

Meeting Minutes

Regular City Council Meeting Minutes

December 15, 2003, 7:00P.M.

Council Chambers - County/City Building

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 Gardner, Schrader, Disher, Euclide; Police Chief Carpenter, Fire Chief Barnes, Captain McCulley, Assessor Kuehn, Fleet Maintenance Supervisor Laidlaw, 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 Special Common Council meeting of November 17, 2003 and the Regular Common Council meeting of November 17, 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. 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. Recognition awards for the adult school crossing guards.
  6. Plan Commission meeting of December 1, 2003.
  7. Public hearing - request of Point Bowl, 2525 Dixon Street, to construct an addition to a tavern or nightclub as a Conditional Use.
  8. Resolution on the above.
  9. Public hearing - request of Dan Retzki and Troy Hojnacki, 912 Main Street, to operate a tavern as a Conditional Use.
  10. Resolution on the above.
  11. Public hearing - request of Encore Senior Village, 100 Green Avenue North, to operate an Alzheimer's Rest Home as a Conditional Use.
  12. Resolution on the above.
  13. Public hearing - request of First Home, 824 Fremont Street, to operate a home for unwed teenage mothers as a Conditional Use.
  14. Resolution on the above.
  15. Ordinance - amending Section 25.04 - Sign Ordinance regulating size of sign in R-4 and R-5 districts.
  16. Public Protection Committee meeting of December 8, 2003.
  17. Ordinance - amending Section 21.15 - Repair and Other Corrective Action.
  18. Board of Public Works meeting of December 8, 2003.
  19. Ordinance - amending Section 9.02(a) - Speed Limits Increased.
  20. Ordinance - amending Section 9.02(b) - Speed Limits Decreased.
  21. Ordinance - amending Section 9.05(k) - Remove loading zone east side of Wyatt Avenue from Lincoln Avenue to a point 165 feet south.
  22. Finance Committee meeting of December 8, 2003.
  23. Ordinance - amending Section 21.11(6) - Maintenance and Occupancy fee schedule.
  24. Ordinance - amending Section 21.13(2)(a) - Service Charge.
  25. Ordinance - amending Section 30.02(4)(a) - Change in fee schedule on Building Code.
  26. Ordinance - amending Section 9.05(aa)(3) - Change in fee Reserved (assigned) parking spaces.
  27. Ordinance - amending Section 24.27 - Exhibit A, Schedule of Cash Deposits Appendix 1.
  28. Special Finance Committee meeting of December 15, 2003.
  29. Personnel Committee meeting of December 8, 2003.
  30. Board of Parks Commissioners meeting of December 3, 2003.
  31. Board of Water and Sewage Commissioners meeting of December 5, 2003.
  32. Reports: Police and Fire Commission meeting of December 9, 2003.  
Comptroller-Treasurer's report - October 2003.  
Transportation Commission meeting of December 4, 2003.
  33. Parting comments from retiring Water and Wastewater Director Greg Disher.
  34. Persons who wish to address the mayor and council for up to three (3) minutes on non-agenda item.
  35. Adjournment.
2. Salute to the flag and Mayor's opening remarks.

Mayor Wescott stated with the holidays brings the close of this year and the beginning of a new year. The Mayor thanked the elected officials, department heads, and city employees for their hard work throughout the year. The year 2003 has been a very productive year. Mayor Wescott hopes for a prosperous and peaceful year in 2004.

Mayor Wescott congratulated the recent University of Wisconsin-Stevens Point graduates.

3. Approval of the minutes of the Special Common Council meeting of November 17, 2003 and the Regular Common Council meeting of November 17, 2003.

Ald. Walther moved, Ald. Stroik seconded, for approval of the Special Common Council minutes of November 17, 2003, and the regular Common Council minutes of November 17, 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.

Bev Mancl Item # 22 - Finance Committee meeting of December 8, 2003

518 Maple Bluff Road  
Stevens Point, WI 54481

Jo Seiser Item #34 - Persons who wish to address Mayor and Council

616 Fourth Avenue  
Stevens Point, WI 54481

5. Recognition awards for the adult school crossing guards.

Capt. McCulley publicly recognized and thanked Adult School Crossing Guards Paul Malchow, Lorraine Ligman, Warren Wagner, and Robert Cronce for their dedicated services.

6. Plan Commission meeting of December 1, 2003.

Ald. Phillips moved, Ald. Moore seconded, for approval of the Plan Commission minutes of December 1, 2003.

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

7. 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.

