

**CITY OF STEVENS POINT  
ADMINISTRATIVE APPEALS BOARD AGENDA**

**October 18, 2023 - 4:15 PM  
City Conference Room - 1515 Strongs Avenue**

1. Roll Call.
2. Minutes of the March 8, 2023 and August 2, 2023 meetings.
3. Appeal of notice/service charge for property maintenance violation:
  - a. 3300 Church Street.
4. Schedule date and time of the next meeting.
5. Adjournment.

RMC – Revised Municipal Code

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure reasonable accommodations can be made. The City Clerk can be reached by telephone at (715) 346-1569 or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481. Copies of ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during normal business hours from 7:30 A.M. to 4:00 P.M.

**ADMINISTRATIVE APPEALS BOARD**  
**March 8, 2023 - 4:00 PM**  
**City Conference Room - 1515 Strongs Avenue**

**MINUTES**

**1. Roll Call.**

**Present:** Chair Fishler, Ald. Shorr (arrived late), Ald. Keymer, Member Speckmann, Member Tiffany.

**Others**

**Present:** Clerk Yenter, Neighborhood Improvement Coordinator Kordus.

**2. Minutes of the November 16, 2022 meeting.**

Ald. Keymer moved, Member Speckmann seconded, to approve the minutes of the November 16, 2022 meeting.

Call for the vote: ayes, all; nays, none; motion carried.

**3. Appeal of notice/service charge for property maintenance violation:**

**a. 1108 West Pearl Street.**

Neighborhood Improvement Coordinator Kordus gave a brief overview of the appeal.

Member Speckmann moved, Ald. Shorr seconded, to deny the appeal for 1108 West Pearl Street.

Call for the vote: ayes, all; nays, none; motion carried.

**b. 2041 McCulloch Street.**

**c. 2048 Dixon Street.**

The Committee chose to take the appeals for 2041 McCulloch Street and 3257 Church Street together.

Mr. Leton spoke about attempting to remove the snow but the existence of ice caused damage to his equipment. He also shared how the plowing patterns contribute to the ice buildup.

Mr. Larsen shared that the nature of the snowfall had contributed to the buildup and the inability of their machinery to remove the snow. He went on to share that in the past the

Streets Department had cleared the buildup and they were expecting them to do the same with the snowfall in question.

Ald. Shorr moved, Member Speckmann seconded, to approve both appeals.

Call for the vote: ayes, all; nays, none; motion carried.

**d. 3257 Church Street.**

Neighborhood Improvement Coordinator gave a brief overview of the claim.

Member Speckmann moved, Member Tiffany seconded, to deny the appeal for 3257 Church Street.

Call for the vote: ayes, all; nays, none; motion carried.

**4. Schedule date and time of the next meeting.**

No action at this time.

**5. Adjournment.**

Adjourned at 4:34 p.m.

**ADMINISTRATIVE APPEALS BOARD**  
**August 2, 2023 - 4:00 PM**  
**City Conference Room - 1515 Strongs Avenue**

**MINUTES**

**1. Roll Call.**

Present: Fishler, Shorr, Keymer, Speckmann.

Excused: Tiffany.

Others

Present: Clerk Yenter, Neighborhood Improvement Coordinator Kordus.

**2. Minutes of the March 8, 2023 meeting.**

Minutes to be approved at the next meeting.

**3. Appeal of notice/service charge for property maintenance violation:**

**a. 422/424 Franklin Street.**

Neighborhood Improvement Coordinator Kordus gave an overview of the violation.

Ald. Shorr moved to grant the appeal.

The motion failed due to lack of a second.

Member Speckmann moved, Ald. Keymer seconded, to deny the appeal.

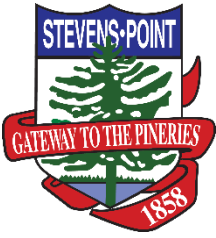
Call for the vote: ayes; three; nays, one; motion carried.

**4. Schedule date and time of the next meeting.**

No appeals at this time, no date set.

**5. Adjournment.**

Adjourned at 4:21 p.m.



