

Meeting Minutes

REGULAR COUNCIL MEETING

Council Chambers, County-City Building

September 16, 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 Captain Daubert, Fire Chief Barnes, Assessor Kuehn, Transit Manager Lemke, Personnel Specialist Jakusz, Administrative Assistant Molepske, Kari Yenter, Barb Martin (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 August 19, 2002.
4. *Persons who wish to address the mayor and council on specific agenda items other than a "Public Hearing" must register their request at this time. Those who wish to address the Common Council during a "Public Hearing" are not required to identify themselves until the "Public Hearing" is declared open by the Mayor.
5. Plan Commission meeting of September 3, 2002.
6. Public hearing - request of Dan Retzki and Troy Hojnacki, to locate a tavern at 912 Main Street, as a Conditional Use.
7. Resolution on the above.
8. Public hearing - amending Section 23.02(1)(d)3. side yard setbacks in Single Family Zone.
9. Ordinance on the above.
10. Public hearing - amending Section 23.02(1)(d)4. - street setback in Single Family Zone.
11. Ordinance on the above.
12. Resolution accepting the right-of-way for Portage County Business Park.
13. Public Protection Committee meeting of September 9, 2002.
14. Ordinance amending Chapter 9 subsection .01 - Provisions of State Traffic Law Adopted by Reference, to include Transportation Chapter 305 - Standards for Vehicle Equipment.
15. Ordinance amending Chapter 30.01(4) Application of Wisconsin Administrative Building Code.
16. Joint Meeting of Personnel, Finance, Police & Fire Commission and Board of Water and Sewage Commissioners September 9, 2002.
17. Personnel Committee meeting of September 9, 2002.
18. Special Personnel Committee meeting of September 16, 2002.
19. Board of Public Works meeting of September 9, 2002.
20. Ordinance - Traffic:
No Parking 9.05(g) 278. On the west side of Plover Street between Shaurette Street and Division Street.
No Parking 9.05(g) 279. On the north and south sides of the north driveway to Municipal Lot #18.
Thirty (30) Minute Metered Parking Zone 9.05(p) (9)g. On the west side of Strongs Avenue from a point 61 feet south of Clark Street to a point 107 feet south of Clark Street.
Two (2) Hour Metered Parking Zone 9.05(p) (9)c. On the west side of Strongs Avenue from a point 52 feet south of Clark Street to a point 100 feet south of Clark Street.
21. Final Resolution - bituminous surfacing - all property fronting upon both sides of an alley between Smith Street and Prentice Street from Franklin Street to Fourth Avenue.
22. Special Board of Public Works meeting of September 16, 2002.
23. Finance Committee meeting of September 9, 2002.
24. Telecommunications Commission meeting of August 21, 2002.
25. Board of Water and Sewage Commissioners meeting of September 6, 2002.
26. Reports:
Comptroller-Treasurer's report - July 2002.
Police and Fire Commission meeting of September 10, 2002.
Transportation Commission meeting of August 21, 2002.
27. Mayor's appointments:
Board of Water and Sewage Commissioners - Dave Eckholm.
Smongeski Health Fund - Carol Pearson.
Transportation Development Project Advisory Committee (a list of appointees is attached).
28. Persons who wish to address the mayor and council for up to three (3) minutes on non-agenda item.
29. Adjournment.

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

Mayor Wescott publicly complimented the Stevens Point Barbershoppers for the wonderful performance at Piffner Park on September 11, 2002. The Mayor also commended Fire Chief Barnes and Police Chief Carpenter for the special remembrance ceremony that was held at the Fire Department.

Mayor Wescott noted twenty members of the community who wish to serve on the Transit Development Plan will be appointed this evening. This will be the second Transit Development Plan undertaken by this administration to guide the future direction and development of public transportation in our community.

3. Approval of the minutes of the Regular Common Council meeting of August 19, 2002.

Ald. Phillips moved, Ald. Molski seconded, for approval of the regular Common Council minutes of August 19, 2002.

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.

Bob Woehr Item #13 - Public Protection Committee meeting of

727 Second Street September 9, 2002
Stevens Point, WI 54481

Dennis Kolodziej Item #5 - Plan Commission meeting of September 3,
Portage County 2002
Superintendent of Facilities

Dan Retzki Item #13 - Public Protection Committee meeting of
5861 Christmas Mt. Road September 9, 2002
Wisconsin Dells, WI

5. Plan Commission meeting of September 3, 2002.

Ald. Seiser moved, Ald. Rackow seconded, for approval of the Plan Commission minutes of September 3, 2002, with item #2 pulled for further discussion.

