

Meeting Minutes

Regular City Council Meeting Minutes

July 19, 2004, 7:00 P.M.

Sentry Theater, 1800 North Point Drive

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, 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 June 21, 2004 and Special Common Council meeting of July 12, 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.
5. Public Protection Committee meeting of July 12, 2004.
6. Personnel Committee meeting of July 12, 2004.
7. Board of Public Works meeting of July 12, 2004.
8. Finance Committee meeting of July 12, 2004.
9. Consideration of claims: A. Auto Exchange. B. Nerissa Calderon. C. Carolyn Susan Riley.
10. Resolution - authorizing and providing for the sale and issuance of \$1,020,000 General Obligation Promissory Notes, Series 2004A, and all related details.
11. Resolution - authorizing and providing for the sale and issuance of \$300,500 Taxable General Obligation Promissory Notes, Series 2004B, and all related details.
12. Plan Commission meetings of June 28, 2004 and July 6, 2004.
13. Public hearing - amending Zoning Ordinance which would classify the following property as "M - 2" Heavy Industrial from "M - 1" zoning; Stora Enso, 800 block of Wisconsin Street.
14. Ordinance on the above.
15. Public hearing - request of Stora Enso, 800 block of Wisconsin Street, to construct a Silo/Pump House Addition as a conditional use.
16. Resolution on the above.
17. Public hearing - amending Zoning Ordinance which would classify property located at 1101 Francis Street, as "R-3" Two Family Zoning from "B-4" Commercial Zoning.
18. Ordinance on the above.
19. Public hearing - request of Stevens Point Catholic Schools, 1301 Maria Drive, to construct an Accessory Building as a conditional use.
20. Resolution on the above.
21. Ordinance amending Chapter 30.04 - Detached Garage and Accessory Buildings.
22. Special Public Protection Committee meeting of June 16, 2004.
23. Board of Water and Sewage Commissioners meeting of July 12, 2004.
24. Reports: Statutory monthly financial report of the Comptroller-Treasurer. Transportation Commission meeting of July 15, 2004.
25. Persons who wish to address the mayor and council for up to three (3) minutes on non-agenda item.
26. Adjournment.
  2. Salute to the flag and Mayor's opening remarks.

Mayor Wescott said thoughts and prayers are with Director Schrader for the recent loss of his mother.

3. Approval of the minutes of the Regular Common Council meeting of June 21, 2004 and Special Common Council meeting of July 12, 2004.

Ald. Barr moved, Ald. Stroik seconded, for approval of the Common Council minutes of June 21, 2004 and the Special Common Council minutes of July 12, 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.

Forms from 49 speakers on the issue of smoking in workplaces are on file in the City Clerk's Office.

5. Public Protection Committee meeting of July 12, 2004.

Ald. Rackow moved, Ald. Sowieja seconded, for approval of the Public Protection Committee minutes of July 12, 2004.

Roll Call: Ayes all.

Nays none. Motion carried.

6. Personnel Committee meeting of July 12, 2004.

Mayor Wescott noted that no action was taken at the Personnel Committee meeting of July 12, 2004 so approval is not necessary this evening.

7. Board of Public Works meeting of July 12, 2004.

Ald. Walther moved, Ald. Markham seconded, for approval of the Board of Public Works minutes of July 12, 2004.

Ald. Barber is not sure it is necessary to include the Southside Citizen Advisory Committee meeting notes since these are just notes.

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

Nays: None. Motion carried.

8. Finance Committee meeting of July 12, 2004.

Ald. Barr moved, Ald. Molski seconded, for approval of the Finance Committee minutes of July 12, 2004.

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

9. Consideration of claims:  
A. Auto Exchange.  
B. Nerissa Calderon.  
C. Carolyn Susan Riley.

Ald. Rackow moved, Ald. Barr seconded, to deny the claims for Auto Exchange, Nerissa Calderon and Carolyn Susan Riley.

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

10. Resolution - authorizing and providing for the sale and issuance of \$1,020,000 General Obligation Promissory Notes, Series 2004A, and all related details.

Ald. Stroik 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.

11. Resolution - authorizing and providing for the sale and issuance of \$300,500 Taxable General Obligation Promissory Notes, Series 2004B, and all related details.

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

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

12. Plan Commission meetings of June 28, 2004 and July 6, 2004.

Ald. Sowieja moved, Ald. Markham seconded, for approval of the Plan Commission minutes of June 28, 2004 and July 6, 2004.

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

13. Public hearing - amending Zoning Ordinance which would classify the following property as "M - 2" Heavy Industrial from "M - 1" zoning; Stora Enso, 800 block of Wisconsin Street, 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. Stroik moved, Ald. Molski 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 - request of Stora Enso, 800 block of Wisconsin Street, to construct a Silo/Pump House Addition as a conditional use, was declared open by the Mayor.

