

Meeting Minutes

Regular City Council Meeting Minutes

May 17, 2004, 7:00 P.M.

Council Chambers - County/City Building

Mayor Gary W. Wescott, presiding Roll Call: Present: Ald. Sevenich, Walther, Markham, Wiza, Sowieja, Barr, Rackow, Molski, Stroik, Barber, Moore

Also Present: City Attorney Molepske, Comptroller/Treasurer Schlice, City Clerk Kranig, Directors Gardner, Schrader, Euclide, Halverson; Police Chief Morris, Fire Chief Barnes, Assessor Kuehn, Transit Manager Lemke, Personnel Specialist Jakusz, Administrative Assistant Gebert, Kari Yenter, Kate Garsombke (Journal), 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 April 19, 2004, Reorganization meeting of April 20, 2004 and Special Common Council meeting of May 6, 2004.
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.
5. Plan Commission meeting of May 3, 2004.
6. Public hearing - request to construct Communication Towers at 1516 Church Street as a Conditional Use.
7. Resolution on the above.
8. Public hearing - amending zoning ordinance which would classify 3609 Stanley Street as "B-4" Commercial Zoning from "R-2" Single Family Zoning.
9. Ordinance on the above.
10. Public hearing - request for a permit to operate a car wash as a Conditional Use - 3609 Stanley Street.
11. Resolution on the above.
12. Resolution - Preliminary Plat for Whitetail Trail Subdivision.
13. Public hearing - amending zoning ordinance which would classify 80 acres located at Norway Pine Drive and Torun Road as "R-1" Suburban Single Family from "R-LD" Low Density Zoning.
14. Ordinance on the above.
15. Public hearing - amending zoning ordinance which would classify 2009 Madison Street as "R-3" Two Family Zoning from "M 2" Heavy Industrial Zoning.
16. Ordinance on the above.
17. Resolution - Community Development Block Grant Application.
18. Public Protection Committee meeting of May 10, 2004.
19. Board of Public Works meeting of May 10, 2004.
20. Finance Committee meeting of May 10, 2004.
21. Resolution - 2004 Budget Amendment.
22. Consideration of claim - Rettler.
23. Personnel Committee meeting of May 10, 2004.
24. Special Personnel Committee meeting of May 17, 2004.
25. Ratification of the 2003-2004 Tentative Labor Agreement with IAFF Local 484 (Firefighters).
26. Board of Park Commissioners meeting of May 5, 2004.
27. Board of Water and Sewage Commissioners meeting of May 10, 2004.
28. Reports: Police and Fire Commission meeting of May 11, 2004.
Comptroller-Treasurer's report - February 2004.
29. Mayor's appointment. Stevens Point Arts Council Alderperson Bernice F. Sevenich, 1324 Fourth Avenue (Term of office - 04-20-05)
30. Persons who wish to address the mayor and council for up to three (3) minutes on non-agenda item.
31. Adjournment.
 2. Salute to the flag and Mayor's opening remarks.

Mayor Wescott announced Portage County is preparing to celebrate the World War II Veterans Recognition Day starting at 10:00 A.M. on Saturday, May 29, 2004, at Piffner Park.

3. Approval of the minutes of the Regular Common Council meeting of April 19, 2004, Reorganization meeting of April 20, 2004 and Special Common Council meeting of May 6, 2004.

Ald. Barr moved, Ald. Sowieja seconded, for approval of the regular Common Council minutes of April 19, 2004, Reorganization minutes of April 20, 2004 and Special Common Council minutes of May 6, 2004.

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.

Al Kawalske Item #18 - Public Protection Committee meeting of May 10, 2004

2408 Division Street
Stevens Point, WI 54481

Brandon Malacara Item #18 - Public Protection Committee meeting of May 10, 2004

1609 Fremont Street
Stevens Point, WI 54481

Jordan Kaiser Item #18 - Public Protection Committee meeting of May 10, 2004

1319 Strongs Avenue
Stevens Point, WI 54481

Yvonne Bricco Item #18 - Public Protection Committee meeting of May 10, 2004
1226 Second Street
Stevens Point, WI 54481

Reid Rocheleau Item #30 - Persons who wish to address Mayor and Council
408 Cedar Street
Whiting WI

5. Plan Commission meeting of May 3, 2004.

Ald. Sowieja moved, Ald. Rackow seconded, for approval of the Plan Commission minutes of May 3, 2004.

Ald. Markham suggested adjusting the setbacks based on the size of the accessory building.

Roll Call: Ayes all.
Nays none. Motion carried.