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

Ald. Seiser stated the County has spent thousands of dollars to purchase this property and remove the building just to turn it into a parking lot. The County used the taxpayers' money for this project including city taxpayers' money. The alderperson's opinion is this project is in a piecemeal fashion and not with the long range plan in mind.

Ald. Rackow moved, Ald. Nealis seconded, for approval of the request of Portage County to construct a parking lot across the street from the courthouse.

Ald. Rackow said under the circumstances, this is an opportunity to provide parking in the area of the County/City building in as good of a resolution as we can get.

Ald. Nealis appreciates the comments made by City staff concerning the erosion of the fabric of the neighborhood. He feels that a master plan of the area prepared jointly by the County and the City will be beneficial to the neighborhood, as well as the City and the taxpayers in general.

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

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

Bob Woehr, 727 Second Street, strongly supports placing a sunset clause and conditions with the request to locate a tavern at 912 Main Street. Mr. Woehr feels police officers are needed elsewhere throughout the city at bar time. He appreciates having a sports bar available to take his grandchildren to but sports are not ordinarily played after midnight. Mr. Woehr is concerned after midnight, this establishment will be just another bar in the downtown area. He recommends placing a condition in the conditional use permit that this establishment close at a time earlier than bar time.

Ann Kulinski, 1157 Main Street, said two current business owners purchased the former River City Diner building to ensure another bar does not locate next to them. Some businesses will speak out, some will not and some business owners are scared to speak about the problems from the patrons of the downtown bars. Businesses will continue to leave the downtown area if more bars are located in this area.

Dan Retzki, Wisconsin Dells, stated with a conditional use permit, every year the license is up for renewal, the Council members have a choice to refuse the license or keep the license going. Mr. Retzki feels he and Troy have taken the burden for all the problems in the downtown area. The City has missed what they are trying to do. The City needs to look at the plan, lay out of the building and the concept that this is a restaurant. Mr. Retzki and Mr. Hojnacki have already invested \$260,000 into this building. The same discussion reference people downtown occurred when they requested putting in two apartments upstairs at this location. The Council passed that request. People have been living in those apartments downtown with no complaints. Mr. Retzki feels they have already proven themselves once. Now, he is asking the Council to give them a chance with a conditional use permit for a tavern at 912 Main Street. The feeling from the City is the establishment has already failed before even given a chance. Mr. Retzki said no one has come to him to ask what he will do or what can he do to make this work. We need to work together. Mr. Retzki does not think the three page resolution setting forth the conditions is reasonable. The conditions were never discussed with him. Mr. Retzki and Mr. Hojnacki have not agreed to the conditions. There was a lot of talk about changing the closing time for the tavern. Mr. Retzki, along with other downtown business owners, agree changing the closing time will not solve the problem.

Pete Leder, 904 Main Street, has a lot of money invested in his business. He has seen the vandalism from the patrons of the local bars. At the same time, Mr. Retzki and Mr. Hojnacki are willing to put a lot of money into a vacant building. The bar owners should try to clean up after their patrons. Mr. Leder has nothing against the sports bar, in fact, he would like to see and utilize a sports bar. If the choice comes down to either the Hostel Shoppe or a sports pub, Mr. Leder would chose the Hostel Shoppe.

Rolf Garthus, 929 Main Street, is concerned 10 years from now will those Council members remember the conditions set by this Council. Fortunately, Mr. Garthus' business is growing rapidly and quickly outgrowing his building. He likes a lot of things about the downtown location including the convenience of the bike trail in Piffner Park. On the other hand, Mr. Garthus is fed up with the mess from the bar patrons. If the Council continues to approve bars in an area that already has too many bars then the only way to properly control the situation is to increase taxes for additional police protection which is not fair to the taxpayers. Locating more bars in the downtown area will discourage retail businesses from locating downtown.

Tim Semmann, 917 Meadow Street, said the city has an opportunity to help revitalize the downtown by approving the request to operate a tavern at 912 Main Street. It is unfortunate a business owner looks to an addition of another business in terms of him staying or leaving the downtown. Mr. Semmann wonders if the "Class B" license is denied if the problems downtown will lessen or remain the same. If the current problems continue, will the owner of the Hostel Shoppe leave or stay downtown? The sports pub is being punished for things that are already happening.

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

7. Resolution on the above.

Ald. Rackow moved, Ald. Barr seconded, for adoption of the resolution as presented.

Ald. Rackow noted the resolution includes a sunset clause of December 31, 2003. Construction of the proposed tavern is expected to be completed in April, 2003. If the resolution is approved and the business does not measure up to the conditions set in the resolution, the permit will not be renewed. If the business does measure up to most of the requirements, it would be appropriate prior to the sunset clause date to extend the conditional use permit by six months.

