

Meeting Minutes

Regular Council Meeting

Council Chambers - County/City Building

April 21, 2003, 7:00P.M.

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

Also Present: Comptroller/Treasurer Schlice, City Attorney Molepske, City Clerk Zdroik, Directors Van Alstine, Gardner, Schrader, Disher; Police Chief Carpenter, Fire Chief Barnes, Assessor Kuehn, Transit Manager Lemke, Personnel Specialist Jakusz, Fleet Maintenance Supervisor Laidlaw, Administrative Assistant Gebert, Kari Yenter, Kate Garsombke (Journal), Gene Kemmeter (Portage County Gazette)

Index to these minutes:

1. Roll Call

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

3. Approval of the minutes of the Regular Common Council meeting of March 17, 2003, and Reorganization meeting of April 15, 2003.

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 meetings of March 24, 2003 and April 7, 2003.

6. Public hearing - request of Point Bowl, 2525 Dixon Street, to construct an addition to a tavern or nightclub, as a Conditional Use.

7. Resolution on the above.

8. Resolution - request of the University of Wisconsin-Stevens Point for the City of Stevens Point to sponsor a Targeted Runoff Management grant application.

9. Public Protection Committee meeting of April 14, 2003.

10. Ordinance - amending Chapter 6.07 - Bureau of Fire Prevention and Chapter 24.27 - Citations and Bond Schedule.

11. Board of Public Works meeting of April 14, 2003.

12. Preliminary Resolution - replacement of sanitary sewer laterals and/or water services and/or storm sewer laterals for properties fronting upon both sides of Ellis Street from Clark Street to Pine Street.

13. Finance Committee meeting of April 14, 2003.

14. Ordinance - amending Chapter 12.16 - Mobile Homes and Mobile Home Parks.

15. Personnel Committee meeting of April 14, 2003.

16. Board of Park Commissioners meeting of April 2, 2003.

17. Resolution - amending the Stevens Point Comprehensive Outdoor Recreation Plan.

18. Board of Water and Sewage Commissioners meeting of April 14, 2003.

19. Reports: Police and Fire Commission meeting of April 14, 2003.

Comptroller-Treasurer's report - February 2003.

Transportation Commission meeting of March 31, 2003.

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

21. Parting comments from retiring Alderpersons Filipiak and Nealis. (There will be a social gathering with food and refreshment at Archie's, 2317 Division Street, which may be attended by a majority of alderpersons after the meeting.)

22. Adjournment.

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

Mayor Wescott welcomed Ald. Markham and Ald. Stroik to the Council. The Mayor wished retired Ald. Filipiak and Ald. Nealis good luck in the future.

Mayor Wescott advised the citizens of the City that the absentee ballots are available at the City Clerk's Office.

Mayor Wescott noted a public information meeting on the Highway 10 construction project will be held on Wednesday, April 23, 2003, at P. J. Jacobs Junior High School from 6:00 p.m. to 7:00 p.m. The Highway 10 construction project is planned to begin on Monday, April 28, 2003.

Mayor Wescott announced that some key state lawmakers including members of the Joint Finance Committee are proposing levy freeze or cost controls on cities. The State will not solve the budget crisis by imposing freezes on municipalities statewide.

3. Approval of the minutes of the Regular Common Council meeting of March 17, 2003, and Reorganization meeting of April 15, 2003.

Ald. Walther moved, Ald. Seiser seconded, for approval of the Regular Common Council minutes of March 17, 2003 and the Reorganization minutes of April 15, 2003.

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.

Item #5 - Plan Commission meeting of April 7, 2003

Bill Pritchard

1801 West Zinda Drive

Stevens Point, WI 54481

5. Plan Commission meetings of March 24, 2003 and April 7, 2003.

Ald. Rackow moved, Ald. Molski seconded, for approval of the Plan Commission minutes of March 24, 2003 and April 7, 2003.

Roll Call: Ayes all.

Nays none. Motion carried.

6. Public hearing - request of Point Bowl, 2525 Dixon Street, to construct an addition to a tavern or nightclub, as a Conditional Use, was declared

open by the Mayor.