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

16. Resolution on the above.

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

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

17. Public hearing - amending Zoning Ordinance which would classify property located at 1101 Francis Street, as "R-3" Two Family Zoning from "B-4" Commercial Zoning, was declared open by the Mayor.

Paul Bronk, 1101 Francis Street, stated the reason for this request is to construct an addition to his home to accommodate his disabled child.

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

18. Ordinance on the above.

Ald. Stroik moved, Ald. Wiza 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.

19. Public hearing - request of Stevens Point Catholic Schools, 1301 Maria Drive, to construct an Accessory Building as a conditional use, was declared open by the Mayor.

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

20. Resolution on the above.

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

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

21. Ordinance amending Chapter 30.04 - Detached Garage and Accessory Buildings.

Ald. Molski moved, Ald. Moore 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.

22. Special Public Protection Committee meeting of June 16, 2004.

Ald. Rackow moved, Ald. Markham seconded, for approval of the Special Public Protection Committee minutes of June 16, 2004, with item #2 pulled for further discussion.

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

Mayor Wescott explained the procedure for speaking this evening on the smoking issue.

Mary Ellen Wojtalewicz, 1905 N. Second Dr. #222, is against the ban on smoking. People who smoke have the right to do so.

Tom Brown, 616 Fourth Avenue, said at times, he frequents restaurants that allow smoking because they offer great food. When Mr. Brown is in the restaurant which allows smoking, he counts the number of people who are smoking. At times, only three or four out of 40 people are smoking. Mr. Brown feels smoking is on the decline. The City of Stevens Point regulates businesses in a lot of ways and these businesses have not moved or gone out of business because of the current regulations.

Rhody Mallick, 1701 Madison Street, owns a smoke free restaurant. Mr. Mallick feels the Breathe Free and Anti-Tobacco members have sold the business owners of this community short. The business owners are trying to provide for these members.

Bill Zimdars, 2316 Main Street, stated Breathe Free is fueled by people within the community who voice their opinion supporting clean indoor air in workplaces. The members represent health and wellness.

John G. Porter, 625 Janick Circle W., is for an ordinance banning smoking in the workplace.

Diane Anderson, 1570 Strongs Avenue, is a non-smoking waitress at a smoking restaurant. Banning smoking in the workplace is an economic issue for anyone who owns or works in a restaurant.

Dr. John Oglesby, 2208 Eagle Summit, applauded the Council for taking on this issue and hopes the Council will take the opportunity to take leadership and guidance.

Barb Jacob, 1616 Depot St. Apt. A, stated the bar and restaurant owners do not have a problem displaying signs to let people know their establishment allows smoking. Let the people choose if they want to be there.

Kevin Hefferan, 617 Clayton Avenue, said this is an economic and business issue. Mr. Hefferan named the types of businesses that are doing well because of smoking. Mr. Hefferan quoted some statistics from other communities who banned smoking. Mr. Hefferan strongly supports banning smoking in workplaces.

Ed Flatoff, 2151 Ellis Street, does not believe the Council is in a position that they should be legislating common knowledge and responsibility. Stevens Point already has many fine non-smoking restaurants. It is up to the individual to decide where he or she wants to dine. Mr. Flatoff urged the Council to vote against the ban of smoking in workplaces.

Diane Cable, 3708 Simonis Street, supports an ordinance banning smoking in the workplace.

Mike Wojtalewicz, 1905 N. Second Drive, agrees with Mr. Ed Flatoff's comments.

Marcia Yokers, 4056 Simonis Street, is for an ordinance banning smoking in the workplace.

Joan McAuliffe, 908 Green Avenue, said restaurants are most concerned about banning smoking. Ms. McAuliffe would like Stevens Point to be smoke free.

Amy Oglesby, 2208 Eagle Summit, frequents smoke free restaurants. Smoking is a habit that you cannot keep to yourself. Mrs. Oglesby hopes the Council will consider an ordinance banning smoking in the workplace.

Mike Phillips, 3225 Mary Street, agrees with Ed Flatoff. Mr. Phillips feels the government should not get involved in regulating smoking in workplaces.

Isabelle Stelmahoske, 433 Fifth Avenue, is for an ordinance banning smoking in the workplace.

Susan Hunter, 3101 Michigan Avenue, said her family moved to Stevens Point because it is generally a health conscious and family oriented community.

Karen Dunn, 2717 Prais Street, agrees with Ms. Hunter. Ms. Dunn is for an ordinance banning smoking in the workplace.

Ann Wenzel, 807 Minnesota Avenue, is not against anyone's habits. Ms. Wenzel wishes the smoke could be contained. Ms. Wenzel is for an ordinance banning smoking in the workplace.