Ald. Barr is in favor of the request to locate a tavern at 912 Main Street with all conditions listed on the resolution.

Ald. Filipiak cannot in good faith approve a bar a conditional use permit in a location that was not zoned for this type of business.

Mayor Wescott stated the three pages of conditions may be a new tool that is used when new taverns make application.

City Attorney Molepske reviewed the conditions listed in the resolution for the property located at 912 Main Street. If the requirements set forth in the resolution are followed, the establishment should be fine. State law provides that the City can make certain things more restrictive unless there is a state law that makes it uniform. The Attorney stated the conditions set forth in the resolution for 912 Main Street could be used as a model in the future for licensing large establishments.

Ald. Seiser would like additional time to discuss the conditions in more detail. If an ordinance is established for the current taverns and the ordinance is more restrictive than the resolution for 912 Main Street, can those conditions be added to 912 Main Street?

City Attorney Molepske replied, yes. In the future to avoid an unequal protection argument may provide that an entertainment district would have certain set rules.

Mayor Wescott said the time line to establish something as the City Attorney stated above is prior to the license renewal which takes place before the Public Protection Committee in the summer.

City Attorney Molepske stated hopefully by that time, the city will have additional rules and regulations for the larger premises in place.

Ald. Seiser asks that the Police Department report to the Public Protection Committee at license renewal time to update on the situation of the downtown area. The police did not report the current problems downtown prior to the licensing renewal in June, 2002.

Ald. Walther said at first, he thought this was a great idea. After hearing the arguments at the Public Protection Committee, he began to understand some of the concerns of the Police. The alderman added that all his constituents that he had talked to strongly oppose the sports pub.

Ald. Sevenich read a memo she had prepared for her fellow Council members, Mayor and others that are directly involved. The alderperson asked would a retail store be more preferable for upgrading the downtown?

Ald. Phillips has been working with the downtown tavern owners for the past six to eight months and never seen Mr. Retzki or Mr. Hojnacki at any of the meetings.

Ald. Molski is concerned that she is first now hearing about all the complaints about the downtown. At license renewal time in May, all these licenses came before the Council and not a single complaint was heard.

Ald. Moore does not agree with the resolution which is too restrictive. The resolution places too much blame on a business that does not even exist yet. A lot of hard working individuals work second or third shift and would like a place like this to go to.

Ald. Nealis asked what if construction is not completed by April?

Mayor Wescott said the Council would have the option to extend the conditional use permit for six months or another year.

Ald. Nealis is more comfortable with the request by having the conditions set in the resolution.

Ald. Sowieja said the resolution before the Council is a starting point. Basically, this is a notice to all tavern owners that when they come back at license renewal time, they will have to deal with something like this to solve the problems downtown.

Mayor Wescott reminded the Council and the community that the City has been actively engaged in a process to improve the downtown for several years. At the Plan Commission meeting, business person after business person talked about how the downtown is better now than two or three years ago. The police department with the assistance of Ald. Phillips engaged the downtown tavern owners in an active dialog. It is said that a downtown is a reflection of how a community sees themselves.

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

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

Ayes - 6. Nays - 5. Motion carried.

8. Public hearing - amending Section 23.02(1)(d)3. side yard setbacks in Single Family Zone, was declared open by the Mayor.

Terry Dalsky, Shannon Custom Homes, said this ordinance is in response to some lots he purchased from the city. The side yard setbacks will help in the building of small economical homes within the city.

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

9. Ordinance on the above.

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

Ald. Filipiak is not convinced that feasible single family homes cannot be built with the current setbacks.

Director Gardner said by amending the side yard setbacks in the single family zoning will allow the builder to try to infill the existing part of an older neighborhood.

Ald. Seiser said the inner city has a lot of large charming older homes. There are some buyers that do not want a large home.

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

Nays: Ald. Seiser, Filipiak.

Ayes - 9. Nays - 2. Motion carried.

10. Public hearing - amending Section 23.02(1)(d)4. - street setback in Single Family Zone, was declared open by the Mayor.

Terry Dalsky, Shannon Custom Homes, said currently, there are some corner lots in the city that under the present restrictions for single family zoning, the widest the home can be built is 22 feet. The proposed ordinance would allow a home to be built 24 or 26 feet wide which is more feasible.

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

11. Ordinance on the above.

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

Ald. Rackow said the best use for this vacant land is to infill the land.

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

Nays: Ald. Seiser, Filipiak.

Ayes - 9. Nays - 2. Motion carried.