Scott Prokash, 2301 Dixon Street, noted he had worked at and lived across from Point Bowl for several years. Currently, Mr. Prokash lives one block away from Point Bowl. The current owners take pride in their business and want to improve the business. Mr. Prokash addressed the main concerns of property values, noise, parking, traffic and crowds of people. The expansion will increase the size of the building making it safer and quieter as well as look much better. The original plans were to expand the building to the north but because of the concerns of the neighbors, the owners changed the plans to expand to the west. This is already a noisy neighborhood and will always be noisy because of the industrial businesses. The architect has designed a quality sound proof building with an improved parking lot. The Point Bowl has a good record of enforcing the alcohol laws.

Charles Smart, 2517 Center Street, said his primary concern is the sales of liquor and alcohol at this establishment. Mr. Smart is concerned the proposed expansion is a way to make up the lack of funds from the decreasing bowling sales. Mr. Smart not only opposes the expansion of Point Bowl but would like to see the current business removed.

Carol Hetzel, 2508 Dixon Street, complained of the noise from the cars exiting the parking lot of the Point Bowl. The crowd at Point Bowl is rowdier than it was two years ago. The music from Point Bowl bangs on and on. An expansion of this size does not belong in a residential area. The current traffic flow is already dangerous. Ms. Hetzel is also concerned about the value of her property.

Nicole Dix, 2501 Forest Drive, is an employee at Point Bowl. She had attended the Responsible Beverage Service course and knows the rules for serving alcohol. The policy at Point Bowl is to check everyone for identification for legal drinking age. Ms. Dix was raised at 2225 Michigan Avenue and never had a problem with noise, garbage, etc. from the bowling alley.

Tom Barton, Town of Hull, lives across from Starlite Ballroom. Mr. Barton lived at this residence for the past twenty years and never had a problem with the Ballroom. Stevens Point needs a facility like this in the area.

John Ligenza, 300 Polk Street, stated he used to live at and raised three children at 2201 Michigan Avenue. Mr. Ligenza never had a problem with traffic. The expansion of Point Bowl is needed for the youth. They need someplace to go.

Margaret Myhra, 2317 Welsby Avenue, has lived behind the Point Bowl for almost 40 years. There had not been too many problems except for the last two years. The expansion to the Point Bowl will include a large bar. Mrs. Myhra is concerned about the value of her property. She does not appreciate the loud music.

Tom Bannach, 2525 Dixon Street, said the plans for the expansion include installing a high tech sound system with sound proof walls. He is willing to work through the complaints. Mr. Bannach stated the problems cannot be fixed if he does not know the problems. The Point Bowl needs to conduct business twelve months per year in order to survive. The expansion is for the youth, birthday parties, etc. not just for bands. The children also need someplace to go.

Ron Carlson, 2417 Dixon Street, knew there was a bowling alley next door when he purchased his home nineteen years ago. Mr. Carlson is concerned if a conditional use permit is granted at the Point Bowl, it could become some type of night club. He is impressed the owners are willing to do things to make the building better. Mr. Carlson does not want to see the building go from a struggling bowling alley to a night club. Most of the people in favor of the expansion do not live in the neighborhood.

Kari Simonis, 2117 Welsby Avenue, is concerned about the noise pollution and traffic congestion that will be produced from the expansion of the bowling alley. Ms. Simonis is afraid the front of her property will become a parking lot. Patrons will walk on her lawn. Ms. Simonis would like the bowling alley to prosper as a bowling alley.

Mary Marco, 2416 Dixon Street, said the plans for the expansion at the Point Bowl have now changed three times. The idea is great but not at this location. Ms. Marco stated she has problems with the lights from vehicles shining in her house, drunk drivers, litter and the booming bass music from the building.

Lois Myhre, 2516 Dixon Street, said she has absolutely no problem with Point Bowl. Ms. Myhre has lived in her home for the past twelve years which is the closest home to the bowling alley.

James Willson, 2225 Michigan Avenue, is up by 6:00 a.m. and has never seen a problem with litter from the bowling alley. Mr. Willson also has never had a problem with noise from the building.

