

Meeting Minutes

REGULAR COUNCIL MEETING

Council Chambers, County-City Building

January 21, 2002, 7:00P.M.

Mayor Gary W. Wescott, presiding Roll Call: Present: Ald. Sevenich, Walther, Filipiak, Seiser, Sowieja, Barr, Rackow, Molski, Nealis, 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, Kari Yenter, Barb Martin (Journal), Gene Kemmeter (Portage County Gazette)

Index to these minutes:

2. Salute to the flag and Mayor's opening remarks/state budget.
3. Approval of minutes of the minutes of the Regular Common Council meeting of December 17, 2001.
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. Resolution authorizing execution of first supplemental indenture of trust and first amendment to loan agreement relating to industrial development revenue bonds, Series 1999 (the Young Men's Christian Association of Stevens Point, Wisconsin Area, Inc. Project), amending provisions relating to the interest rate on the bonds.
6. Plan Commission meeting of January 7, 2002.
7. Resolution approving Preliminary Plat - Heffron Woods Second Addition.
8. Public hearing - request of Community First Bank, 5525 Highway 10 East, to operate a branch/drive-up banking facility as a Conditional Use.
9. Resolution on the above.

10. Board of Public Works meeting of January 14, 2002.
11. Ordinance - Traffic
12. Finance Committee meeting of January 14, 2002.
13. Public Protection Committee meeting of January 14, 2002.
14. Personnel Committee meeting of January 14, 2002.
15. Board of Park Commissioners meeting of January 2, 2002.
16. Board of Water and Sewage Commissioners meeting of January 14, 2002.
17. Telecommunications Commission meeting of January 3, 2002.
18. Reports
19. Persons who wish to address the mayor and council for up to three (3) minutes on non-agenda item, and time strictly enforced.
20. Adjournment

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

Mayor Wescott said Governor Scott McCallum is expected to present his plan to handle the \$1.1 billion state budget deficit. Early reports indicate a proposed freeze in local property tax levies is being advocated by some legislators. Freezing local property tax levies does not solve the billion dollar state budget shortfall. The condition of the state budget has declined dramatically in the last few years because legislators have increased state spending substantially more than the rate of inflation. In 1999, the state of Wisconsin was rated as one of the worst states on having a reserve fund account. To blame cities for this mess is wrong.

3. Approval of minutes of the minutes of the Regular Common Council meeting of December 17, 2001.

Ald. Rackow moved, Ald. Molski seconded, for approval of the regular Common Council minutes of December 17, 2001.

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.

Jerry Kaczmarek Item #19 - Persons who wish to address Mayor and Council

500 Walker Street

Stevens Point, WI 54481

Ed Hunt Item #13 - Public Protection Committee meeting of

2317 Prais Street January 14, 2002

Stevens Point, WI 54481

Deb Knippel Item #13 - Public Protection Committee meeting

611 Soo Marie Avenue January 14, 2002

Stevens Point, WI 54481

Carol Garski Item #13 - Public Protection Committee meeting

200 Isadore Street January 14, 2002

Stevens Point, WI 54481

Forrest Grulke Item #13 - Public Protection Committee meeting

3253 Echo Dells Avenue January 14, 2002

Stevens Point, WI 54481

Marsha Breeser Item #13 - Public Protection Committee meeting

3340 Whiting Avenue January 14, 2002

Stevens Point, WI 54481

Arthur Hopper Item #13 - Public Protection Committee meeting
2801 Parkway Drive January 14, 2002
Stevens Point, WI 54481

Allen Ward Item #13 - Public Protection Committee meeting
3100 Ellis Street #3 January 14, 2002
Stevens Point, WI 54481

Bob Woehr Item #13 - Public Protection Committee meeting
727 Second Street January 14, 2002
Stevens Point, WI 54481

Rick Zahn Item #6 - Plan Commission meeting of January 7, 2002
Rettler Corporation
Stevens Point, WI 54481

5. Resolution authorizing execution of first supplemental indenture of trust and first amendment to loan agreement relating to industrial development revenue bonds, Series 1999 (the Young Men's Christian Association of Stevens Point, Wisconsin Area, Inc. Project), amending provisions relating to the interest rate on the bonds.