Cindy Schmitz, 3216 Jordan Lane, supports drafting an ordinance banning smoking in workplaces.

Bernard Kurzawa, 3624 Prais Street, does not agree with Breathe Free's tactics for banning smoking in workplaces.

Dr. Henry Shaw, 3317 Dan's Drive, believes this is a public health issue. Second-hand smoke cannot be contained. The restaurants follow rules concerning clean food and environment so they should also provide clean air.

Steve Faber, 424 Mary Ann Avenue, said it is a health issue for the people working in smoking establishments. The purpose is not to punish smokers but to protect the workers. The objective is to provide a healthy environment to work in.

Ann Helmke, 1815 Lynda Lane, Whiting, encouraged the Council to consider an ordinance banning smoking in workplaces.

Jo Seiser, 616 Fourth Avenue, urged the Council to move forward in drafting an ordinance banning smoking in the workplace.

Annie Hoffman, 1745 Church Street, supports the ban on smoking.

Jane Jones, 932 Bukolt Avenue, does not feel the workplace should endanger the health of its employees.

John Bailiff, 932 Bukolt Avenue, said changes are difficult. Mr. Bailiff urged the Council to join the change by banning smoking in workplaces.

Megan Patterson, 3610 Stanley Street Apt. B, supports banning smoking in the workplace. Second-hand smoke is listed as the third largest preventable cause of deaths in the United States.

Deb Knippel, 611 Soo Marie Avenue, supports the City of Stevens Point drafting an ordinance banning smoking in the workplace. This is an important health issue. We need to take care of people who work in places where there is second-hand smoke.

Judy Ziese, 1431 Frontenac Avenue, is for an ordinance banning smoking in workplaces in the interest of public health.

Fred Kalkofen, 910 Ridge Road, feels at times, non-smokers do not have rights. Mr. Kalkofen supports an ordinance banning smoking in the workplace.

Kent Hall, 200 Pine Bluff Road, is for an ordinance banning smoking in the workplace. Mr. Hall feels someday, Wisconsin and the United States will be smoke free.

Dennis Nash, 617 Sunset Blvd., checked into how common it is that businesses have gone out of business after becoming smoke free. Mr. Nash provided information about a business in Fort Collins.

Don Huston, 4048 Mary Ann Court, does not feel restaurants that have smoking and nonsmoking sections work. Mr. Huston said based on studies, restaurants' revenues have not decreased in communities with ordinances banning smoking.

Tim Sullivan, 1555 Water Street, agrees with Mr. Flatoff and Mr. Kurzawa. If someone does not want to go into an establishment where there is smoking, then do not go. Do not tell others they cannot go.

Annette Huston, 4048 Mary Ann Court, grew up with parents who smoked. Children do not have a voice over such matters. Mrs. Huston promotes health with her family.

Mayor Wescott reported the City Council heard testimony from every city resident who requested an opportunity to speak this evening. At this time, the City Council will hear testimony from all the non-city residents who requested an opportunity to speak.

Mayor Wescott announced as of 7:00 p.m. this evening, the month long public comment period that was authorized at the June 16, 2004 is formally closed. Approximately 38 letters and e-mails became part of official documentation.

Faye Tetzloff, 3255 Paradise Lane, said a formal ordinance has yet to be looked at. This is a serious health issue. Communities need to take a legislative stand with second-hand smoke. In Wisconsin, our government has chosen local control. This is why with an ordinance like this, it cannot be passed on. It is reasonable for the citizens of Stevens Point to expect clean air, food and water.

Robert Liebe, 2341 Anne's Drive, is against an ordinance banning smoking in the workplace. Today, we have an organized special interest group that wants to take freedom away. There are choices to go or not to go places.

Jeannie Tauchman, 11 Ridgewood, is for an ordinance banning smoking in workplaces.

Bruce Woboril, 710 Fourth Street, Plover, said the Breath Free advocates are selfish people trying to run his business without opening their checkbooks.

Carol Weston, 178 Linwood Avenue, believes this is an important issue for our community. Ms. Weston would like to see the City move forward with drafting a smoking ban ordinance. Smoking indoors is harmful.

Robert Muelling, 2501 Forest Drive, is against an ordinance banning smoking in workplaces. Mr. Muelling does not feel anyone has the right to tell the business owners what to do in their private business.

Dr. Bill Hettler, 718 Linwood Avenue, said it is time to take action on banning smoking in workplaces.

Kelly Flatoff Jurgella, 1508 Nick's Road, is against an ordinance banning smoking in workplaces. Mrs. Jurgella is willing to display signs at her business to warn customers smoking is allowed. Many restaurants are already non-smoking restaurants by their own choice.