Shawn Przybylski, 2128 Welsby Avenue, hears very little noise from the establishment. If a new sound system is installed the volume of the music will be lower. The expansion also includes sound proof walls. Overall, the Point Bowl will be a quieter building. Mr. Przybylski feels the employees of the Point Bowl do a good job at checking patrons for identification and monitoring alcohol. The parking lot of Point Bowl is within the city codes. If a conditional use permit is granted for Point Bowl, the City will impose conditions on the facility. If the Point Bowl closes, they could sell the property to be used for industrial use.

Lori Yach, 2301 Welsby Avenue, said the only complaint she has is the noise of the booming music from the back of the building. Ms. Yach wants the Point Bowl to prosper but there comes a time when you need to accommodate the neighborhood.

Tina Smart, 2517 Center Street, has some problems with the sound of the bass music but always thought the sound was from car stereos. She now understands where the sound is coming from. Mrs. Smart is happy to hear Point Bowl wants to change this but she is not sure the owners plan on sound proofing the entire building. Mrs. Smart's main concern is people parking on the alley along her residence. Weddings start early in the evening when the neighborhood children will be outdoors playing. She is concerned for the children's safety. Mrs. Smart does not understand what a conditional use permit is.

Ed Hebda, 2221 Welsby Avenue, has no problems with the addition to the Point Bowl building.

Sharon Klosinski, 2021 Welsby Avenue, does not have a problem with noise from the Point Bowl building. Ms. Klosinski has never seen the police called to Point Bowl for loud music.

Jackson Case is the architect of the Point Bowl expansion. The design has been modified to meet the concerns of the neighbors. The owners have worked very hard to accommodate the neighbors. This is a wonderful opportunity and an all around good situation.

Dave Bannach, 2525 Dixon Street, stated Point Bowl will remain whether the addition is granted or not. The sound of the music and bowling from the building will not go away. If the addition is granted, the music will go away because the building will be sound proof. Currently, the Point Bowl building looks terrible. All he is trying to do is make the building look better.

Pat Baidy, 2367 North Second Drive, resides across from the Starlite Ballroom. When weddings are taking place at Starlite, the doors and windows are wide open and the only noise she hears is in her kitchen if the kitchen window is open. The owners of Point Bowl plan to install a state-of-the-art heating system and air conditioning so there will be no need to have the doors open. Ms. Baidy does not notice any more litter after a wedding.

Thomas Hetzel, 2508 Dixon Street, feels the large addition to Point Bowl is only to increase the tax base and to help the business. This request was already denied once at the Plan Commission meeting.

Trisha Myhre, 2516 Dixon Street, has not had any problems with Point Bowl. Ms. Myhre feels the Point Bowl building needs updating.

7. Resolution on the above.

Ald. Sowieja would like clarification on what constitutes a night club?

City Attorney Molepske replied the property is zoned industrial. A bowling alley has a liquor license but does not have the same laws that apply to a tavern. To determine the main use for the establishment is first what the overall square footage is used for. Secondly, how much of the total gross sales are for bowling and bar. Lastly, what is the main layout of the building.

Director Gardner stated the addition to the Point Bowl will be used for weddings as well as bands.

Ald. Sowieja asked if the Point Bowl turns into a night club can the Council place restrictions on the establishment? Can the number of bands be limited to so many per week?

City Attorney Molepske replied yes. There is a uniform alcohol rule throughout the state of Wisconsin for the sales of alcohol. Under the zoning rules, the City Council can adopt conditions as it relates to the operation of the business within that type of district.

Ald. Sowieja wants the neighbors, if the resolution is passed, to be comfortable that this business will not turn into a night club.

City Attorney Molepske said the planning staff at the Plan Commission meeting did suggest certain conditions be placed on the premises.

Mayor Wescott noted in the Plan Commission minutes a page of staff recommendations where provided.