# Memo

**Mark Kordus**  
**Neighborhood Improvement Coordinator**  
Community Development  
City of Stevens Point  
1515 Strongs Avenue  
Stevens Point, WI 54481  
Ph: (715) 346-1567 • Fax: (715) 346-1498  
mkordus@stevenspoint.com

To: Public Protection Committee  
From: Mark Kordus  
CC: Ryan Kernosky & Andrew Beveridge  
Date: 10/10/23  
Subject: 3300 Church Street - Case RAC-2023-00577

On 6/14/23 a complaint was received about long unmowed grass and weeds at 3300 Church St. Mark Kordus confirmed this the following day (6/15) and an order was sent giving the owner until the 6/26 to bring the property into compliance. Numerous emails were sent from the County attempting to get the City to cut the grass on this parcel and a claim that it was road right of way. Upon reviewing parcel maps it was not right of way but a stand alone parcel purchased by Portage County. I did talk to DPW they had no interest in acquiring or maintaining this parcel, which was relayed to the County. Several re-inspections occurred between 6/27 and 7/5 all found to be continued non-compliant. On 7/6 the grass was abated by the City contractor Larry's Helping Hand. A second order for non-compliance for the same code issue was sent on 9/16/23 with a compliance date of 9/26. The property was still not complaint when inspected on the 26<sup>th</sup>. Several emails were exchanged with the County and the property was brought into compliance and the second case was closed on 9/29/23.



Thursday, June 15, 2023

ID#: RAC-2023-00577

PORTAGE COUNTY  
1516 CHURCH ST  
STEVENS POINT, WI 54481

**NONCOMPLIANCE NOTICE:  
TALL GRASS OR NOXIOUS WEEDS AT 3300 CHURCH ST**

Dear Portage County,

An inspection of the property located at 3300 CHURCH ST was made on 06/15/2023. As a result of this inspection, the condition below was observed:

**Condition:**

- o Grass and weeds exceed nuisance height, please bring into compliance prior to the due date to avoid city abatement and service fees. Must be corrected by: 06/26/2023  
Excessive weeds/grass at nuisance height. 21.03(21): Lawn Maintenance. The owner of any property within the City shall maintain their lawn, grasses and weeds, to a length not to exceed eight (8) inches. If a property is found to exceed this height standard or is determined to be a public nuisance by the Code Official, a notice shall be served to the property owner giving them a minimum of 7 days from the date the notice is mailed, to correct. If the nuisance is not corrected after that time period, upon re-inspection the City shall have it abated by City or contracted staff and the actual costs for abatement, plus any applicable municipal service fees shall be charged to the owner. Properties exempt from these requirements shall be the following: a. Any properties which have been deemed by the Code Official as undeveloped (the property has no dwelling on it or does not constitute a zoning lot and/or can be further subdivided) or agricultural parcels. These properties would only be required to maintain the area within the road right of way up to and including three (3) feet beyond the edge of public rights of way, in addition to any applicable vision triangle requirements per the Zoning code. b. If a property owner has submitted a Vegetation Management Plan and received approval from the Code Official for a Native Lawn. Those properties would be exempt from these provisions, so long as they are in compliance with the approved Vegetation Management Plan, are maintaining vegetative growth along adjoining neighboring property lines, and any applicable conditions within the approved plan.



The condition described above is not in compliance with the referenced Municipal Code, WI Admin Code, & WI

Statutes, which states, 'the provisions of these codes shall apply to all existing premises and constitute the minimum requirements and standards for property conditions'. Case details may be requested at [communitydevelopment@stevenspoint.com](mailto:communitydevelopment@stevenspoint.com).

This is your official notice that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated. A re-inspection will occur to verify if the condition(s) is abated prior to 06/26/2023. Please contact the issuing inspector if this date needs to be adjusted before the scheduled re-inspection. Grants or low interest loans may be available to local homeowners, to verify funding availability please visit [stevenspoint.com/595/Homeowner-Help](http://stevenspoint.com/595/Homeowner-Help)

Failure to correct the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal Code, with the any unpaid charges assessed against the real estate as a special charge.

Please note that if work is being performed, or slated to be performed, it may require a building permit. Inquire with our office to verify if a building permit is needed. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector.