6. Public hearing - request to construct Communication Towers at 1516 Church Street as a Conditional Use, was declared open by the Mayor.

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

7. Resolution on the above.

Ald. Rackow moved, Ald. Stroik seconded, for adoption of the resolution.

Roll Call: Ayes: Ald. Sevenich, Walther, Markham, Wiza, Sowieja, Barr, Rackow, Molski, Stroik, Barber, Moore.
Nays: None. Motion carried.

8. Public hearing - amending zoning ordinance which would classify 3609 Stanley Street as "B-4" Commercial Zoning from "R-2" Single Family Zoning, was declared open by the Mayor.

Brian McIntyre, 403 White Oak Avenue, is against the request to rezone 3609 Stanley Street from single family to commercial zoning. Mr. McIntyre stated all the adjacent property owners oppose the request.

Chris Kluck, 2619 Highway J North, said the neighbors already thought this property was zoned commercial. Mr. Kluck said he had already appeared twice before the zoning committee. Both times, the commercial zoning was approved. There are only three remaining parcels of property zoned single family in this area that should be zoned commercial. Mr. Kluck contends that there is a concerted effort by a group of business people attempting to influence the outcome of whether or not this property is zoned commercial, to keep the sale price down.

Bonnie Zawislan, 2030 Porter Road #5, is the owner of property directly west and south of 3609 Stanley Street. Ms. Zawislan is strongly against the request to rezone this property. The properties in this area are closely spaced so some control of what is built in this area is needed. Ms. Zawislan does not want any noisy businesses around the multi-family housing.

Jeff May, 2100 Oakcrest Drive, feels the neighbors should have a say in what will be developed in the area in which they reside. All the immediate neighbors oppose the development. The future direction of this area is residential housing.

Kristy Blado, 3615 Doolittle Drive, is a student at the university who wants a quiet place to reside.

Reid Rocheleau, 408 Cedar Street, said all property owners should be treated equally when requesting rezoning for their properties.

Bob Pellow, 433 Minnesota Avenue, currently resides across the street from a car wash. Mr. Pellow must deal with the noisy blowers, vacuums, stereos and lights from the car wash.

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

9. Ordinance on the above.

Ald. Molski moved, Ald. Walther seconded, to deny the ordinance.

Ald. Molski feels multi-family zoning would be a better fit for 3609 Stanley Street. The owners of the current multi-family units in the area bought their properties knowing the adjoining property was zoned single family. The alderperson stated under the current conditional use standards, a car wash does not meet the standards.

Ald. Sowieja would like the past history on why this property should be zoned "B-4" Commercial zoning.

Director Gardner noted in 1982, the City land use plan called for all the area between Wilshire Drive and the interstate to be categorized as general commercial and high density residential. In 1993, when Stanley Street was reconstructed, there was a desire to look at the plan in more detail. At that time, commercial zoning was decided for this area.

Ald. Sowieja asked if the Planning Department has a different view since 1993.

Director Gardner said the plan has not been reviewed since 1993. When this request was presented, it was consistent with the adopted plan. The Director named the current surrounding businesses. The current plan seemed to be reasonable.

Ald. Sowieja asked if there is better applicable zoning.

Director Gardner said commercial or multi-family zoning would fit this property. The Director does not feel single family zoning is the best use for this area.

Ald. Barr said when there are unique situations, he supports the alderperson from the district in which the situation is occurring.

Ald. Markham asked what the City can do to improve notifying property owners or buyers of property on the current zoning and possible zoning in the future.

Director Gardner said a buyer of property should be aware of uses in the area. The buyer should also ask what is the zoning as well as what is the future plan for the area.

Ald. Stroik asked when the large multi-family units were developed, if a zoning change was requested.

Director Gardner stated it was zoned multi-family. The multi-family developments required a conditional use permit but not a rezoning request.

Ald. Sowieja clarified amending the zoning and a conditional use permit for a car wash are two separate issues.

Ald. Wiza asked if this property is rezoned to commercial, would that permit businesses in the future to bypass the application?

Director Gardner said there is not a review for permitted uses.

Ald. Stroik feels to be consistent the three properties currently zoned single family should either be rezoned to commercial or multi-family zoning.

Ald. Markham thinks it is important to look at groups of properties when rezoning.

Roll Call: Ayes: Ald. Moore, Barber, Molski, Rackow, Barr, Sowieja, Wiza, Markham, Walther.

Nays: Ald. Stroik, Sevenich.

Ayes - 9. Nays -2. Motion carried.

10. Public hearing - request for a permit to operate a car wash as a Conditional Use - 3609 Stanley Street.

Mayor Wescott stated with item #9 being denied, item #10 becomes moot.