City Attorney Molepske explained all that is being done at this time is refinancing to benefit from the low interest rate.

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

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

6. Plan Commission meeting of January 7, 2002.

Ald. Rackow moved, Ald. Phillips seconded, for approval of the Plan Commission minutes of January 7, 2002, with item #2 pulled for further discussion.

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

Ald. Filipiak is concerned with pedestrian safety issues. The university students do not feel safety is really being addressed. The alderman feels the plans for this area are moving too quickly.

Mayor Wescott noted a detailed design will be returned to the Plan Commission and Board of Public Works for review.

Ald. Filipiak said the design concept is clear they spent a lot of time designing a road through this area. Is a pedestrian mall still in the plans?

Greg Diemer, Assistant Chancellor for Business Affairs, said the changes to this intersection were designed to increase pedestrian safety. The pedestrians will now be able to cross this intersection in a straight line. Stop signs will be repositioned at the High Street/Portage Street intersection. A study group has been put together at the university to address the pedestrian mall concerns.

Rick Zahn, Rettler Corporation, added the only way to totally eliminate the interaction of pedestrians and vehicles is to eliminate traffic east and west on the High Street/Portage Street connection. For emergency purposes, vehicular traffic needs to be maintained in this area.

Mayor Wescott asked if this is still an open dialog at the university?

Greg Diemer said yes, it is still open dialog.

Ald. Filipiak asked if there is still open dialog on eliminating vehicular traffic at this intersection?

Rick Zahn stated at this time, eliminating the east and west traffic at this intersection is not under further consideration.

Carl Rasmussen, UWSP Facilities Planner, reinforced the recommendation of the Plan Commission and City Council in the early 1990's was that this intersection is too important to eliminate traffic through that intersection.

Director Gardner noted the issue of the stop signs on Portage/High Street is still unresolved. The Stevens Point Area Catholic Schools are opposed to closing these streets.

Ald. Filipiak is disappointed there was not more dialog with the university students.

Ald. Nealis moved, Ald. Sevenich seconded, for approval of item #2 - UWSP-align Portage Street with High Street as stated in the Plan Commission minutes of January 7, 2002.

Mayor Wescott asked if there will be additional review once the final plan is complete at the university level?

Greg Diemer stated there will be continued dialog.

Ald. Seiser feels the pedestrian mall concept needs to be reviewed.

Roll Call: Ayes: Ald. Sevenich, Walther, Sowieja, Barr, Rackow, Molski, Nealis, Phillips, Moore.
Nays: Ald. Filipiak, Seiser.
Ayes - 9. Nays - 2. Motion carried.

7. Resolution approving Preliminary Plat - Heffron Woods Second Addition.

Ald. Rackow moved, Ald. Nealis seconded, to refer the resolution approving the preliminary plat for Heffron Woods Second Addition back to the Plan Commission based on the request of the owner.

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

8. Public hearing - request of Community First Bank, 5525 Highway 10 East, to operate a branch/drive-up banking facility as a Conditional Use, was declared open by the Mayor.

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

9. Resolution on the above.

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

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

10. Board of Public Works meeting of January 14, 2002.

Ald. Nealis moved, Ald. Sowieja seconded, for approval of the Board of Public Works minutes of January 14, 2002.

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

11. Ordinance - Traffic:

9.05(g) 277. On the east side of Second Street from North Point Drive to a point 207 feet south.

9.06(a) 732. Southbound on Indiana Avenue at Channel Drive.

9.05(d) 57. On the north side of Peck Street between Michigan Avenue and Clayton Avenue.