Sincerely,



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Mark Kordus  
Neighborhood Improvement Coordinator  
mkordus@stevenspoint.com  
715-346-1567





Thursday, July 13, 2023

ID #: RAC-2023-00577

INVOICE #: 202300299

PORTAGE COUNTY  
1516 CHURCH ST  
STEVENS POINT, WI 54481

**NOTICE AND INVOICE FOR CORRECTING VIOLATION(S):  
TALL GRASS OR NOXIOUS WEEDS AT 3300 CHURCH ST**

Dear Portage County,

An inspection of the property was made on 07/05/2023. As a result of this inspection, the condition described below was observed:

- o Grass and weeds exceed nuisance height, please bring into compliance prior to the due date to avoid city abatement and service fees. Must be corrected by: 06/26/2023  
Excessive weeds/grass at nuisance height. 21.03(21): Lawn Maintenance. The owner of any property within the City shall maintain their lawn, grasses and weeds, to a length not to exceed eight (8) inches. If a property is found to exceed this height standard or is determined to be a public nuisance by the Code Official, a notice shall be served to the property owner giving them a minimum of 7 days from the date the notice is mailed, to correct. If the nuisance is not corrected after that time period, upon re-inspection the City shall have it abated by City or contracted staff and the actual costs for abatement, plus any applicable municipal service fees shall be charged to the owner. Properties exempt from these requirements shall be the following: a. Any properties which have been deemed by the Code Official as undeveloped (the property has no dwelling on it or does not constitute a zoning lot and/or can be further subdivided) or agricultural parcels. These properties would only be required to maintain the area within the road right of way up to and including three (3) feet beyond the edge of public rights of way, in addition to any applicable vision triangle requirements per the Zoning code. b. If a property owner has submitted a Vegetation Management Plan and received approval from the Code Official for a Native Lawn. Those properties would be exempt from these provisions, so long as they are in compliance with the approved Vegetation Management Plan, are maintaining vegetative growth along adjoining neighboring property lines, and any applicable conditions within the approved plan.



**This is your official notice that you will need to bring the property into compliance by properly abating such violations prior to 06/26/2023. Failure to abate the condition(s) described above will result in the issuance of a \$100.00 service charge, as well as, enforcing the penalty provisions described in the Stevens Point Municipal**



Code, including, but not limited to the issuance of a citation and/or the abatement by the City with the costs of abatement being assessed against the real estate as a special charge.

Please note that work being performed, or slated to be performed, may require a building permit. Inquire with our office to verify if a building permit is needed. Double fees shall be charged if work is commenced prior to the issuance of a permit. If you require assistance or have any additional questions regarding this matter, please contact the issuing inspector. Your cooperation is greatly appreciated. To dispute or contest this notice and/or charge, a formal written letter must be submitted to the Administrative Appeals Board. The form is available online at [stevenspoint.com/neighborhood](http://stevenspoint.com/neighborhood), or you may request a hard copy from our office. Please note that you may only appeal the ordinance determination. Disagreement with the charge amounts is not a valid reason for appeal, as those are determined by ordinance. Local grants or low interest loans may be available, to check funding and program availability please visit [stevenspoint.com/595/Homeowner-Help](http://stevenspoint.com/595/Homeowner-Help)

As this is a subsequent offense, and the associated fees for the re-inspection and / or abatement of the condition(s) are as follows:

| Type                            | Amount   |
|---------------------------------|----------|
| Inspection after Initial Notice | \$100.00 |
| Weed Removal Abatement          | \$61.46  |
| <b>Balance Due: \$161.46</b>    |          |

Sincerely,

Mark Kordus  
Neighborhood Improvement Coordinator  
mkordus@stevenspoint.com  
715-346-1567

RECIPIENTS: Portage County

Please remit payment to the City of Stevens Point within 30 days from the date on this notice. Please be informed that if payment has not been received by this date, these fees will be assessed against the real estate as a special charge.

\* Effective November 1, 2005 – The City of Stevens Point Reserves the right to process your check electronically. So, when paying by check, please be aware that you are authorizing us to use the information on your check to make a one-time electronic charge to your account at the financial institution indicated on the check. This electronic debit will be for the amount on your check. Please Detach at Dashed Line and Return With Remittance.

Customer Name: PORTAGE COUNTY  
Customer/Parcel No: 230804301201  
Invoice: 202300299

Make Checks payable and Remit to:  
City of Stevens Point  
1515 Strongs Avenue  
Stevens Point, WI 54481





**Deliver To:**  
City Clerk's Office  
Attn: Administrative Appeals Board  
1515 Strongs Avenue  
Stevens Point, WI 54481

# PROPERTY APPEAL FORM

**or Email To:**  
clerk@stevenspoint.com

Enclosed is a notice and/or service charge issued by the Inspection Department of the City of Stevens Point. To dispute or contest this notice and/or charge, a formal written letter must be submitted to the Administrative Appeals Board. This request must be in writing, in a manner which is legible, or typed and submitted (hard copy or electronically) to the City Clerk's Office. Under City Ordinance 3.56, any person aggrieved by a notice and/or charge issued in connection with any alleged violation may file a request for a hearing with the Administrative Appeals Board for review of the case.