11. Resolution on the above.

Mayor Wescott stated with item #9 being denied, item #11 becomes moot.

12. Resolution - Preliminary Plat for Whitetail Trail Subdivision.

Ald. Rackow moved, Ald. Molski seconded, for adoption of the resolution.

Roll Call: Ayes - 9.

Nays - 2. Motion carried.

13. Public hearing - amending zoning ordinance which would classify 80 acres located at Norway Pine Drive and Torun Road as "R-1" Suburban Single Family from "R-LD" Low Density Zoning, was declared open by the Mayor.

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

14. Ordinance on the above.

Ald. Molski moved, Ald. Markham seconded, for adoption of the ordinance.

Roll Call: Ayes: Ald. Sevenich, Walther, Markham, Wiza, Sowieja, Barr, Rackow, Molski, Stroik, Barber, Moore.

Nays: None. Motion carried.

15. Public hearing - amending zoning ordinance which would classify 2009 Madison Street as "R-3" Two Family Zoning from "M 2" Heavy Industrial Zoning, was declared open by the Mayor.

Reid Rocheleau suggested the entire area be considered for rezoning rather than spot zoning.

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

16. Ordinance on the above.

Ald. Sowieja moved, Ald. Barr seconded, for adoption of the ordinance.

Ald. Markham again suggested consideration of the larger area in rezoning.

Mayor Wescott replied that a study is underway for major modification of this area, but state and federal regulatory agencies are involved, creating time lags.

Roll Call: Ayes: Ald. Moore, Barber, Stroik, Molski, Rackow, Barr, Sowieja, Wiza, Markham, Walther, Sevenich.

Nays: None. Motion carried.

17. Resolution - Community Development Block Grant Application.

Ald. Molski moved, Ald. Moore seconded, for adoption of the resolution.

Roll Call: Ayes: Ald. Sevenich, Walther, Markham, Wiza, Sowieja, Barr, Rackow, Molski, Stroik, Barber, Moore.
Nays: None. Motion carried.

18. Public Protection Committee meeting of May 10, 2004.

Al Kawalske appeared before the Council on behalf of Yvonne Bricco who was denied a bartender/operator license. Mr. Kawalske said Ms. Bricco made one mistake and has learned from this mistake. Ms. Bricco has proven to be responsible.

Yvonne Bricco is 28 years old and has not had any other violations. Ms. Bricco held two jobs at the time of the incident and already lost one of her jobs.

Jordan Kaiser, Mission Coffee House, said the majority of the customers do not frequent the Mission Coffee House to consume alcohol. The Mission Coffee House has been serving the community for the past 13 years. There has never been a complaint about vandalism, fighting or drunk driving in regards to the Mission Coffee House's license. The service of alcohol is well monitored.

Mr. Kaiser submitted a copy of a petition signed by customers.

Brandon Malacara, 1609 Fremont Street, feels it is important for him to voice his support for the Mission Coffee House on the grounds of the Mission Coffee House's cultural and economic values to the community. The Mission Coffee House is important for downtown Stevens Point.

Ald. Rackow moved, Ald. Sevenich seconded, for approval of the Public Protection Committee minutes of May 10, 2004, with renewal of license for Mission Coffee House and denial of bartender/operator license for Yvonne Bricco pulled for further discussion.

Ald. Rackow noted the license for Mission Coffee House is not to deny the license but to issue a six-month license. In six months, there should be no problem to get another extension.

Mayor Wescott said after reading the assessment from the Police Department, the Council might have better grounds for a twelve-month renewal.

Ald. Sowieja asked, based on the Police Department's letter, what is their recommendation?

Mayor Wescott noted Captain Dowling's letter stated the police department found no indication that the applicant's behavior away from the workplace has been reflected in the operation of the business.

Ald. Sowieja would like to know why would the Council only grant a six-month license if the Police Department feels a one year license is appropriate.

Ald. Rackow said this is not a recommendation for a non-renewal. This is simply a shorter renewal recommendation.

Mayor Wescott would like to know why the Chairman of the Public Protection Committee feels a shorter renewal term is appropriate.

Ald. Rackow replied it was because of the applicant's conviction that was discussed at the Public Protection Committee meeting.

The following vote is on the motion for approval of the Public Protection Committee minutes of May 10, 2004, with renewal of license for Mission Coffee House and denial of bartender/operator license for Yvonne Bricco pulled for further discussion.

Roll Call: Ayes all.
Nays none. Motion carried.

