

Meeting Minutes
REGULAR COUNCIL MEETING
Council Chambers
February 15, 1999
County-City Building
7:00 P.M.

Mayor Gary W. Wescott, presiding

Roll Call: Present: Ald. Sevenich, Walther, Pazdernik, Perlak, Kedrowski, Barr, Rackow, Aldinger, Nealis, Phillips, Niedbalski
Also Present: Comptroller-Treasurer Schlice, City Attorney Molepske, City Clerk Zdroik, Directors Gardner, Van Alstine; Police Chief Carpenter, Fire Chief Ugorek, Water/Sewage Adm. Disher, Assessor Kuehn, Personnel Specialist Jakusz, Adm. Asst. Folke, Secretary Kari Yenter, Intern Katie Martin, Susan Kampmeier (Journal)

2. Salute to the flag and prayer.

Mayor Wescott offered some thoughts on Presidents Day by quoting some of the words of George Washington's farewell address to the nation.

3. Approval of minutes of the Common Council meeting of January 18, 1999, and Special Common Council meeting of February 8, 1999.

Ald. Rackow moved, Ald. Aldinger seconded, to approve the council minutes of January 18, 1999, and special council minutes of February 8, 1999.

Roll Call: Ayes all.

Nays none. Motion carried.

4. *Persons who wish to address the mayor and council on specific agenda items.

Item #7 - Transfer of "Class B" Combination License

Rhody Mallick

2301 Church Street

Stevens Point WI 54481

5. Plan Commission meeting of February 1, 1999.

Ald. Niedbalski moved, Ald. Phillips seconded, for approval of the Plan Commission minutes of February 1, 1999.

Roll Call: Ayes all.

Nays none. Motion carried.

6. Public Protection Committee meeting of February 8, 1999.

Ald. Niedbalski moved, Ald. Pazdernik seconded, to approve the Public Protection Committee minutes of February 8, 1999.

Roll Call: Ayes all.

Nays none. Motion carried.

7. Transfer of "Class B" Combination License - Rhody's - 2301 Church Street.

City Attorney Molepske stated at the January 18, 1999, Common Council meeting, the vote was to postpone the request to transfer Rhody's "Class B" combination license for 30 days. Since that time, the District Attorney has elected to file criminal charges against the taverns involved in commercial gambling. If the charges are filed and the prosecution is successful, one of the penalties could be forfeiture of the license. The District Attorney's office is requesting liquor license transfers for the affected taverns be prohibited as a condition of bond for each operator.

Ald. Kedrowski asked if the transfer of Rhody's license is legal at this time?

City Attorney Molepske stated it is legal at this time to transfer the license.

Mr. Mallick stated he has owned Rhody's Tavern for the past five years and seven months. He operates a respectable business which he and the community are proud of unlike some of the previous owners. At January's Common Council meeting, the council voted 9 to 1 to postpone the request to transfer his license for 30 days. At the time of the request to transfer his license, there was not a criminal complaint. Mr. Mallick said he did not rush into the request to transfer his license since the gambling investigation started over one year ago. The council's decision was based on the City Attorney's advise which was wrong and urged the council to approve his request to transfer his "Class B" combination license.

Ald. Kedrowski moved, Ald. Perlak seconded, to approve the transfer of "Class B" combination license - Rhody's, 2301 Church Street.

Ald. Niedbalski said one of the reasons not to transfer the license for Rhody's is that it is unfair to the other tavern owners also involved in the gambling charges. If we transfer the license for Rhody's, why not transfer the licenses for all the other tavern owners.

Ald. Kedrowski stated he was in favor of the request to transfer the license last month and is still in favor of the request. The alderman said he has lived in the neighborhood of Rhody's for the past 21 years and has seen a world of difference in the neighborhood since Mr. Mallick has owned the tavern.

Ald. Barr said he is not in favor of the request to transfer the license one way or the other. The alderman asked the city attorney, what is the detriment to the city?

City Attorney Molepske said the District Attorney's office may not revoke Rhody's license as part of the penalty for the commercial gambling charges but transferring Rhody's license at this time takes away from possible plea arrangements.

Ald. Rackow said this is not disorderly conduct or trouble to neighbors that Mr. Mallick is being charged with. He's being charged with

unauthorized gambling. The alderman urged fellow alderpersons to defeat the motion on the floor and return the request to transfer the "Class B" license for Rhody's to the next month's common council meeting.