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

Ald. Walther would like clarification on the parking for the north side of Peck Street between Michigan Avenue and Clayton Avenue. The alderman understands the creation of two-hour parking on the north side of Peck Street but will it eliminate two-hour parking from the south side of the street to allow open parking?

Director Van Alstine noted this ordinance adds two-hour parking on the north side of Peck Street but does not delete the other side.

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

12. Finance Committee meeting of January 14, 2002.

Ald. Barr moved, Ald. Sowieja seconded, for approval of the Finance Committee minutes of January 14, 2002, with item #2 - Approval of Expenditure-Deer Management Committee pulled for further discussion.

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

Ald. Rackow moved, Ald. Nealis seconded, to approve item #2 - Approval of Expenditure-Deer Management Committee of the Finance Committee minutes of January 14, 2002.

Roll Call: Ayes: Ald. Phillips, Nealis, Rackow, Barr, Sevenich.
Nays: Ald. Moore, Molski, Sowieja, Seiser, Filipiak, Walther.
Ayes - 5. Nays - 6. Motion failed.

Mayor Wescott noted that the Council had now voted not to spend the money to cull the herd, the next item is considered moot.

City Attorney Molepske concurs with the Mayor. The Council can approve the culling of the deer, but have not appropriated the funds to do so.

13. Public Protection Committee meeting of January 14, 2002.

Ald. Sowieja said if item #2 passes, you could go back and have a motion to reconsider the funding for culling of the deer herd at this meeting.

Mayor Wescott would concur the Council could have a motion to reconsider at the next month's meeting according to the operating rules of the City.

City Attorney Molepske said the Robert's Rule of Order states you can always reconsider a motion at the same meeting. However, there is a provision in the ordinance that provides that any person at the following meeting may reconsider the action taken at a previous Council meeting and move for reconsideration as long as they had voted in the affirmative. The Attorney said if you would like to make that motion, you would have to advise the Chair to put the item on the next month's agenda as a reconsideration.

Mayor Wescott added if the information to reconsider is provided to the Mayor's office in time for construction of the February Common Council agenda.

Ald. Rackow moved, Ald. Walther seconded, for approval of item #1 and #4 of the Public Protection Committee minutes of January 14, 2002, with

item #2 and #3 pulled for further discussion.

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

Item #2 - Stevens Point Deer Management Committee meeting of January 7, 2002

Clerk Zdroik noted at 2:00 p.m. today, the City Clerk's office received a petition signed by 125 residents of the City. The purpose of the petition is to request the Council not to allow the culling of the deer herd in the City of Stevens Point. The petition was placed on record.

Marsha Breeser, 3340 Whiting Avenue, asked that before making any decisions, the city further explore the issue of the culling of the deer herd based on the fact that a petition filed today was signed by 125 citizens opposing the culling of the deer herd. As a member of this community, Ms. Breeser is interested in the estimated total deer population, number of reports of deer complaints and an expert's recommendation. Ms. Breeser enjoys the unique combination the City of Stevens Point offers.

Arthur Hopper, 2801 Parkway Drive, is opposed to the culling of the deer herd. Mr. Hopper would like to raise the question if other avenues of controlling the herd have been looked into. He does not feel twenty-five car/deer accidents in the year 2000 sounds like a lot of accidents. Mr. Hopper commutes on Patch Street a minimum of four times a day for sixteen years and never had a single deer encounter. The City of Stevens Point is overreacting to this situation.

Forrest Grulke, 3253 Echo Dells Avenue, stated the deer in his back yard improve the quality of life. At times the deer can be a challenge, but you learn to plan and deal with it. Shooting the deer does not make sense. If you have to cull the herd, it needs to be equitable throughout the city.

Ald. Phillips moved, Ald. Barr seconded, to approve the culling of deer in the City of Stevens Point.

Ald. Seiser reminded the citizens that the City of Stevens Point has a No Feeding Deer ordinance.

