

Meeting Minutes

Regular City Council Meeting

August 21, 2006, 7:00 P.M.

Council Chambers, County-City Building

Council President Jerry Moore, presiding

Roll Call: Present: Ald. Sevenich, Walther, Hanson, Wiza, Robinson, Slowinski, Trzebiatowski, Molski, Stroik, Barber

Also Present: City Attorney Molepske, City Clerk Moe, Comptroller/Treasurer Schlice, Directors Gardner, Halverson, Euclide; Police Chief Morris, Assessor Kuehn, Transit Manager Lemke, Personnel Specialist Jakusz, Kari Yenter, Gene Kemmeter (Portage County Gazette)

Index to these minutes:

2. Salute to the Flag and Mayor's opening remarks.
3. Approval of the minutes of the Regular Common Council meeting of July 17, 2006.
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.
5. Plan Commission meeting of August 7, 2006.
6. Public hearing - requests to locate off-premise signs as conditional uses: A. 3709 Patch Street. B. 3401 Patch Street.
7. Resolutions on the above.
8. Ordinance - Prohibit Outdoor Solid Fuel Burning Furnaces.
9. Public Protection Committee meeting of August 14, 2006.
10. Ordinance amending Schedule of Cash Deposits: A. Smoking Prohibitions. B. Installation and Operation of Emergency Alarm Systems.
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13. Finance Committee meeting of August 14, 2006.
14. Consideration of claim - Marc Gruber.
15. Special Finance Committee meeting of August 21, 2006.
16. Resolution - Sale of Series 2006B General Obligation Notes.
17. Development Agreement - Country Springs Hotel.
18. Board of Water and Sewage Commissioners meeting of August 7, 2006.
19. Reports: Police and Fire Commission meetings of August 14, 2006 and August 15, 2006. Statutory monthly financial report of the Comptroller-Treasurer. Transportation Commission meeting of July 18, 2006.
20. Mayor's appointment - Police and Fire Commission: Appoint Maurice Rice, 2909 Indiana Avenue (unexpired term Pazdernik - 05-01-08).
21. Persons who wish to address the Mayor and Council for up to three (3) minutes on a non-agenda item.
22. Adjournment.

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

Chairman Jerry Moore led the salute to the Flag.

3. Approval of the minutes of the Regular Common Council meeting of July 17, 2006.

Ald. Robinson moved, Ald. Wiza seconded, for approval of the regular Common Council minutes of July 17, 2006.

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.

Anya Wrycha Item #9 - Public Protection Committee meeting of 08-14-06

1916 Welsby Avenue
Stevens Point, WI 54481

Reid Rocheleau Item #5 - Plan Commission meeting of 08-07-06

408 Cedar Street
Whiting, WI

Jim Schickert Item #5 - Plan Commission meeting of 08-07-06

County Market
1600 Academy Avenue
Stevens Point, WI 54481

Mary Ann Laszewski Item #5 - Plan Commission meeting of 08-07-06

1209 Wisconsin Street
Stevens Point, WI 54481

5. Plan Commission meeting of August 7, 2006.

Ald. Wiza moved, Ald. Robinson seconded, for approval of the Plan Commission minutes of August 7, 2006, with item #6 pulled for further discussion.

Roll Call: Ayes all.

Nays none. Motion carried.

Reid Rocheleau suggested placing conditions such as additional green space and setting a sunset clause for this request. Mr. Rocheleau is concerned with lighting and additional traffic.

Jim Schicket, Point County Market, is available for any questions.

Lee Gunther, 9165 Daves Road, Minocqua, is here as a resource.

Mary Ann Laszewski, 1209 Wisconsin Street, voiced her concerns on tranquility of the neighborhood, snow storage and traffic.

Ald. Wiza said the conditions agreed on for this request are down lighting only, staff hours of 6:00 A.M. to 10:00 P.M., no outside music and no pump announcements. The snow removal issues were addressed. Speakers and facilities will be available for safety reasons.

Ald. Wiza moved, Ald. Robinson seconded, for approval of the conditional use for two buildings on one lot with the restrictions on down lighting as stated in their initial proposal, manned hours of 6:00 A.M. to 10:00 P.M., no outside music through the speaker system, no pump announcements and install a hedge row of at least 3 feet in height continuous along Academy Avenue.