Ald. Phillips said he agrees with Ald. Kedrowski to support the transferring of Rhody's license. The gambling investigation started one year and five months ago and the District Attorney is now asking us to help him after dragging his feet this long.

Mayor Wescott asked Chief Carpenter how long since the gambling investigation started?

Chief Carpenter did not have all the paperwork in front of him to give specific dates but it has been over one year. The search warrants were served less than one year ago.

Ald. Nealis said if Mr. Mallick is denied the request to transfer the license, that would be a form of punishment before justice.

Ald. Perlak stated other tavern owners didn't request license transfers, and Mr. Mallick has not yet been arraigned on the gambling charges. The alderman said he would be in favor of denying the request to transfer license if the tavern owners are charged with gambling and then request to transfer their license.

The vote is to approve the transfer of "Class B" combination license - Rhody's, 2301 Church Street.

Roll Call: Ayes: Ald. Phillips, Nealis, Kedrowski, Perlak, Pazdernik, Walther.

Nays: Ald. Niedbalski, Aldinger, Rackow, Barr, Sevenich.

6 Ayes. 5 Nays. Motion carried.

8. Personnel Committee meeting of February 8, 1999.

Ald. Rackow moved, Ald. Perlak seconded, to approve the Personnel Committee minutes of February 8, 1999.

Roll Call: Ayes all.

Nays none. Motion carried.

9. Board of Public Works meeting of February 8, 1999.

Ald. Walther moved, Ald. Pazdernik seconded, to approve the Board of Public Works minutes of February 8, 1999.

Roll Call: Ayes: Ald. Sevenich, Walther, Pazdernik, Perlak, Kedrowski, Barr, Rackow, Aldinger, Nealis, Phillips, Niedbalski.

Nays: None. Motion carried.

10. Special Board of Public Works meeting of February 15, 1999.

Ald. Pazdernik moved, Ald. Sevenich seconded, to approve the Special Board of Public Works minutes of February 15, 1999.

Ald. Kedrowski suggested a summarize of the Special Board of Public Works minutes for the benefit of the audience watching on television.

Clerk Zdroik read the minutes of the Special Board of Public Works meeting of February 15, 1999.

Roll Call: Ayes: Ald. Niedbalski, Phillips, Nealis, Aldinger, Rackow, Barr, Kedrowski, Perlak, Pazdernik, Walther, Sevenich.

Nays: None. Motion carried.

11. Finance Committee meeting of February 8, 1999.

Ald. Barr moved, Ald. Pazdernik seconded, to approve the Finance Committee minutes of February 8, 1999.

Roll Call: Ayes: Ald. Niedbalski, Phillips, Nealis, Aldinger, Rackow, Barr, Kedrowski, Perlak, Pazdernik, Walther, Sevenich.

Nays: None. Motion carried.

12. Resolution - transfer of funds.

Ald. Niedbalski moved, Ald. Phillips seconded, for approval of resolution - transfer of funds.

Roll Call: Ayes: Ald. Sevenich, Walther, Pazdernik, Perlak, Kedrowski, Barr, Rackow, Aldinger, Nealis, Phillips, Niedbalski.

Nays: None. Motion carried.

13. Board of Park Commissioners meeting of February 3, 1999.

Ald. Phillips moved, Ald. Kedrowski seconded, to approve the Board of Park Commissioners minutes of February 3, 1999, with item #6 pulled for further discussion.

Roll Call: Ayes all.

Nays none. Motion carried.

Ald. Phillips said Stevens Point does not need another disc golf course. There are 19 parks in the city of Stevens Point not including schools and recreation areas. The alderman stated disc golf is a fad. Ald. Phillips also raised the issue of health and safety concerns since the property adjacent to the proposed disc golf site on Patch Street is contaminated. He would be comfortable with testing the soil there first and then vote accordingly.

Ald. Kedrowski has questioned whether the site is safe for recreation use, as a rendering plant used to be located in the general vicinity. The alderman supports performing environmental tests at the site before approving plans for a disc golf course. Ald. Kedrowski also stated he has never seen a site plan for the proposed disc golf course and the Park Commission needs to follow up with a site plan. Other items of concern are

the costs of putting up a fence, parking, picnic tables, bike racks, and a gate would need to be moved so cars can't drive on the property. Will there be a need for security to watch over the activity on that property? Depending on the ages of the players, a need to install sidewalks on Patch Street is another issue. Ald. Kedrowski suggested to wait on developing a disc golf course at the Patch Street site until these concerns are addressed.