Ald. Sowieja moved, Ald. Barr seconded, for adoption of the resolution with the following conditions:

- 1) Install a material in the wall called SheetBlok Sound Barrier. This material is 1/8 inch thick and is used to help block sound from transferring through the wall. SheetBlok shall be installed in the east and west wall of the existing bowling alley as well as the walls of the addition.
- 2) Address the music from the existing bowling alley by adding more speakers close to the bowlers. The speakers are now located at the bowling-pin end of the bowling alley. The owner shall add speakers closer to the bowlers and reduce the volume to achieve the same effect for the listeners.
- 3) Add baffles to vents that penetrate the ceiling to prevent sound from escaping the building.
- 4) Construct a double set of doors on the west side of the building to create an airlock to control noise.
- 5) Not allow windows in the addition in order to prevent music noise from leaving the building.
- 6) Require construction techniques to prevent electric outlets and any other utilities from penetrating the noise insulation in the exterior walls.
- 7) An ongoing requirement that if music noise, including lower octave sound, is heard after 10 p.m. on Sunday - Thursday, and after 11 p.m. on Friday or Saturday, that the owners will reduce the sound level as needed.
- 8) Require a 6 foot solid fence on the west property line.
- 9) Any exterior lighting use cut-off fixtures to prevent light from shining on neighboring properties
- 10) The owners take adequate steps to prevent groups from congregating in the parking lot or on neighboring properties.
- 11) The licensee shall meet with the Police Department to develop security plans which may address health, safety and welfare concerns including, but not limited to:
  - Exterior lighting adjacent to the building or parking lot
  - Control of parking area.
  - Cleanup of physical premises and surrounding neighborhood extending one block from the subject property.
  - Maintain order and peace in and around the licensed premises.
- 12) If construction has not begun by December 31, 2003, this Conditional Use shall expire.
- 13) This Conditional Use shall expire on June 1, 2007.

Ald. Sowieja feels this is a situation of bad zoning when there is industrial zoning next to residential zoning. The alderman sees both the pros and cons to the expansion. If the request for the expansion is not granted, the business could close and sell to an industrial type business. This would really displease the neighbors.

Ald. Barr supports the alderperson in the district that the Point Bowl is located.

Ald. Walther thinks the expansion would increase the appearance of the building. However, the alderman is concerned with the safety issues and increased traffic. The alderman is also concerned the surrounding property will decrease in value.

Ald. Rackow stated after studying the plans and conditions for the expansion of Point Bowl, he is now willing to give it a try.

Ald. Markham asked if the conditions are not met, what will happen?

City Attorney Molepske replied a public hearing would take place to determine if the conditions are being met. Based on the factual information gathered, the conditional use permit would either be granted or denied.

Chief Carpenter recommended the Police Department conduct a study of parking in the area. The neighbors need to feel safe in their homes.

Ald. Seiser agrees with the conditions recommended. The alderperson questioned what is the reason the architect recommended the placement of high windows?

Jackson Case responded the windows in the building were put in for efficiency of electricity.

Roll Call: Ayes: Ald. Sevenich, Markham, Seiser, Sowieja, Barr, Rackow, Molski, Stroik, Phillips, Moore.  
Nays: Ald. Walther.  
Ayes - 10. Nays - 1. Motion carried.

8. Resolution - request of the University of Wisconsin-Stevens Point for the City of Stevens Point to sponsor a Targeted Runoff Management grant application.

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

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

9. Public Protection Committee meeting of April 14, 2003.

Ald. Phillips moved, Ald. Sevenich seconded, for approval of the Public Protection Committee minutes of April 14, 2003, with item #1Da. pulled for further discussion.

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

Ald. Phillips moved, Ald. Barr seconded, to deny Brandon Oltman's operator/bartender license application.

Ald. Seiser does not agree with the policy that a drug charge is more strict than an alcohol charge.

Roll Call: Ayes: Ald. Sevenich, Walther, Markham, Sowieja, Barr, Rackow, Molski, Stroik, Phillips, Moore.  
Nays: Ald. Seiser.  
Ayes - 10. Nays - 1. Motion carried.

10. Ordinance - amending Chapter 6.07 - Bureau of Fire Prevention and Chapter 24.27 - Citations and Bond Schedule.

Ald. Sowieja moved, Ald. Phillips seconded, for adoption of the ordinances amending Chapter 6.07 - Bureau of Fire Prevention and Chapter 24.27 - Citations and Bond Schedule.