12. Resolution accepting the right-of-way for Portage County Business Park.

Ald. Molski moved, Ald. Sowieja 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.

13. Public Protection Committee meeting of September 9, 2002.

Ald. Phillips moved, Ald. Seiser seconded, for approval of the Public Protection Committee minutes of September 9, 2002.

Roll Call: Ayes all.

Nays none. Motion carried.

14. Ordinance amending Chapter 9 subsection .01 - Provisions of State Traffic Law Adopted by Reference, to include Transportation Chapter 305 - Standards for Vehicle Equipment.

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

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

Nays: None. Motion carried.

15. Ordinance amending Chapter 30.01(4) Application of Wisconsin Administrative Building Code.

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

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

Nays: None. Motion carried.

16. Joint Personnel, Finance, Police & Fire Commission and Board of Water and Sewage Commissioners meeting of September 9, 2002.

Ald. Rackow moved, Ald. Seiser seconded, for approval of the Joint Personnel, Finance, Police and Fire Commission and Board of Water and Sewage Commissioners minutes of September 9, 2002.

Roll Call: Ayes all.

Nays none. Motion carried.

17. Personnel Committee meeting of September 9, 2002.

Ald. Moore moved, Ald. Sowieja seconded, for approval of the Personnel Committee minutes of September 9, 2002.

Ald. Nealis still firmly opposes the reclassification requests. The alderman cannot justify the requests for the same reasons stated at the Personnel Committee meeting on September 9, 2002.

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

Nays: Ald. Nealis.

Ayes - 10. Nays - 1. Motion carried.

18. Special Personnel Committee meeting of September 16, 2002.

Ald. Molski moved, Ald. Moore seconded, for approval of the Special Personnel Committee minutes of September 16, 2002.

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

19. Board of Public Works meeting of September 9, 2002.

Ald. Sevenich moved, Ald. Walther seconded, for approval of the Board of Public Works minutes of September 9, 2002.

Ald. Seiser said the City needs to think about the kinds of landscaping it is promoting within the city.

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

20. Ordinance - Traffic:

No Parking

9.05(g) 278. On the west side of Plover Street between Shaurette Street and Division Street.

No Parking

9.05(g) 279. On the north and south sides of the north driveway to Municipal Lot #18.

Thirty (30) Minute Metered Parking Zone

9.05(p) (9)g. On the west side of Strongs Avenue from a point 61 feet south of Clark Street to a point 107 feet south of Clark Street.

Two (2) Hour Metered Parking Zone

9.05(p) (9)c. On the west side of Strongs Avenue from a point 52 feet south of Clark Street to a point 100 feet south of Clark Street.

Ald. Nealis moved, Ald. Sowieja seconded, for adoption of the traffic ordinance.

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

21. Final Resolution - bituminous surfacing - all property fronting upon both sides of an alley between Smith Street and Prentice Street from Franklin Street to Fourth Avenue.

Ald. Sevenich moved, Ald. Molski seconded, for adoption of the final resolution.

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

22. Special Board of Public Works meeting of September 16, 2002.

Ald. Sevenich moved, Ald. Sowieja seconded, for approval of the Special Board of Public Works minutes of September 16, 2002.

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

23. Finance Committee meeting of September 9, 2002.

Ald. Barr moved, Ald. Phillips seconded, for approval of the Finance Committee minutes of September 9, 2002.

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

24. Telecommunications Commission meeting of August 21, 2002.

Ald. Rackow moved, Ald. Walther seconded, for approval of the Telecommunications Commission minutes of August 21, 2002.

Roll Call: Ayes all.

Nays none. Motion carried.

25. Board of Water and Sewage Commissioners meeting of September 6, 2002.

Ald. Molski moved, Ald. Sevenich seconded, for approval of the Board of Water and Sewage Commissioners minutes of September 6, 2002.

Roll Call: Ayes all.

Nays none. Motion carried.

26. Reports:

Comptroller-Treasurer's report - July 2002.

Police and Fire Commission meeting of September 10, 2002.

Transportation Commission meeting of August 21, 2002.

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

Roll Call: Ayes all.

Nays none. Motion carried.

27. Mayor's appointments:

Board of Water and Sewage Commissioners - Dave Eckholm.

Smongeski Health Fund - Carol Pearson.

Transportation Development Project Advisory Committee (a list of appointees is attached).

Ald. Filipiak moved, Ald. Walther seconded, for confirmation of the appointments.

Ald. Filipiak noted the importance of the TDP Advisory Committee made up of many different members of the community that will hold public meetings to gather input from the public.

Roll Call: Ayes all.

Nays none. Motion carried.

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

None.

29. Adjournment - 8:40 P.M.

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