Ald. Trzebiatowski asked if there is a restriction on how far away the hedge needs to be from the driveways.

Director Gardner replied 20 feet from the public right-of-way and 10 feet back on the driveway side.

Ald. Stroik asked how large of a sign can be placed at the Shell Station.

Director Gardner said they have to comply with the sign ordinance unless they ask for a waiver from the Council. The sign can be 20 feet tall and 150 square feet.

Ald. Stroik asked that the size of the sign be included as part of the motion. Ald. Wiza and Ald. Robinson accepted the amendment to the motion.

Ald. Barber asked if there are any plans for improving this intersection.

Director Euclide replied not at this time.

Ald. Stroik reviewed the accident data for this area.

Ald. Sevenich asked how many of the other stores owned by this firm have gas stations.

Lee Gunther replied four locations have gas stations located in the parking lots and one additional location off site.

Jim Schickert clarified what the speaker system will be used for.

Ald. Wiza moved, Ald. Robinson seconded, for approval of the conditional use for two buildings on one lot with the restrictions on down lighting as stated in their initial proposal, manned hours of 6:00 A.M. to 10:00 P.M., no outside music through the speaker system, no pump announcements, install a hedge row of at least 3 feet in height continuous along Academy Avenue and the size of the sign must comply with the sign ordinance.

Roll Call: Ayes all.

Nays none. Motion carried.

6. Public hearing - requests to locate off-premise signs as conditional uses: A. 3709 Patch Street. B. 3401 Patch Street.

The public hearing was declared open by Chairman Moore.

Rich Reinart, LaMar Advertising, stated there is a need for these signs. Mr. Reinart believes Patch Street is an appropriate location for the signs.

Eric Peterson, 1426 Treder Avenue, stated this is a perfect location. Mr. Peterson reviewed other locations where the signs have been placed. All the requirements have been met for this request.

As no one further wished to speak, Chairman Moore declared the public hearing closed.

7. Resolutions on the above.

Ald. Stroik moved, Ald. Wiza seconded, for approval of the request to locate off-premise signs as conditional uses at 3709 Patch Street and 3401 Patch Street.

Ald. Wiza noted this is an industrial area and he supports the request.

Ald. Trzebiatowski opposes the request.

Ald. Sevenich is concerned with light pollution from the signs. The residential neighbors are only approximately 150 feet south of the proposed signs.

Ald. Molski recalls the City opposing all billboards.

Ald. Barber asked if this is approved, will it open the doors for more billboards.

City Attorney Molepske replied each case is treated on individual merit. The City Attorney suggested returning this request back to the Plan Commission to ask the commission to make the necessary findings or the Council should determine those findings this evening.

Ald. Trzebiatowski asked if Ald. Stroik would be willing to rescind his motion and modify it to direct it back to the Plan Commission.

Ald. Stroik did not concur with Ald. Trzebiatowski to amend the motion. The alderman said this request was postponed once already. He pointed out that the conditions were discussed as stated in the first motion made at the Plan Commission.

Ald. Robinson feels this request requires additional discussion.

Ald. Stroik noted the Plan Commission is advisory to the Council.

Ald. Barber asked why one request was denied and the other was approved.

Director Gardner stated the standards were presented at the Plan Commission. The Director noted the original motion to deny the request had failed. The reason for denial was it did not comply with the conditional use standards in their opinion and another motion was not made.

Ald. Molski asked if the City changed its view on placing billboards in the City.

Director Gardner said there is not an adopted policy.

Ald. Stroik pointed out this is a private enterprise.

Ald. Robinson does not believe it is the Council's role to go one by one through each of the conditions. That is the role of the Plan Commission.

Ald. Stroik would like to amend the motion to include the following phrase, recommend approval because it meets all the conditional use standards. Ald. Wiza did not concur with the amendment to the motion.

Ald. Wiza asked if there was any input from the neighboring residents and if they were notified.

Director Gardner replied no. He stated only property owners on Patch Street were notified.

Ald. Walther pointed out that the property is zoned heavy industrial.

Roll Call: Ayes: Ald. Walther, Stroik.