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

8. Resolution on the above.

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

Ald. Walther noted this conditional use permit was already granted once. If nothing has changed, does the Council have a legal reason to deny the resolution?

City Attorney Molepske replied the Council can deny the request if testimony is presented that the addition to the tavern would be detrimental to the neighborhood.

Mayor Wescott noted no additional testimony had been heard since the last request. The conditions have not changed.

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

9. Public hearing - request of Dan Retzki and Troy Hojnacki, 912 Main Street, to operate a tavern as a Conditional Use, was declared open by the Mayor.

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

10. Resolution on the above.

Ald. Phillips moved, Ald. Barr seconded, to deny the adoption of the resolution.

Chief Carpenter quoted some statistics regarding the costs to police the downtown area. In 2001, the Police Department had \$25,585.31 in overtime to police the downtown on Thursday, Friday, and Saturday nights. In 2002, the Police Department incurred \$32,306.38. In 2003, \$30,442.43 in overtime was incurred. Typically, five officers patrol the downtown to keep the peace and order. The number of incidents downtown are getting better but the number of establishments are decreasing. If the Council expects this level of policing or more, you have to be fiscally responsible and support the Police Department's request for overtime.

Ald. Molski does not feel anything has changed since the original conditional use permit was granted. What is different today versus when the original conditional use permit was granted?

City Attorney Molepske stated if there is a consensus that things will deteriorate based on what the Police Chief testified with the addition of another tavern downtown then the request could be denied.

Ald. Molski said the Council had already heard the Police Chief's testimony the first time the conditional use permit was granted.

City Attorney Molepske said this is a decision the Council must make.

Ald. Markham asked if additional officers are also located in the neighborhoods where the students are walking home from the downtown area?

Chief Carpenter said the regular on-duty officers patrol the rest of the City.

Ald. Seiser is against the denial of the request for a conditional use permit since nothing had changed. The alderperson does not feel it is fair to take away the opportunity from Mr. Retzki and Mr. Hojnacki for this project. Why should the owners of this establishment take the blame for all the problems downtown?

Ald. Stroik does not think it is fair to single out Mr. Retzki and Mr. Hojnacki. Nothing had changed since the last request. This establishment would probably be a model-type of establishment that the City would focus on bringing to the downtown. If this establishment would be built on the eastside of the City, it probably would have been approved without a problem.

Ald. Rackow feels the motion on the floor should be defeated.

Ald. Sevenich noted that nothing had been completed on the first floor or the outside of this building in the last year. The alderperson said the downtown needs additional retail businesses.

Ald. Phillips said a lot of tax burden is being placed on the taxpayers to control the downtown. Another tavern downtown would be a liability not an asset to the City.

Mayor Wescott is not sure the comment that the City will be more fiscally responsible is accurate. The City is already making the financial commitment and the tavern is not even open yet.

Ald. Phillips feels the more people downtown, the more problems.

Mayor Wescott noted even if the Council does not approve this request, the policing in the downtown area will not decrease.

Ald. Phillips agrees the City will not get rid of the problem but why make it worse.

Ald. Phillips is recommending denial of the request for a conditional use permit for 912 Main Street for the following reasons; 1) the time table is up for Mr. Retzki and Mr. Hojnacki, and 2) changes to the conditions have been requested from what was originally approved.

Roll Call: Ayes: Ald. Moore, Phillips, Barr, Walther, Sevenich.

Nays: Ald. Stroik, Molski, Rackow, Sowieja, Seiser, Markham.

Ayes - 5. Nays - 6. Motion defeated.

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

Ald. Rackow likes the idea of the first floor of this building being put to use. The owners propose this establishment to be a family sports bar. The Police Department's overtime will continue whether or not the business opens.

Ald. Stroik would like to recommend moving forward with an entertainment district.

Ald. Phillips asked if the Sports Bar fails, can the owners put in a dance floor instead?

City Attorney Molepske said the City is licensing this establishment as a tavern. If there are problems, the Council can make changes at the time the conditional use permit expires.

Mayor Wescott stated an entertainment district in the City is in the very preliminary stage.

Ald. Sowieja noted one of the conditions of the resolution states the construction of a kitchen. If the owners do not meet this condition and the conditional use permit expires, the conditional use permit can be denied.

City Attorney Molepske said if the owners do not construct a kitchen or take the kitchen out then the owners would have a problem.

Roll Call: Ayes: Ald. Markham, Seiser, Sowieja, Rackow, Molski, Stroik.

Nays: Ald. Sevenich, Walther, Barr, Phillips, Moore.