Judy Hladky, 349 Verrill Street, is here on behalf of the Tobacco Free Coalition of Portage County. The Coalition is a group of citizens that are concerned about the harmful effects of tobacco including second-hand smoke. Everyone deserves a safe environment to work in.

Renee Simono, 2339 Hwy. P, is against the ordinance banning smoking in the workplace. Ms. Simono suggested banning smoking in workplaces become an issue for public referendum.

Craig Hansen, 2019 Mary's Drive, is against an ordinance banning smoking in the workplace. Mr. Hansen feels there are already enough restaurants that are smoke free. It is a matter of freedom of choice.

Mayor Wescott noted everyone who had requested to speak this evening had a chance to speak. Mayor Wescott thanked everyone for their comments and concerns.

Ald. Rackow moved, Ald. Markham seconded, to have the City Attorney draft an ordinance that can serve as a pattern for surrounding municipalities. That draft ordinance should include the following provisions: 1) Should apply to all workplaces, including offices, other business places, and restaurants, 2) Become effective if the following municipalities also adopt a similar ban on smoking: Village of Plover, Village of Whiting, Village of Park Ridge, Town of Hull, and Portage County Board of Supervisors, 3) Should go into effect October 1, 2005, if similar ordinances are also enacted by other municipalities, 4) The Council should meet not later than June 2005 to determine whether other municipalities have enacted similar ordinances.

Ald. Rackow listed numerous cooperative services with surrounding communities.

Ald. Sowieja does not agree with the motion on the floor. People do not need the government to make choices for them. The alderman is concerned this is just a start and will grow more restrictive. Public buildings are smoke free. Taxes on homes and private businesses are paid for by their owners and they should have the right to decide if they want their property to be smoke free.

Mayor Wescott asked if Ald. Sowieja wants an ordinance for the City of Stevens Point only?

Ald. Sowieja does not want any action for an ordinance taken at all.

Ald. Moore had not received a single call since the June 16 meeting. No one is forcing anyone to go into a smoking establishment. All public buildings are smoke free. The alderman does not feel government intervention is necessary.

Ald. Walther said it is every individual's choice which restaurant they decide to dine at. The alderman is hesitant about government regulating smoking in private businesses. Ald. Walther opposes an ordinance banning smoking in workplaces.

Ald. Barber received numerous call regarding the ban on smoking. This is a very serious issue and the Council's responsibility is to look at all sides of any issue. This is a matter of freedom of choice. Ald. Barber is against an ordinance banning smoking in workplaces.

Ald. Stroik said after reviewing all the information provided, the alderman does believe second-hand smoke is a health issue. The City of Stevens Point should explore drafting an ordinance banning smoking in the workplace including surrounding communities. We must look for ways to achieve clean indoor air. The alderman urged the major opponents of this ordinance to try smoke free for a short time in their establishment. Ald. Stroik will vote what is best for his constituents.

Ald. Markham believes second-hand smoke is a public health problem in Stevens Point as well as many other communities. The alderperson supports an ordinance banning smoking in the workplace. People should not have to decide between health and work.

Ald. Molski received numerous calls regarding banning smoking in the workplace. Most of the callers supported an ordinance banning smoking in the workplace.

Ald. Sevenich has a lot of small businesses within her district. Operating small businesses are very difficult. The alderperson feels individuals need to regulate themselves. The government does not need to always tell us what to do.

Ald. Wiza stated restaurants will lose business if there is a ban on smoking. The alderman is against an ordinance banning smoking in the workplace.

Roll Call: Ayes: Ald. Stroik, Molski, Rackow, Markham.  
Nays: Ald. Moore, Barber, Barr, Sowieja, Wiza, Walther, Sevenich.  
Ayes - 4. Nays - 7. Motion defeated.

Ald. Sowieja moved, Ald. Wiza seconded, to affirm the action taken at the Special Public Protection Committee meeting of June 16, 2004.

Roll Call: Ayes: Ald. Sevenich, Walther, Wiza, Sowieja, Barr, Barber, Moore.  
Nays: Ald. Markham, Rackow, Molski, Stroik.  
Ayes - 7. Nays - 4. Motion carried.

23. Board of Water and Sewage Commissioners meeting of July 12, 2004.

Ald. Rackow moved, Ald. Barr seconded, for approval of the Board of Water and Sewage Commissioners minutes of July 12, 2004.

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

24. Reports:

Statutory monthly financial report of the Comptroller-Treasurer.  
Transportation Commission meeting of July 15, 2004.

Ald. Walther moved, Ald. Markham seconded, to accept the reports and place them on file.

Roll Call: Ayes all.

Nays none. Motion carried.

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

None.

26. Adjournment - 9:20 P.M.

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