Ald. Phillips said the Deer Management Committee weighed the options available to bring the deer herd under control. In making the decision to cull the deer herd, it was not the intention to eliminate the deer in the City but rather control the number of deer.

Ald. Rackow noted the Villages of Whiting and Plover have already used this method successfully.

Ald. Walther said after talking with several constituents, is opposed to the culling of the deer herd.

Ald.. Barr stated those in favor of culling the herd are ensuring the herds survival. Those who are opposed to it are risking the herd through overpopulation in an urban area.

Ald.. Molski favored the culling of the deer herd at the committee level. The alderperson after receiving numerous calls from constituents opposing the culling of the deer herd, has now changed her vote.

Ald.. Filipiak said we need to be prepared to live with what is here.

Roll Call: Ayes: Ald.. Sevenich, Barr, Rackow, Phillips.
Nays: Ald.. Walther, Filipiak, Seiser, Sowiejka, Molski, Nealis, Moore.
Ayes - 4. Nays - 7. Motion failed.

Mayor Wescott reviewed the procedural opportunity that is at the discretion of the alderpersons. If an alderperson who voted nay on this issue or nay on the financing issue requests to be placed on the February's Council agenda as a reconsideration, this item could return next month. The deadline for placing an item on the February Council agenda is by 8:30 a.m. on the Thursday prior to the Council meeting.

Item #3 - Discussion on occupancy of a licensed premises by underage persons

Ed Hunt, 2317 Prais Street, is not anti-business or against young people having a good time. Mr. Hunt speaks against writing an ordinance for opening an existing premise for underage people. He cannot believe the Police Department does not see this as a potential nightmare. If an ordinance is chosen to be written, the hope is the entrance is clearly distinguished from all other entrances and there be no visible advertising or symbols of alcohol. Mr. Hunt encourages the Council to vote against this new ordinance.

Mayor Wescott clarified the Council is not acting on a formal ordinance tonight.

Deb Knippel, Prevention Specialist at Ministry Behavior Health, does not support an ordinance allowing establishments licensed to serve alcohol to be able to have an underage club on the premises. Allowing underage persons in the basement area of a bar will result in developing a comfort level of being at a bar. At age 21, these persons are more likely to frequent a bar. Ms. Knippel urges the Council not to vote for the drafting of an ordinance allowing underage persons on licensed premises.

Carol Garski, 200 Isadore Street, said currently, the young adults are gathering in unsupervised areas such as parking lots and fields. The underage club would provide a supervised environment for persons 18 and up. It would not open until 8:00 p.m. allowing plenty of time for homework. As for the advertisement, alcohol ads are all over including TV, radio, stores, etc. There is a separate entrance for the downstairs area and bathrooms are also located in the basement so there is no need to go upstairs in the licensed alcohol area.

Allen Ward, 3100 Ellis Street #3, is in favor of the proposed ordinance to be drafted. The current state statute clearly says as long as there is a separate entrance into the establishment and no alcohol is served or present at that location, it is allowed. There is no reason why this community can not have a place for people who are 18 years old to go and have a good time.

Bob Woehr, 727 Second Street, is opposed to drafting an ordinance for an underage club. Mr. Woehr feels there are numerous organizations available for these young adults. In the past, the City of Stevens Point had other situations where private entities had attempted to establish a place for young adults. These places ended up being nothing but a nightmare for the Police Department.

Ald.. Filipiak moved, Ald.. Barr seconded, that the City Attorney's office proceed in developing an ordinance on the occupancy of a licensed

premises by underage persons.

Ald.. Rackow moved, Ald.. Nealis seconded, to amend the motion by adding a sunset clause of December 31, 2002, in the ordinance.

Ald.. Sowieja asked what is the reason for a sunset clause?

Ald.. Rackow pointed out other businesses have tried this in the past and were not successful. The purpose of having a sunset clause is that if it does not work, we do not have to do anything. If it works out, the Council can extend the ordinance.