Ayes - 6. Nays - 5. Motion carried.

11. Public hearing - request of Encore Senior Village, 100 Green Avenue North, to operate an Alzheimer's Rest Home as a Conditional Use, was declared open by the Mayor.

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

12. Resolution on the above.

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

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

Nays: None. Motion carried.

13. Public hearing - request of First Home, 824 Fremont Street, to operate a home for unwed teenage mothers as a Conditional Use, was declared open by the Mayor.

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

14. Resolution on the above.

Ald. Seiser moved, Ald. Sowieja 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.

15. Ordinance - amending Section 25.04 - Sign Ordinance regulating size of sign in R-4 and R-5 districts.

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

Ald. Seiser does not support the request to amend the sign ordinance. The alderperson is against bigger signs and lit signs in neighborhoods.

Ald. Sevenich agrees the Council should not allow larger signs in residential neighborhoods.

Ald. Markham stated if the Council is asked to make too many exceptions to the sign ordinance, what is the purpose of having the ordinance?

Mayor Lewis said the armory received a federal grant for standardized signage at the armories throughout the state. In the state, there are a total of 69 armories. The signs are very cosmetic and are not lighted.

Mayor Wescott asked if the signs are uniform throughout the state?

Major Lewis replied that is correct.

Mayor Wescott said the reason for the request is that the sign is consistent with all the other armories in the state. In the other 68 communities throughout the state, other communities must have sign ordinances. Where these communities willing to work with you?

Major Lewis responded in about 48 of the 68 communities, they could go ahead and place the signs. The remaining communities had sign ordinances but they were willing to work with them.

Roll Call: Ayes: Ald. Moore, Phillips, Stroik, Molski, Rackow, Barr, Sowieja, Walther, Sevenich.

Nays: Ald. Seiser, Markham.

Ayes - 9. Nays - 2. Motion carried.

16. Public Protection Committee meeting of December 8, 2003.

Ald. Phillips moved, Ald. Stroik seconded, for approval of the Public Protection Committee minutes of December 8, 2003.

Ald. Phillips reported as of today a total of 25 deer have been culled in the City. Only one complaint regarding the hunt had been received. The alderperson feels the hunt has been a success thus far. The culling of the deer will continue this month, January and February.

Roll Call: Ayes all.

Nays none. Motion carried.

17. Ordinance - amending Section 21.15 - Repair and Other Corrective Action.

Ald. Seiser moved, Ald. Sevenich seconded, for adoption of the ordinance.

City Attorney Molepske stated the ordinance will allow the City to do repairs to houses that are deteriorating and the owners will not make the improvements. The City or contractor working for the City will make the repairs and place the costs on the tax roll as a special assessment.

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

Nays: None. Motion carried.

18. Board of Public Works meeting of December 8, 2003.

Ald. Sevenich moved, Ald. Molski seconded, for approval of the Board of Public Works minutes of December 8, 2003.

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

Nays: None. Motion carried.

19. Ordinance - amending Section 9.02(a) - Speed Limits Increased.

Ald. Seiser moved, Ald. Moore seconded, to direct the ordinance to the Board of Public Works meeting in January or February for further review.

Ald. Phillips asked if the Police Department already reviewed the ordinance?

Chief Carpenter said the area on Second Street North is a wide-open area. The Police Department recommends raising the speed limit to 35 mph. There were a total of nine accidents in five years and only one accident was driving too fast for conditions.

Ald. Phillips said there are other streets in the City that are similar to Second Street North and the speed limit is 35 mph.

Ald. Seiser would like this issue discussed at the committee level.

Ald. Moore is concerned with Zenoff Park in the area that the traffic could be busy at times.

Roll Call: Ayes: Ald. Sevenich, Walther, Markham, Seiser, Barr, Rackow, Molski, Stroik, Phillips, Moore.

Nays: Ald. Sowieja.

Ayes - 10. Nays - 1. Motion carried.

20. Ordinance - amending Section 9.02(b) - Speed Limits Decreased.

City Attorney Molepske said the signs have been there for years but were failed to be listed in the ordinance.

Ald. Rackow is used to seeing signs near school crossings that state 15 mph when children are present.

Mayor Wescott noted this is just a technicality.

Capt. McCulley said there were inconsistencies in the school zone areas. Each school zone will have the proper sign.

Ald. Rackow is distressed if this means that whether there are students present or even during the summer, motorists will have to slow down to 15 mph if the ordinance is adopted.

Capt. McCulley said these are designated for school crossings so it is when the students are present.

City Attorney Molepske said the statute reads when children are present.