The written or typed appeal must set forth the reasons for contesting the interpretation of City Code of Ordinances and/or the Notice of Noncompliance issued by the Inspection Department. The appeal must be submitted within 30 days after the date of issuance of the notice and/or charge. **While not mandatory, you are highly encouraged to attend the meeting.**

\*\*\*\*\*

*\*ALL INFORMATION BELOW IS REQUIRED FOR SUBMITTAL PRIOR TO A HEARING REVIEW\**

ADDRESS OF PROPERTY: \_\_\_\_\_ OWNER OF PROPERTY: \_\_\_\_\_

INDIVIDUAL FILING APPEAL: \_\_\_\_\_ RELATION TO PROPERTY: \_\_\_\_\_

CONTACT PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

\*\*\*\*\*

ALLEGED VIOLATION: \_\_\_\_\_ VIOLATION ID #: \_\_\_\_\_

HAVE YOU SPOKEN WITH THE ISSUING AGENT (REQUIRED): NO  YES  AGENT: \_\_\_\_\_

RESULTS OF THAT DISCUSSION:

PLEASE STATE THE SPECIFIC REASONS YOU BELIEVE THE ORDINANCE VIOLATION(S) WERE UNFOUNDED, INCORRECT, OR WITHOUT BASIS. PLEASE NOTE THAT YOU MAY ONLY APPEAL THE ORDINANCE DETERMINATION, ANY DISAGREEMENT WITH THE CHARGE AMOUNTS IS NOT A VALID REASON FOR APPEAL, AS THOSE ARE DETERMINED BY ORDINANCE. YOU MAY ATTACH ADDITIONAL SHEETS OR DOCUMENTS AS NEEDED.

\*\*\*\*\*

SIGNATURE OF APPELLANT: \_\_\_\_\_ DATE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_ APPELLANT'S ADDRESS: \_\_\_\_\_

## Check, Nathan

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**From:** Check, Nathan  
**Sent:** Wednesday, July 26, 2023 12:51 PM  
**To:** Mark Kordus  
**Cc:** Scott Beduhn; Andrew Beveridge; Hickethier, David; Mike Wiza; Sweeney, Brianna  
**Subject:** RE: [External] corner of Church and Nebel grass  
**Attachments:** 3300 Church Street Notice of Fine from City \$161.46.pdf

Mark,

The County has received the Notice and Invoice for the Nebel Street property and will be submitting our appeal within the 30 day time requirement. It is unfortunate that this is the route that we need to take for a property that was purchased for the City's benefit. I will copy you in on the appeal once filed.

Thank you,  
Nathan

### Nathan Check, PE

Portage County Highway Commissioner  
800 Plover Road  
Plover, WI 54467

[checkn@co.portage.wi.gov](mailto:checkn@co.portage.wi.gov) (*note our email address has changed*)

Phone: 715-345-5230  
Cell: 715-630-2203  
Fax: 715-345-5356

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**From:** Check, Nathan  
**Sent:** Friday, June 23, 2023 7:39 AM  
**To:** Mark Kordus <mkordus@stevenspoint.com>  
**Cc:** Scott Beduhn <sbeduhn@stevenspoint.com>; Andrew Beveridge <ABeveridge@stevenspoint.com>; Hickethier, David <HickethD@co.portage.wi.gov>  
**Subject:** RE: [External] corner of Church and Nebel grass

Mark,

I found the definition in Chapter 23. **(emphasis added)**

*LOT, ZONING - is a single tract of land which (at the time of filing for a Land Use or Building Permit) is **designated by its owner or developer** as a tract to be used, developed, or built upon as a unit, under the ownership and/or legal control of the person or persons applying for the Land Use and/or Building Permit(s). **A zoning lot shall be large enough to meet the various yard, area and setback requirements of this ordinance.***

The County as the owner is not proposed it to be developed or built upon so I don't see how this meets that definition. The lot was purchased for the sole purpose of right-of-way for the City street.

In addition, the parcel is zoned B-4 Commercial and is not large enough to meet the various requirements of the ordinance which requires these lots to be 60-80' wide as a minimum performance standard for the district. This lot is 50' wide and would have setback issues as well if it was proposed to be developed.

