

Meeting Minutes

REGULAR COUNCIL MEETING

November 19, 2001 7:00 P.M.

Council Chambers, County-City Building

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, Adm. Services Manager Halverson, Police Captain Daubert, Fire Chief Barnes, Assessor Kuehn, Transit Manager Lemke, Personnel Specialist Jakusz, Administrative Assistant Molepske, Kari Yenter, Barb Martin (Journal), Matt Mattano (WIZD), Gene Kemmeter (Portage County Gazette)

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

Mayor Wescott said this Thursday we will gather with our families, friends and as a community to celebrate Thanksgiving. We have much to be grateful for as a community.

**3. Approval of minutes of the Regular Common Council meeting of October 15, 2001.**

Ald. Rackow moved, Ald. Seiser seconded, for approval of the regular Common Council minutes of October 15, 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.

Wade Bertram Item #5 - Plan Commission meeting

4725 County Road T

Amherst, WI 54406

**5. Plan Commission meeting of November 5, 2001.**

Ald. Rackow moved, Ald. Seiser seconded, for approval of the Plan Commission minutes of November 5, 2001, with items #4 and #3 pulled for further discussion.

Roll Call: Ayes all.

Nays none. Motion carried.

Ald. Seiser has concerns with the night time lighting of the flag. The flag that M & I Bank is proposing will have lighting from the ground up. This is the light polluting way of lighting the flag. It is not required the flag be lit. There is already adequate lighting in this area so no additional lighting is necessary.

Ald. Seiser moved, Ald. Sowieja seconded, to approve the proposed flag pole at 1245 Main Street without added light.

Roll Call: Ayes all.

Nays none. Motion carried.

Ald. Filipiak is concerned with the fact that Mountain Mudd is a national company based out of Montana. It is not locally based like the property owners stated. What can be done in the future to protect locally based businesses?

City Attorney Molepske stated to solely make the determination of granting a conditional use to a business operation cannot be limited to local businesses only.

Mayor Wescott said a municipality cannot use its zoning powers to pick and choose businesses.

Ald. Filipiak asked if there is anything that can be done in the future to protect the locally owned businesses?

City Attorney Molepske stated to grant rezoning solely on the fact to protect the locally owned business is not a viable reason.

Ald. Nealis moved, Ald. Molski seconded, to approve the recommendation of the Plan Commission for Mountain Mudd Espresso at 3268 Church Street and 5382 Hwy. 10 E.

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

Nays: Ald. Filipiak.

Ayes - 10. Nays - 1. Motion carried.

**6. Ordinance - Annexation - Portage County Youth on Ice property located at the NE corner of Sandpiper Drive and Badger Avenue.**

Ald. Walther moved, Ald. Sowieja 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.

7. Public Hearing - amending zoning ordinance which would classify Portage County Youth on Ice property, located in the SW1/4 of the SE1/4 of Section 25, Township 24 North, Range 8E, to "R-1" Suburban Single Family Zoning and "B-5" Highway Commercial 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. Molski moved, Ald. Sevenich seconded, for adoption of the ordinance.

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

9. Public Hearing - request of Judah and Lindsey Haas, 808 Smith Street to construct a garage addition, 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. Sevenich moved, Ald. Phillips 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.

11. Personnel Committee meeting of November 12, 2001.

Ald. Rackow moved, Ald. Filipiak seconded, for approval of the Personnel Committee minutes of November 12, 2001.

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

12. Board of Public Works meeting of November 12, 2001.

Ald. Molski moved, Ald. Nealis seconded, for approval of the Board of Public Works minutes of November 12, 2001.

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

13. Public Hearing - Frontage Road/Motel Project - 300 block of Division Street North, was declared open by the Mayor.

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

14. Final Resolution on the above.

Ald. Rackow moved, Ald. Seiser seconded, for approval of the final resolution.

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

15. Ordinance - permitting golf carts on right-of-way - Eagle Summit Drive, Falcon Cove Drive and Reserve Street North - Eagle Pointe Subdivision.

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

Ald. Seiser is against the proposed ordinance permitting golf carts on the right-of-way on Eagle Summit Drive, Falcon Cove Drive and Reserve Street North - Eagle Pointe Subdivision.

Ald. Phillips asked if the golf carts operating on the right-of way will be limited to the use for golf purposes only? Can an individual use their golf cart to visit a neighbor?

City Attorney Molepske said it does not matter what the operator is using the golf carts for. The City is not going to police whether the individual is going golfing or just visiting the neighbor.

Ald. Phillips noted the intent of the ordinance was to make this a golf community.

City Attorney Molepske said the primary purpose for the ordinance is golfing.

Ald. Nealis is comfortable with the fact the golf carts are confined to this one area.

Ald. Filipiak would hope the Council would be as expedient accepting any future proposed bike lanes as they have with the golf cart lane. Mayor Wescott suggested Ald. Filipiak look at the new bike lanes on Green Avenue.