Nays: Ald. Sevenich, Hanson, Wiza, Robinson, Slowinski, Trzebiatowski, Molski, Barber, Moore.

Ayes - 2. Nays - 9. Motion failed.

Ald. Robinson moved, Ald. Wiza seconded, to send the resolutions to locate off-premise signs as conditional uses at 3709 Patch Street and 3401 Patch Street back to the Plan Commission for further review and solicit residential input.

Roll Call: Ayes: Ald. Moore, Barber, Robinson, Wiza, Walther.

Nays: Ald. Stroik, Molski, Trzebiatowski, Slowinski, Hanson, Sevenich.

Ayes - 5. Nays - 6. Motion failed.

Ald. Molski moved, Ald. Trzebiatowski seconded, to deny the resolutions for the billboards at 3709 Patch Street and 3401 Patch Street.

Ald. Robinson asked if the petitioner can bring this proposal back again.

City Attorney Molepske said it would have to be a new application. An identical application cannot be returned.

Ald. Stroik asked if the reasons for denial should be listed.

City Attorney Molepske replied that would be helpful. The Attorney would assume if the Council is denying the requests that they would be the reasons that Commissioner Feldman and Commissioner Aldinger set forth on page 5 of the Plan Commission minutes of August 7, 2006.

Ald. Molski would like to amend her motion to include the reasons as stated on page 5 of the Plan Commission minutes by Lois Feldman. There are six reasons listed. Ald. Trzebiatowski concurred with Ald. Molski to amend the motion.

Ald. Molski moved, Ald. Trzebiatowski seconded, to deny the resolutions for the billboards at 3709 Patch Street and 3401 Patch Street on the basis of: 1) the request is inconsistent with the goal of redeveloping this industrial strip, 2) the request would have a detrimental effect on the neighboring residentially zoned and residentially occupied properties, 3) the request is inconsistent with the highway redevelopment project, one goal being to assist with the visual redevelopment of Patch St., 4) the request is inconsistent with the purpose of the zoning ordinance because it does not protect neighboring residential properties or promote the beauty of the community, or implement the community's comprehensive plan, 5) too many signs can be a traffic hazard, and 6) we have enough billboards in town.

Roll Call: Ayes: Ald. Sevenich, Hanson, Slowinski, Trzebiatowski, Molski, Moore.

Nays: Ald. Walther, Wiza, Robinson, Stroik, Barber.

Ayes - 6. Nays - 5. Motion carried.

8. Ordinance - Prohibit Outdoor Solid Fuel Burning Furnaces.

Ald. Wiza moved, Ald. Trzebiatowski seconded, for adoption of the ordinance prohibiting outdoor solid fuel burning furnaces.

Ald. Stroik asked if they are currently located in the City, do they need to be abandoned. If so, how will the City notify the owners to have them removed?

City Attorney Molepske stated that the intent of the Planning Commission is that no person shall maintain an outdoor solid fuel burning furnace. In order to have an outdoor solid fuel burning furnace in the City, a permit is required. No one in the City has applied for a permit.

Roll Call: Ayes: Ald. Moore, Barber, Stroik, Molski, Trzebiatowski, Slowinski, Robinson, Wiza, Hanson, Walther, Sevenich.

Nays: None. Motion carried.

9. Public Protection Committee meeting of August 14, 2006.

Ald. Sevenich moved, Ald. Robinson seconded, to ratify and accept the Public Protection Committee minutes of August 14, 2006.

Anya Wrycha, 1916 Welsby Avenue, declined to speak.

Roll Call: Ayes all.

Nays none. Motion carried.

10. Ordinance amending Schedule of Cash Deposits: A. Smoking Prohibitions. B. Installation and Operation of Emergency Alarm Systems. Ald. Sevenich moved, Ald. Wiza seconded, to accept the ordinance amending Municipal Ordinance 7.07(2) Prohibition of Smoking in Public Places for a fine of \$5.00, 7.07(3) Prohibition of Smoking in Places of Employment for a fine of \$5.00, and 5.08 Violation of Emergency Alarm Ordinance for first offense, second offense, third and subsequent offenses within a 12 month period.

Ald. Wiza said a \$5.00 fine is not out of the ordinary. After court costs are added that is what gives you the ending total.

