

Meeting Minutes

Regular Council Meeting

Council Chambers - County/City Building

October 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 Clerk Zdroik, Directors Van Alstine, Gardner, Schrader, Disher; Police Chief Carpenter, Assessor Kuehn, Administrative Assistant Molepske, Kari Yenter, Paul Chronis (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 September 16, 2002, and Special Common Council meeting of October 14, 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. Presentation on Tobacco Free Coalition - Dr. John Munson.
6. Plan Commission meeting of October 7, 2002.
7. Public hearing - amending the Zoning Ordinance which would classify the Northwest corner of Echo Dells and Cty HH as "R-4" Multiple Family I Zoning from "R-3" Two Family Zoning.
8. Ordinance on the above.
9. Public hearing - request of Lexton Properties, northwest corner of Echo Dells and Cty HH, to construct a Multiple Family Development, as a Conditional Use.
10. Resolution on the above.
11. Public hearing - request from Specialized Computer Systems, 834 Main Street, to construct a communication tower, as a Conditional Use.
12. Resolution on the above.
  
13. Public hearing - request of Nick Corgiat, 167 Division Street North, to construct and operate a car wash, as a Conditional Use.
14. Resolution on the above.
15. Public Protection Committee meeting of October 14, 2002.
16. Board of Public Works meeting of October 14, 2002.
17. Finance Committee meeting of October 14, 2002.
18. Personnel Committee meeting of October 14, 2002.
19. Board of Park Commissioners meeting of October 2, 2002.
20. Telecommunications Commission meeting of September 25, 2002.
21. Board of Water and Sewage Commissioners meeting of October 14, 2002.
22. Reports: Comptroller-Treasurer's report - August 2002.  
Police and Fire Commission meetings of October 8, 2002 and October 15, 2002.  
Report of Smongeski Health Fund - September 23, 2002.
23. Mayor's appointment:  
Portage County Groundwater Citizens Advisory Committee - Lynn Markham.
24. Persons who wish to address the mayor and council for up to three (3) minutes on non-agenda item.
25. Adjournment.

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

Mayor Wescott stressed the importance of the upcoming election on Tuesday, November 5, 2002. The Mayor commended the pollworkers for their long hours of work.

Mayoral Assistant Louis Molepske Jr. said it was a pleasure to visit Nicaragua two weeks ago. During the trip, he had the opportunity to visit many cities. The Mayoral Assistant was involved in an intergovernmental exchange where he visited various departments.

Mayor Assistant Molepske introduced Julio Eurique Torrez and Norlan Javier Ramirez who are visiting the City of Stevens Point as ambassadors from Nicaragua.

3. Approval of the minutes of the Regular Common Council meeting of September 16, 2002, and Special Common Council meeting of October 14, 2002.

Ald. Phillips moved, Ald. Molski seconded, for approval of the regular Common Council minutes of September 16, 2002, and Special Common Council minutes of October 14, 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.

Cindy Davis Item #15 - Public Protection Committee meeting of October 14,  
600 North Oak Road 2002  
Custer, WI 54423

Victoria Olszewski Item #15 - Public Protection Committee meeting of October 14,  
2077 Bear Creek Road 2002  
Stevens Point, WI 54481

5. Presentation on Tobacco Free Coalition - Dr. John Munson.

Dr. John Munson gave a presentation on behalf of the Portage County Tobacco Free Coalition. The primary purpose of the presentation is to

make people aware of the health risks from the use of tobacco. For further information please contact Cathy MacKay at 345-5350.

6. Plan Commission meeting of October 7, 2002.

Ald. Rackow moved, Ald. Sowieja seconded, for approval of the Plan Commission minutes of October 7, 2002.

Roll Call: Ayes all.

Nays none. Motion carried.

7. Public hearing - amending the Zoning Ordinance which would classify the Northwest corner of Echo Dells and Cty. HH as "R-4" Multiple Family I Zoning from "R-3" Two Family Zoning, was declared open by the Mayor.

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

8. Ordinance on the above.

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

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

Nays: None.

Ald. Nealis abstained. Motion carried.

9. Public hearing - request of Lexton Properties, northwest corner of Echo Dells and Cty. HH, to construct a Multiple Family Development, as a Conditional Use, was declared open by the Mayor.

Sherry Woytasik, 3248 Echo Dells Avenue, stated her property joins the lot of the proposed construction of the multiple family development. There is a drainage ditch right between the two properties. Mrs. Woytasik said she is losing land from erosion caused by the drainage ditch. Why should she pay taxes on all the land when the land cannot be used?

Ronald Woytasik, 3248 Echo Dells Avenue, said when the ditch was dug in the 1970s, there was an agreement that if the area was ever developed, the ditch would be obsolete. Mr. Woytasik would like the ditch closed off at this time.

Thomas Hoerter, 1500 Howard Avenue, said the only concern he has is that if there is adequate sewer and water for this project.