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

11. Board of Public Works meeting of April 14, 2003.

Ald. Seiser moved, Ald. Sowieja seconded, for approval of the Board of Public Works minutes of April 14, 2003, with item #3A pulled for further discussion.

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

Ald. Seiser appreciates that the City is doing all they can to use down lighting.

Director Van Alstine said three levels of lighting will be used for this project.

Ald. Phillips moved, Ald. Sevenich seconded, to approve item #3A-Project #14-03: Highway 10-Phase 3 and 4 Lighting Equipment as stated in the Board of Public Works minutes of April 14, 2003.

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

12. Preliminary Resolution - replacement of sanitary sewer laterals and/or water services and/or storm sewer laterals for properties fronting upon both sides of Ellis Street from Clark Street to Pine Street.

Ald. Molski moved, Ald. Seiser seconded, for adoption of the preliminary resolution.

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

13. Finance Committee meeting of April 14, 2003.

Ald. Barr moved, Ald. Moore seconded, for approval of the Finance minutes of April 14, 2003.

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

14. Ordinance - amending Chapter 12.16 - Mobile Homes and Mobile Home Parks.

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

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

15. Personnel Committee meeting of April 14, 2003.

Ald. Molski moved, Ald. Rackow seconded, for approval of the Personnel Committee minutes of April 14, 2003.

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

16. Board of Park Commissioners meeting of April 2, 2003.

Ald. Seiser moved, Ald. Molski seconded, for approval of the Board of Park Commissioners minutes of April 2, 2003, with item #3 pulled for further discussion.

Ald. Seiser thanked the Parks Commission for their support relating to the duck and geese concerns.

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

Ald. Seiser feels the advertisement on the soda machines in the parks is inconsistent with the advertisement policy of the Parks Department. The alderperson does not think soda machines should be allowed in the parks.

Ald. Molski moved, Ald. Moore seconded, to approve item #3 - Recommendation on 2003-2004 Soda Vending Contract in Parks as stated in the Board of Park Commissioners minutes of April 2, 2003.

Roll Call: Ayes: Ald. Moore, Phillips, Stroik, Molski, Rackow, Barr, Sowieja, Markham, Walther, Sevenich.  
Nays: Ald. Seiser.  
Ayes - 10. Nays - 1. Motion carried.

17. Resolution - amending the Stevens Point Comprehensive Outdoor Recreation Plan.

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

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

18. Board of Water and Sewage Commissioners meeting of April 14, 2003.

Ald. Sowieja moved, Ald. Sevenich seconded, for approval of the Board of Water and Sewage Commissioners minutes of April 14, 2003.

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

19. Reports:

Police and Fire Commission meeting of April 14, 2003.

Comptroller-Treasurer's report - February 2003.

Transportation Commission meeting of March 31, 2003.

Ald. Seiser moved, Ald. Phillips seconded, to accept the reports and place them on file.

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

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

Ald. Seiser reminded the citizens of Stevens Point of the upcoming leaf/yard waste collection schedule. The alderperson also noted the brush collection date for the residents with Tuesday garbage collection will be on Monday, April 28.

21. Parting comments from retiring Alderpersons Filipiak and Nealis. (There will be a social gathering with food and refreshment at Archie's, 2317 Division Street, which may be attended by a majority of alderpersons after the meeting.)

Ald. Filipiak said it felt good to have the chance to speak and be heard. It felt good to be a student elected to City government to represent the Third District. Every person deserves to be listened to, considered and acted for based on what they express. Thank you, Stevens Point!

Mayor Wescott presented retired Ald. Filipiak with a plaque.

Ald. Nealis thanked all the supporters of the Ninth District. A lot was accomplished in the six years the alderman served. The alderman said he is proud to have had the honor to be part of all the accomplishments. Ald. Nealis believes it is with all the help of all the City employees and citizen input that the City was able to improve and maintain the excellent quality of life.

Mayor Wescott presented retired Ald. Nealis with a plaque.

22. Adjournment - 9:05 P.M.

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today.  
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