Ald. Sowieja asked if all these crosswalks presently have signage that say 15 mph?

Mayor Wescott asked how will a motorist know when to slow down when approaching a school crosswalk?

City Attorney Molepske stated it is not incumbent that the City put up signs, it is already the state law. As a courtesy, the City will place signs that say school crosswalk.

Capt. McCulley noted all the lime green school crossing signs are now consistent.

Ald. Stroik asked if all the school crossings have signs?

City Attorney Molepske said the signs are already up.

Mayor Wescott clarified the crosswalks are already established and the signs are up but the City needs an ordinance to enforce them.

Ald. Seiser moved, Ald. Moore 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.

21. Ordinance - amending Section 9.05(k) - Remove loading zone east side of Wyatt Avenue from Lincoln Avenue to a point 165 feet south.

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

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

22. Finance Committee meeting of December 8, 2003.

Ald. Barr moved, Ald. Sowieja seconded, for approval of the Finance Committee minutes of December 8, 2003.

Bev Mancl, 518 Maple Bluff Road, said a few apartment owners worked with the committee to address several issues on the housing license fees. Ms. Mancl feels a fair formula was developed. The increase in fees is quite substantial. The total revenue will increase from about \$34,000 to \$64,000. Ms. Mancl supports the formula that was developed but is still concerned the landlords were targeted. The City had worked hard to keep the tax rate down but Ms. Mancl hopes with the need for money, the City is not targeting one sector to make up these monies.

Mayor Wescott noted the fees have not been increased for about 10 years.

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

23. Ordinance - amending Section 21.11(6) - Maintenance and Occupancy fee schedule.

Ald. Molski moved, Ald. Stroik 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.

24. Ordinance - amending Section 21.13(2)(a) - Service Charge.

Ald. Rackow moved, Ald. Markham 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.

25. Ordinance - amending Section 30.02(4)(a) - Change in fee schedule on Building Code.

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

Ald. Sowieja asked if the state statutes were followed when determining what the fees will be?

Mayor Wescott said all ordinances are reviewed by the City Attorney.

City Attorney Molepske does not have a problem with the fees.

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

26. Ordinance - amending Section 9.05(aa)(3) - Change in fee Reserved (assigned) parking spaces.

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

Ald. Sowieja said it would be more appropriate to increase fees on a regular basis.

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

27. Ordinance - amending Section 24.27 - Exhibit A, Schedule of Cash Deposits Appendix 1.

Ald. Sowieja moved, Ald. Barr 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.

28. Special Finance Committee meeting of December 15, 2003.

Ald. Barr moved, Ald. Phillips seconded, for approval of the Special Finance Committee minutes of December 15, 2003.

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

29. Personnel Committee meeting of December 8, 2003.

Ald. Rackow moved, Ald. Molski seconded, for approval of the Personnel Committee minutes of December 8, 2003.

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

30. Board of Parks Commissioners meeting of December 3, 2003.

Ald. Phillips moved, Ald. Stroik seconded, for approval of the Board of Parks Commissioners minutes of December 3, 2003.

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

31. Board of Water and Sewage Commissioners meeting of December 5, 2003.

Ald. Moore moved, Ald. Markham seconded, for approval of the Board of Water and Sewage Commissioners minutes of December 5, 2003.

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

32. Reports:

Police and Fire Commission meeting of December 9, 2003.

Comptroller-Treasurer's report - October 2003.

Transportation Commission meeting of December 4, 2003.

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

Ald. Walther reported the Transit Department is continuing to work on the TDP recommendations. Effective February 1, 2004, some changes will be made to the fixed transit routes.

Ald. Rackow said the City initially spent a fair amount of money for the TDP, however, the results from the TDP are paying off.

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

33. Parting comments from retiring Water and Wastewater Director Greg Disher.

Mayor Wescott stated in 1966, Director Disher began his career with the City of Stevens Point. The Directors of the City serve a critical role in advising the Council and maintaining the professionalism within their departments.

Director Disher enjoyed working for the Water and Wastewater Department for the past 37 years. The Director had the opportunity to complete many projects that improved the Water and Wastewater Department and the community of Stevens Point. Director Disher noted no two days were the same during his entire employment. The Director thanked everyone for their hard work and the City for the opportunity to work for this community.

Mayor Wescott presented Director Disher with a plaque.

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

Jo Seiser commented on the following issues; 1) the County and the community as a whole, 2) deer culling in the City, and 3) BreatheFree.

35. Adjournment - 8:45 P.M.

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Bottom of Form