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

10. Resolution on the above.

Director Van Alstine said the ditch in question drains the area of Whiting Avenue, Coon Avenue and Echo Dells. The ditch could be filled in if a pipe were placed at the bottom of the ditch first. There is approximately 1100 feet of ditch so the cost to do this would be between \$75,000 to \$100,000. Closing the ditch is not part of the plan. The lift station was designed with future projects in mind. The pumps are designed so they can be changed to increase the capacity. The current pumps in place are adequate for this development.

Assessor Kuehn stated the assessments that are issued for the property reflect the value of the property in that neighborhood. The property owner is only assessed for what they own.

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

Ald. Phillips asked if the City was going to put storm sewer in this area who would pay for it?

Director Van Alstine noted the \$100,000 project only included the cost of placing a pipe in the ditch and covering the ditch. This would not include filling in the ditch along the roadside, storm sewer or curb and gutter. The storm sewer is traditionally paid out of the tax levy. The cost for the placement of curb, gutter and sidewalk are assessed to the property owners.

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

Nays: None.

Ald. Nealis abstained. Motion carried.

11. Public hearing - request from Specialized Computer Systems, 834 Main Street, to construct a communication tower, 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. Sevenich 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 hearing - request of Nick Corgiat, 167 Division Street North, to construct and operate a car wash, as a Conditional Use, was declared open by the Mayor.

Mike Kunesh, 3400 North Durkee Street, Appleton, is here on behalf of his client, Midas International who is trying to sell the lot on Division Street North. Mr. Kunesh distributed a handout addressing some concerns that have been raised during the process of trying to get a car wash approved at this site. The issues covered were zoning, acoustics of surrounding buildings, noise potentially generated by the operation, traffic concerns and proper commercial placement. Mr. Kunesh would like to see a local developer purchase this property to develop a business where your money will stay local.

Andrew Schroepfer, 159 Division Street North, manages both the Road Star Inn and Super 8 Motel which are located next to the proposed car wash. Mr. Schroepfer addressed the noise problems from the proposed car wash. The noise itself will be too much let alone the traffic from this business. The proposed entrance and exit is at the stop sign so vehicles leaving the car wash will drip water onto the roadway making the conditions icy. This will increase the amount of accidents at this location. Mr. Schroepfer added the motel has been maintaining this lot for years for the property owner to keep the area looking nice.

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

14. Resolution on the above.

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

Ald. Sowieja said the commercial usage for a lot of this size is limited. If someone has a lot of this size and has invested money in it, they should have a right to develop something on it. The alderman thinks the car wash is an ideal business for this location.

Ald. Rackow moved, Ald. Sowieja seconded, to amend the resolution by moving the vacuum station to the corner of the lot line that is approximately opposite the back side of the proposed building.

Ald. Seiser opposes the development of a car wash at this location. The main reason for opposing the development is the alderperson does not feel the car wash will better the neighborhood. It will not even look good at this location.

Ald. Moore said there is a lot of traffic in this area including an increasing number of pedestrian and bicycle traffic.

Ald. Walther feels the proposed car wash will have a negative impact on the existing businesses.

Chief Carpenter said after hearing a lot of different opinions, the police department is beginning to wonder whether or not this will be a traffic issue. Traditionally, the traffic on the frontage road has been problematic. With what was said here tonight, the Chief would like to go back to the management team and review the area again.

The following is the vote on the amendment to the resolution:

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

Nays: Ald. Seiser, Moore.

Ayes - 9. Nays - 2. Motion carried.

Ald. Filipiak moved, Ald. Phillips seconded, to postpone action and return the request of Nick Corgiat, 167 Division Street North, to construct and operate a car wash as a conditional use until the November Council meeting to allow time for a new report from the police management team concerning traffic access.

Ald. Seiser said she is ready to make a decision tonight.

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

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

Ayes - 7. Nays - 4. Motion carried.

15. Public Protection Committee meeting of October 14, 2002.

Ald. Phillips moved, Ald. Seiser seconded, for approval of the Public Protection Committee minutes of October 14, 2002, with item #1B. pulled for further discussion.

Roll Call: Ayes all.

Nays none. Motion carried.

Cindy Davis, employer of Victoria Olszewski, stated Ms. Olszewski is a person of integrity and honesty. Ms. Olszewski knew a background check would be completed. Mrs. Davis feels the word "conviction" is not in everyone's vocabulary everyday. Victoria may have just misunderstood or misread the question.

Victoria Olszewski, applicant, stated she did read the question and thought a conviction was something greater than an underage alcohol fine.

Ald. Phillips said the guidelines were set by a majority of these council members. The City Clerk's office is doing more than necessary. The process cannot get any easier. The council went one step further and asked the police department to follow up by calling all rejected applicants.

Ald. Phillips moved, Ald. Barr seconded, to deny the operator/bartender's licenses for Victoria Olszewski and Sarah A. Wherritt.

Chief Carpenter asked Ms. Olszewski if she had received the message from Captain Daubert regarding her application?

Victoria Olszewski said she was very busy and did not return Captain Daubert's call until the day she received the letter in the mail. Captain Daubert informed her that she called late and the letter had already been sent.