Ald. Barber said if Yvonne Bricco is not issued a bartender license, she would not be able to work. Ms. Bricco was employed at two establishments and already lost one of her jobs.

Ald. Barber moved, Ald. Sowieja seconded, to grant the bartender/operator license to Yvonne Bricco.

Ald. Sevenich noted the guidelines state the applicant cannot have an OWI conviction in the last six months.

Ald. Stroik noted the applicant has three more months before she can reapply for a bartender/operator license.

Roll Call: Ayes - 1.
Nays - 10. Motion failed.

Ald. Rackow moved, Ald. Markham seconded, to grant a six-month license for Mission Coffee House.

Roll Call: Ayes - 6.
Nays - 5. Motion carried.

19. Board of Public Works meeting of May 10, 2004.

Ald. Sowieja moved, Ald. Moore seconded, for approval of the Board of Public Works minutes of May 10, 2004.

Roll Call: Ayes: Ald. Sevenich, Walther, Markham, Wiza, Sowieja, Barr, Rackow, Molski, Stroik, Barber, Moore.
Nays: None. Motion carried.

20. Finance Committee meeting of May 10, 2004.

Ald. Barr moved, Ald. Walther seconded, for approval of the Finance Committee minutes of May 10, 2004.

Roll Call: Ayes: Ald. Moore, Barber, Stroik, Molski, Rackow, Barr, Sowieja, Wiza, Markham, Walther, Sevenich.
Nays: None. Motion carried.

21. Resolution - 2004 Budget Amendment.

Ald. Stroik moved, Ald. Sevenich seconded, for adoption of the resolution.

Roll Call: Ayes: Ald. Sevenich, Walther, Markham, Wiza, Sowieja, Barr, Rackow, Molski, Stroik, Barber, Moore.
Nays: None. Motion carried.

22. Consideration of claim - Rettler.

Ald. Rackow moved, Ald. Barr seconded, to deny the claim of Rick Rettler.

Roll Call: Ayes all.
Nays none. Motion carried.

23. Personnel Committee meeting of May 10, 2004.

Ald. Molski moved, Ald. Markham seconded, for approval of the Personnel Committee minutes of May 10, 2004.

Roll Call: Ayes: Ald. Moore, Barber, Stroik, Molski, Rackow, Barr, Sowieja, Wiza, Markham, Walther, Sevenich.
Nays: None. Motion carried.

24. Special Personnel Committee meeting of May 17, 2004.

Clerk Kranig read the minutes of the Special Personnel Committee meeting of May 17, 2004.

Ald. Molski moved, Ald. Markham seconded, for approval of the Special Personnel Committee minutes of May 17, 2004.

Roll Call: Ayes all.
Nays none. Motion carried.

25. Ratification of the 2003-2004 Tentative Labor Agreement with IAFF Local 484 (Firefighters).

Ald. Stroik moved, Ald. Markham seconded, to ratify the 2003-2004 Labor Agreement with IAFF Local 484 (Firefighters).

Ald. Sowieja asked what impact the labor agreements will have on the city budget.

Comptroller/Treasurer Schlice said when the Council approves a labor contract, the increases are taken out of the contingency fund.

Roll Call: Ayes: Ald. Sevenich, Walther, Markham, Wiza, Sowieja, Barr, Rackow, Molski, Stroik, Barber, Moore.
Nays: None. Motion carried.

26. Board of Park Commissioners meeting of May 5, 2004.

Ald. Markham moved, Ald. Moore seconded, for approval of the Board of Park Commissioners minutes of May 5, 2004.

Roll Call: Ayes all.
Nays none. Motion carried.

27. Board of Water and Sewage Commissioners meeting of May 10, 2004.

Ald. Rackow moved, Ald. Wiza seconded, for approval of the Board of Water and Sewage Commissioners minutes of May 10, 2004.

Roll Call: Ayes all.
Nays none. Motion carried.

28. Reports:

Police and Fire Commission meeting of May 11, 2004.
Comptroller-Treasurer's report - February 2004.

Ald. Barr moved, Ald. Sowieja seconded, to accept the reports and place them on file.

Roll Call: Ayes all.
Nays none. Motion carried.

29. Mayor's appointment.

Stevens Point Arts Council
Aldersperson Bernice F. Sevenich, 1324 Fourth Avenue
(Term of office - 04-20-05)

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

Roll Call: Ayes all.
Nays none. Motion carried.

30. Persons who wish to address the mayor and council for up to three (3) minutes on non-agenda item.

Reid Rocheleau voiced his concerns on constructing a walkway on Patch Street and traffic concerns on Church Street.

31. Adjournment - 8:25 P.M.

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