City Attorney Molepske said a \$5.00 fine equates to approximately \$125.00.

Roll Call: Ayes: Ald. Sevenich, Walther, Hanson, Wiza, Robinson, Slowinski, Trzebiatowski, Molski, Stroik, Barber, Moore.

Nays: None. Motion carried.

11. Personnel Committee meeting of August 14, 2006.

Ald. Molski moved, Ald. Hanson seconded, for approval of the Personnel Committee minutes of August 14, 2006.

Roll Call: Ayes: Ald. Moore, Barber, Stroik, Molski, Trzebiatowski, Slowinski, Robinson, Wiza, Hanson, Walther, Sevenich.

Nays: None. Motion carried.

12. Board of Public Works meeting of August 14, 2006.

Ald. Stroik moved, Ald. Trzebiatowski seconded, for approval of the Board of Public Works minutes of August 14, 2006.

Roll Call: Ayes all.

Nays none. Motion carried.

13. Finance Committee meeting of August 14, 2006.

Ald. Molski moved, Ald. Walther seconded, for approval of the Finance Committee minutes of August 14, 2006.

Roll Call: Ayes: Ald. Moore, Barber, Stroik, Molski, Trzebiatowski, Slowinski, Robinson,

Wiza, Hanson, Walther, Sevenich.

Nays: None. Motion carried.

14. Consideration of claim - Marc Gruber.

Ald. Walther moved, Ald. Trzebiatowski seconded, to deny the claim for Marc Gruber.

Roll Call: Ayes: Ald. Sevenich, Walther, Hanson, Wiza, Robinson, Slowinski,

Trzebiatowski, Molski, Stroik, Barber, Moore.

Nays: None. Motion carried.

15. Special Finance Committee meeting of August 21, 2006.

Clerk Moe read the minutes of the Special Finance Committee meeting of August 21, 2006.

Ald. Stroik moved, Ald. Slowinski seconded, for approval of the Special Finance Committee minutes of August 21, 2006.

Roll Call: Ayes all.

Nays none. Motion carried.

16. Resolution - Sale of Series 2006B General Obligation Notes.

Ald. Molski moved, Ald. Trzebiatowski seconded, for approval of the resolution - sale of Series 2006B General Obligation Notes.

Roll Call: Ayes: Ald. Sevenich, Walther, Hanson, Wiza, Robinson, Slowinski,

Trzebiatowski, Molski, Stroik, Barber, Moore.

Nays: None. Motion carried.

17. Development Agreement - Country Springs Hotel.

Ald. Hanson moved, Ald. Walther seconded, for approval of the Development Agreement - Country Springs Hotel.

Roll Call: Ayes: Ald. Moore, Barber, Stroik, Molski, Trzebiatowski, Slowinski, Robinson, Wiza, Hanson, Walther, Sevenich.

Nays: None. Motion carried.

18. Board of Water and Sewage Commissioners meeting of August 7, 2006.

Ald. Trzebiatowski moved, Ald. Molski seconded, for approval of the Board of Water and Sewage Commissioners minutes of August 7, 2006.

Roll Call: Ayes: Ald. Sevenich, Walther, Hanson, Wiza, Robinson, Slowinski, Trzebiatowski, Molski, Stroik, Barber, Moore.

Nays: None. Motion carried.

19. Reports:

Police and Fire Commission meetings of August 14, 2006 and August 15, 2006.

Statutory monthly financial report of the Comptroller-Treasurer.

Transportation Commission meeting of July 18, 2006.

Ald. Walther moved, Ald. Trzebiatowski seconded, to approve the reports and place them on file.

Ald. Trzebiatowski was dismayed that the Police and Fire Commission meeting on August 14, 2006, was scheduled at the same time as the committee meetings.

Ald. Walther noted the increased ridership for the months of May and June.

Roll Call: Ayes all.

Nays none. Motion carried.

20. Mayor's appointment - Police and Fire Commission: Appoint Maurice Rice, 2909 Indiana Avenue (unexpired term Pazdernik - 05-01-08).

Ald. Stroik moved, Ald. Sevenich seconded, for confirmation of the Mayor's appointment.

Roll Call: Ayes all.

Nays none. Motion carried.

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

None.

22. Adjournment - 8:25 P.M.

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