Roll Call: Ayes: Ald. Moore, Nealis, Molski, Rackow, Barr, Sowieja, Walther, Sevenich.  
Nays: Ald. Phillips, Seiser, Filipiak.  
Ayes - 8. Nays - 3. Motion carried.

16. Finance Committee meeting of November 12, 2001.

Ald. Barr moved, Ald. Molski seconded, for approval of the Finance Committee minutes of November 12, 2001.

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

17. Special Finance Committee meeting of November 19, 2001.

Clerk Zdroik read the minutes of the Special Finance Committee meeting of November 19, 2001.

Ald. Barr moved, Ald. Walther seconded, for approval of the Special Finance Committee minutes of November 19, 2001.

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

18. Resolution authorizing and providing for the sale and issuance of \$4,500,000 general obligation promissory notes, series 2001B, and all related details.

Ald. Seiser moved, Ald. Phillips 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.

19. Public Protection Committee meeting of November 12, 2001.

Ald. Seiser moved, Ald. Phillips seconded, for approval of the Public Protection Committee minutes of November 12, 2001.

Ald. Nealis would like to see the costs of the installation of lights being assessed back to the property owners.

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

20. Ordinance - amending:

Section 21.03 - Responsibilities of Owners and Occupants.

Section 21.16 - Applications for Reconsideration, Hearings, and Appeals.

Ald. Seiser said the major change of the proposed ordinance is the individual would no longer appeal the violations before the Council. The alderperson would like to delay action on the proposed amendments to the ordinance for one month to give the landlords the opportunity to learn about the proposed changes.

Ald. Sowieja asked how did the proposed change to the appealing process for violations come about?

Ald. Phillips said 99% of the complaints/appeals come from the landlords. The alderman feels it is the responsibility of the landlords to inform their tenants of the garbage and recycling rules.

**Mayor Wescott asked will this ordinance remove a citizen s right to appeal a violation?**

City Attorney Molepske replied, no. An individual wishing to appeal a violation will first go the Director of Community Development or Inspector. After speaking with the Inspector or Director, the appellant would appear before the City Attorney for a pre-hearing and completing the process in the circuit court if necessary.

Mayor Wescott stated the method of appealing these violations will now be consistent with how all other violations are handled.

City Attorney Molepske said that is correct.

Ald. Sevenich is in favor of the change to the ordinance.

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

Ald. Rackow reminded the Council members the major duty of an alderperson is to set policies for the City. If the alderpersons are to be thinking about the future to make plans for the City, maybe the alderpersons should not be involved in the kind of appeals that they have had in the past to reduce the time spent and increase the ability and willingness to plan for the future for our City on a more grand scale.

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

Nays: Ald. Seiser.

Ayes - 10. Nays - 1. Motion carried.

21. Board of Park Commissioners meeting of November 6, 2001.

Ald. Molski moved, Ald. Phillips seconded, for approval of the Board of Park Commissioners minutes of November 6, 2001.

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

Nays: None.

Ald. Seiser abstained. Motion carried.

22. Board of Water and Sewage Commissioners meeting of November 12, 2001.

Ald. Phillips moved, Ald. Sevenich seconded, for approval of the Board of Water and Sewage Commissioners minutes of November 12, 2001.

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

Nays: None. Motion carried.

23. Telecommunications Commission meetings of October 22, 2001.

Ald. Rackow moved, Ald. Walther seconded, for approval of the Telecommunications Commission minutes of October 22, 2001.

Ald. Rackow announced the next date for the Telecommunications Commission meeting has been changed to Thursday, November 29, 2001.

Roll Call: Ayes all.

Nays none. Motion carried.

24. Reports:

**Comptroller-Treasurer s reports - August and September 2001.**

Police and Fire Commission meeting of November 13, 2001.

Transportation Commission meeting of November 14, 2001.

Report of Smongeski Health Fund - September 14, 2001.

Ald. Seiser moved, Ald. Barr seconded, to accept the reports and place them on file with the exception of item #3 of the Transportation Commission minutes of November 14, 2001, for further clarification.

Ald. Barr is in favor of the advertising and the revenue it will produce. The alderman is concerned if the commission should deem a piece of advertisement is not acceptable, will the City be faced with a potential law suit?

City Attorney Molepske said we have the right to regulate what advertisement will go on the buses.

Mayor Wescott stated the City will be fine as long as the contract with the company states the City reserves the right to reject or accept any advertisement.

City Attorney Molepske replied that is correct.

**Ald. Rackow s opinion from traveling on public transport is people expect to have advertisement on public transport. We are simply joining the majority by adding advertisement to our public transport.**

Roll Call: Ayes all.

Nays none. Motion carried.

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

None.

26. Adjournment - 7:45 P.M.

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