Ald.. Seiser had voted against drafting an ordinance at the Public Protection Committee meeting but will now vote in favor of drafting an ordinance. The alderperson feels alcohol is a serious problem for both people of drinking age and underage people. Enforcement of the laws is very important.

Ald.. Sevenich agrees young adults need a place to go. The alderperson feels a social club open on weekday nights is a distraction from the time needed for a job or school. If the need is so strong, the alderperson would consider the club on a Friday and Saturday night only with an indoor/outdoor facility.

Ald.. Molski thinks the Council should give this request a try.

Ald.. Nealis likes the idea of a place for the young adults to go to that is supervised with no alcohol.

Ald.. Filipiak stated when he was 18 to 21 years old, he had no idea of what to do with himself. The society we live in does promote alcohol. Having a place for these individuals to go that is supervised without alcohol is a great idea.

Ald.. Walther agrees the use of posters promoting alcohol and other types of symbols should be removed.

Ald.. Sowieja is in favor of drafting an ordinance for this request.

The following is the vote on the amended motion to include a sunset clause of December 31, 2002.

Roll Call: Ayes: Ald.. Moore, Phillips, Nealis, Molski, Rackow, Barr, Walther.

Nays: Ald.. Sowieja, Seiser, Filipiak, Sevenich.

Ayes - 7. Nays -4. Motion carried.

The following is the vote on the main motion.

Roll Call: Ayes: Ald.. Walther, Filipiak, Seiser, Sowieja, Barr, Rackow, Molski, Nealis, Moore.

Nays: Ald.. Sevenich, Phillips.

Ayes - 9. Nays - 2. Motion carried.

14. Personnel Committee meeting of January 14, 2002.

Ald.. Rackow moved, Ald.. Molski seconded, for approval of the Personnel Committee minutes of January 14, 2002.

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

Nays: None. Motion carried.

15. Board of Park Commissioners meeting of January 2, 2002.

Ald.. Molski moved, Ald.. Seiser seconded, for approval of the Board of Park Commissioners minutes of January 2, 2002.

Ald.. Sowieja asked if the Mid-State Technical College issue will return?

Mayor Wescott stated the Park Commission denied the request from Mid-State Technical College. The Plan Commission entertained a request from the Technical College to postpone action and to form a subcommittee comprised of members of the Park Commission, City Plan Commission, University representatives and Mid-State Technical College officials. Any recommendation from the subcommittee will first go to the Park Commission and then to the Plan Commission.

Director Gardner said there was also some discussion on having a joint Park Commission and Plan Commission meeting.

Roll Call: Ayes all.

Nays none. Motion carried.

16. Board of Water and Sewage Commissioners meeting of January 14, 2002.

Ald.. Nealis moved, Ald.. Moore seconded, for approval of the Board of Water and Sewage Commissioners minutes of January 14, 2002.

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

Nays: None. Motion carried.

17. Telecommunications Commission meeting of January 3, 2002.

Ald.. Rackow moved, Ald.. Phillips seconded, for approval of the Telecommunications Commission minutes of January 3, 2002.

Roll Call: Ayes all.

Nays none. Motion carried.

18. Reports:

Comptroller-Treasurer's report - November 2001.

Police and Fire Commission meeting of January 15, 2002.
Transportation Commission meeting of January 16, 2002.

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

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

19. Persons who wish to address the mayor and council for up to three (3) minutes on non-agenda item, and time strictly enforced.

Jerry Kaczmarek, 500 Walker Street, expressed his concern with the situation on the public square. The Board of Regents is concerned with the drinking of alcohol by the university students. It is not fair to the taxpayers to pay for the extra patrol needed on the square. Mr. Kaczmarek feels the bar owners should contribute a certain amount of money to cover the police overtime.

20. Adjournment - 8:45 P.M.

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Bottom of Form