Chief Carpenter stated we have a process that does work. The council added to the process where one of the Captains or the Chief himself will contact the applicant. There is no doubt in the Chief's mind that if the applicant would have contacted Captain Daubert in a timely fashion, the Captain would have approved the application. Chief Carpenter urged the Council to be consistent and support the police department as they have followed the process by the book. If the applicant would have been timely and responsible, she would have had her license.

Ald. Filipiak feels the rules are overboard and changes need to be made.

Ald. Barr said there are three reasons why an applicant would miss a question on this application; 1) they cannot read, 2) they cannot understand

what they read, or 3) they are trying to obtain a license fraudulently.

Ald. Molski thinks we should take another look at the guidelines. If a background check is going to be completed anyway, why should the applicants have to list their convictions?

Clerk Zdroik stated the latest change suggested by the council members made to the operator/bartender license application was "List ALL CONVICTIONS of the law involving drugs, drug paraphernalia, or alcohol and the date of conviction for each offense".

Ald. Rackow does not feel there is a shortage of people applying for these jobs. This person can still work with another licensed employee. If the applicant does not properly fill out the license application form, they are quite likely to handle the alcohol they are serving the same way.

Ald. Walther noted every month we are revising the application form and taking extra steps for the applicants. The alderman just cannot see how we can make it any easier for these people.

Ald. Seiser feels if the applicant falls within the guidelines but just did not list their violations on the application form, they should receive the license to be able to work.

Ald. Sevenich said there just seems to be no end to this. We must live by the rules.

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

Nays: Ald. Filipiak, Seiser, Molski.

Ayes - 8. Nays - 3. Motion carried.

16. Board of Public Works meeting of October 14, 2002.

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

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

Nays: None. Motion carried.

17. Finance Committee meeting of October 14, 2002.

Ald. Barr moved, Ald. Nealis seconded, for approval of the Finance Committee minutes of October 14, 2002.

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

Nays: None. Motion carried.

18. Personnel Committee meeting of October 14, 2002.

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

Roll Call: Ayes all.

Nays none. Motion carried.

19. Board of Park Commissioners meeting of October 2, 2002.

Ald. Molski moved, Ald. Seiser seconded, for approval of the Board of Park Commissioners minutes of October 2, 2002, with item #3 and item #5 pulled for further discussion.

Roll Call: Ayes all.

Nays none. Motion carried.

Item #3 - Request to hold Car Show in Pfiffner Park

Ald. Seiser feels it is not a good idea to be holding car shows at Pfiffner Park. The alderperson would rather see the car show held in the parking lot between downtown and Pfiffner Park.

Ald. Seiser moved, Ald. Filipiak seconded, to relocate the request to hold a car show in Pfiffner Park on June 28, 2003, to the asphalt parking lot between the downtown area and Pfiffner Park.

Ald. Rackow asked if holding car shows in the park have harmed the park in any way?

Mayor Wescott noted the event is on hold at this time pending insurance. Has there been a request from the sponsor since the Board of Park Commissioners meeting?

Director Schrader said the sponsor of the event was having problems getting insurance. The Board of Park Commissioners did not have a problem approving the event at this time instead of making the sponsor return when they obtain insurance. A no parking stipulation was placed this time in front of the bandshell if the ground is wet.

Ald. Seiser does not feel putting vehicles in the city parks is appropriate use of our parks.

Roll Call: Ayes: Ald. Filipiak, Seiser.

Nays: Ald. Sevenich, Walther, Sowieja, Barr, Rackow, Molski, Nealis, Phillips, Moore.

Ayes - 2. Nays - 9. Motion failed.

Ald. Rackow moved, Ald. Molski seconded, to approve the request to hold the car show in Pfiffner Park on June 28, 2003, as presented in the Board of Park Commissioners minutes of October 2, 2002.

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

Item #5 - Discussion and Recommendation on Correspondences about Pfiffner Building Rentals

Ald. Seiser commended the Board of Park Commissioners for their efforts to resolve the concerns with the Pfiffner Building rentals.

Ald. Seiser moved, Ald. Molski seconded, to affirm the action taken on item #5 at the Board of Park Commissioners meeting of October 2, 2002.

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

20. Telecommunications Commission meeting of September 25, 2002.

Ald. Rackow moved, Ald. Sowieja seconded, for approval of the Telecommunications Commission minutes of September 25, 2002.

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

21. Board of Water and Sewage Commissioners meeting of October 14, 2002.

Ald. Seiser moved, Ald. Walther seconded, for approval of the Board of Water and Sewage Commissioners minutes of October 14, 2002.

Ald. Phillips asked if a site has been picked for the new water tower?

Director Disher replied the survey has been completed and the tower will be located across the street from the Water Department.

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

22. Reports:  
Comptroller-Treasurer's report - August 2002.  
Police and Fire Commission meetings of October 8, 2002 and October 15, 2002.  
Report of Smongeski Health Fund - September 23, 2002.

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

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

23. Mayor's appointment:  
Portage County Groundwater Citizens Advisory Committee - Lynn Markham.

Ald. Filipiak moved, Ald. Seiser seconded, for confirmation of the Mayor's appointment.

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

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

None.

25. Adjournment - 8:40 P.M.  
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