Ald. Barr stated both Ald. Phillips and Ald. Kedrowski had some valid observations and some invalid observations. However, supports motion to look into the disc golf course site further.

Ald. Walther said developing another disc golf course is a tremendous idea but we are just moving too fast.

Ald. Nealis moved, Ald. Rackow seconded, to approve the development of a disc golf course on Patch Street.

Ald. Rackow stated land owners on McDill Pond like to live there so much, they are willing to pay more taxes to dredge the pond. The alderman said with the large number of players and conventions previously held in the city for disc golfers, the sport has proven to be anything but a fad. The Patch Street disc golf course would be easily accessible from the Green Circle. If troubles should arise at the Patch Street disc golf course, the course can easily be taken out. Nine of the eighteen holes at the Mead Park disc golf course were removed with no problem.

Ald. Niedbalski said at a reasonable cost of \$250 or a little more, why would anyone oppose developing land that is not used.

Ald. Kedrowski stated only two options for disc golf sites were provided, one at the Whitetail Subdivision and the other on Patch Street. Maybe if we were given three or four possible disc golf sites, we could look at those sites as an alternative location for the disc golf course.

Ald. Nealis said \$250 to develop nine to ten acres of undeveloped land in the city is a great deal. Last year, Wisconsin Public Service cleaned up the contaminated land across the street from Pfiffner Park. Pfiffner Park was used by thousands of people, and no one has become ill or died from it. Let's get this passed, it will work.

Roll Call: Ayes: Ald. Sevenich, Pazdernik, Perlak, Rackow, Aldinger, Nealis, Niedbalski.
Nays: Ald. Walther, Kedrowski, Barr, Phillips.
7 Ayes. 4 Nays. Motion carried.

14. Board of Water and Sewage Commissioners meeting of February 8, 1999.

Ald. Rackow moved, Ald. Aldinger seconded, to approve the Board of Water and Sewage Commissioners minutes of February 8, 1999, with item # 6 pulled.

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

Ald. Rackow moved, Ald. Niedbalski seconded, to pull the Ferric Chloride bid from item #6 and approve the remainder of the motion.

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

15. Telecommunications Commission meetings of January 25, 1999, and February 4, 1999.

Ald. Rackow moved, Ald. Walther seconded, to approve the Telecommunications Commission minutes of January 25, 1999, and February 4, 1999.

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

16. Ordinance - amending Subsection (6) of Section 17.10.

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

Roll Call: Ayes: Ald. Niedbalski, Phillips, Nealis, Aldinger, Rackow, Barr, Kedrowski, Perlak, Pazdernik, Walther, Sevenich.
Nays: None. Motion carried.

17. Reconsideration of Resolution to Deny Transfer of Ownership of Cable Television Franchise.

Ald. Niedbalski moved, Ald. Barr seconded, for approval of Reconsideration of Resolution to Deny Transfer of Ownership of Cable Television Franchise.

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

18. Resolution - Authorizing Transfer of Control of Cable Television Franchise.

Ald. Rackow moved, Ald. Barr seconded, for adoption of the Resolution - Authorizing Transfer of Control of Cable Television Franchise.

Ald. Rackow said the transfer of control of cable television franchise was denied at the November 1998 council meeting, since then most of the reasons for the denial have been worked through in a manner acceptable to both groups.

Mayor Wescott commended Ald. Rackow for all the hard work he has put into this project.

Roll Call: Ayes: Ald. Sevenich, Walther, Pazdernik, Perlak, Kedrowski, Barr, Rackow, Aldinger, Nealis, Phillips, Niedbalski.
Nays: None. Motion carried.

19. Ordinance - traffic.

Ald. Sevenich moved, Ald. Nealis seconded, to adopt the ordinance.

Roll Call: Ayes: Ald. Niedbalski, Phillips, Nealis, Aldinger, Rackow, Barr, Kedrowski, Perlak, Pazdernik, Walther, Sevenich.
Nays: None. Motion carried.

20. Reports of various officers and commission.
Comptroller-Treasurer's report of December 1998.
Police and Fire Commission minutes of February 9, 1999.

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

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

21. Persons who wish to address the mayor and council on non-agenda items.

Ald. Walther announced he will be hosting a 2nd Ward/District meeting at the Parks and Recreation Department on Wednesday, February 24, 1999, from 7:00 p.m. to 9:00 p.m. Some of the topics that will be discussed include snow plowing, parking concerns on Prais Street, negotiating a new cable television contract, and Hwy 10 reconstruction update.

22. Adjournment - 7:50 P.M.

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