stroik **moved**, Ald. Trzebiatowski seconded, to approve the minutes and actions of the Public Protection Committee meeting of September 10, 2012.

Voice Vote: Ayes: All.

Nays: None. Motion adopted.

18. **Minutes and actions of the Finance Committee meeting of September 10, 2012.**

Ald. Beveridge **moved**, M. Stroik seconded, to approve the minutes and actions of the Finance Committee meeting of September 10, 2012.

Roll Call: Ayes: Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Suomi, Beveridge.

Nays: None. Motion adopted.

19. Minutes and actions of the Board of Public Works meeting of September 10, 2012.

Ald. O'Meara **moved**, Ald. Patton seconded, to approve and place on file the minutes and actions of the Board of Public Works meeting of September 10, 2012.

Roll Call: Ayes: Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Trzebiatowski,
Patton, R. Stroik, Phillips, Moore.
Nays: None. Motion adopted.

20. Minutes and actions of the Personnel Committee of September 10, 2012 and the Special Personnel Committee meeting of September 17, 2012.

City Clerk John Moe read the minutes of the Special Personnel Committee meeting of September 17, 2012.

Ald. Moore **moved**, Ald. M. Stroik seconded, to approve the minutes and actions of the Personnel Committee of September 10, 2012 and the Special Personnel Committee meeting of September 17, 2012.

Ald. Phillips asked for the amount of salary and benefits for the Travel Trainer position.

Director Joel Lemke responded explaining the Travel Trainer position is grant funded and has total salary and benefits of \$76,022.

Ald. Phillips voiced concerns about the amount being spent on this position.

Director Lemke responded saying this position was not originally a full time position with the County.

Mayor Halverson asked what the impact of this position on the city in regards to tax dollars.

Director Lemke responded by saying the local city impact is zero. The total local match is 20% of which all is in-kind contribution.

Ald. Slowinski said he would rather see this stay within the county versus the city. He will not support it.

Voice Vote: Ayes: Majority.
Nays: Minority. Motion adopted.

21. Minutes and actions of the Board of Water & Sewage Commissioners meeting of September 10, 2012.

Ald. M. Stroik **moved**, Ald. Patton seconded, to approve the minutes and actions of the Board of Water & Sewage Commissioners meeting of September 10, 2012.

Roll Call: Ayes: Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski, M. Stroik,
Wiza, O'Meara, Suomi, Beveridge.
Nays: None. Motion adopted.

22. Minutes and actions of the Board of Park Commissioners meeting September 10, 2012.

Ald. Slowinski **moved**, Ald. O'Meara seconded, to approve the minutes and actions of the Board of Park Commissioners meeting September 10, 2012.

Voice Vote: Ayes: All.
Nays: None. Motion adopted.

23. Minutes and actions of the Transportation Commission meeting August 28, 2012.

Ald. O'Meara **moved**, Ald. M. Stroik seconded, to approve minutes and actions of the Transportation Commission meeting August 28, 2012.

Voice Vote: Ayes: All.
Nays: None. Motion adopted.

24. Minutes and actions of the Police and Fire Commission meeting of August 28, 2012.

Ald. Wiza **moved**, Ald. Phillips seconded, to approve the minutes and actions of the Police and Fire Commission meeting of August 28, 2012.

Voice Vote: Ayes: All.
Nays: None. Motion adopted.

25. Resolution - Adoptions of the Portage County All Hazards Mitigation Plan.

Ald. Moore **moved**, Ald. Patton seconded, to adopt the Resolution - Adoptions of the Portage County All Hazards Mitigation Plan.

Voice Vote: Ayes: Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore.
Nays: None. Motion adopted.

26. Statutory Monthly Financial Report of the Comptroller-Treasurer.

Ald. Patton **moved**, Ald. O'Meara seconded, to move to place on file the Statutory Monthly Financial Report of the Comptroller-Treasurer.

Voice Vote: Ayes: All.
Nays: None. Motion adopted.

27. Mayor Halverson Appointment:

Smongeski Health Fund - Appoint Marge Molski, 800 St. Paul St
- Reappoint Bill Zimdars, 3924 Doolittle Dr Apt. 6

Ald. Wiza **moved**, Ald. Patton seconded, to approve the Mayoral Appointments.

Voice Vote: Ayes: All.
Nays: None. Motion adopted.

28. Adjournment.

The meeting adjourned at 10:04 p.m.