We obviously disagree on the interpretation on your code but specific wording is important as Chapter 21 requires the lot to be considered undeveloped if it does not have a dwelling on it regardless if it meets that definition.

You also have not addressed the Notice and Appeal questions. Please address the Notice and Appeal question on whether or not the County can appeal the Notice and we will respond accordingly.

This is an incredible amount of time for something that the City is getting benefit for the land that the County purchased for the City street. This could be handled in a completely different way by looking at the bigger picture and working together as that lot may also be impacted by the City's next project which may require right-of-way from the County.

Thank you,  
Nathan

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**From:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Sent:** Friday, June 23, 2023 7:18 AM  
**To:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Cc:** Scott Beduhn <[sbeduhn@stevenspoint.com](mailto:sbeduhn@stevenspoint.com)>; Andrew Beveridge <[ABeveridge@stevenspoint.com](mailto:ABeveridge@stevenspoint.com)>  
**Subject:** RE: [External] corner of Church and Nebel grass

Please notice all terms in City codes are incorporated by reference, Ch 23 defines a zoning lot of which this is meets and it cannot be further subdivided.

**Mark Kordus**  
(715) 346-1554

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**From:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Sent:** Thursday, June 22, 2023 2:15 PM  
**To:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Cc:** Scott Beduhn <[sbeduhn@stevenspoint.com](mailto:sbeduhn@stevenspoint.com)>; Andrew Beveridge <[ABeveridge@stevenspoint.com](mailto:ABeveridge@stevenspoint.com)>  
**Subject:** RE: [External] corner of Church and Nebel grass

Mark,

In regards to the "undeveloped" definition, it is not defined in definition section 21.2 of the code. The only reference in Chapter 21 requires the lot to be considered undeveloped if it does not have a dwelling on it. The remainder of the definition includes "or" and "and/or" for the qualifying definition.

"Any properties which have been deemed by the Code Official as undeveloped (the property has no dwelling on it or does not constitute a zoning lot and/or can be further subdivided) or agricultural parcels. These properties would only be required to maintain the area within the road right of way up to and including three (3) feet beyond the edge of public rights of way, in addition to any applicable vision triangle requirements per the Zoning code."

This lot is undeveloped.

In regards to the appeal, the County was sent a Noncompliance **Notice**. It also includes the language: "This is your official **notice** that you will need to bring the property into compliance by properly abating such conditions within the timeline indicated."

The Property Appeal Form states that "Enclosed is a **notice** and/or service charge issued by the Inspection Department of the City of Stevens Point. To dispute or contest this **notice** and/or charge, a formal written letter must be submitted to the Administrative Appeals Board." (emphasis added to the word Notice)

The appeal form includes the "and/or" clause for including the charge so my interpretation is that we would have the ability to appeal the Notice.

While the County and City were partners for the CTH HH expansion which included the improvement to Nebel St., the County was the one financially responsible for the project. The County purchased this parcel at the cost of \$106,000 for the improvement of the City street. Now the County is being penalized for that partnership. I am also assuming that some of this parcel may be needed for the future Church St/Division Street project so it would make sense for both parties to continue a partnership.

I respectfully request that you review this Notice with your City team and reconsider the order. This parcel is for road right-of-way purposes and should be treated accordingly per your code.

Thank you,  
Nathan

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**From:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Sent:** Thursday, June 22, 2023 9:49 AM  
**To:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Cc:** Scott Beduhn <[sbeduhn@stevenspoint.com](mailto:sbeduhn@stevenspoint.com)>; Andrew Beveridge <[ABeveridge@stevenspoint.com](mailto:ABeveridge@stevenspoint.com)>  
**Subject:** RE: [External] corner of Church and Nebel grass

Since this property cannot be further subdivided given the size and zoning the entire lot would need to be cut. There is an appeal process although that is only after an abatement or service fee has been levied. That form is attached.

**Mark Kordus**  
(715) 346-1554

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**From:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Sent:** Wednesday, June 21, 2023 9:35 AM  
**To:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Cc:** Scott Beduhn <[sbeduhn@stevenspoint.com](mailto:sbeduhn@stevenspoint.com)>  
**Subject:** RE: [External] corner of Church and Nebel grass

Mark,

Can you please confirm if this order requires us to mow the entire lot or just the area between the sidewalk and back of curb? i.e. Is it considered to be a property "deemed by the Code Official as undeveloped (the property has no dwelling on it or does not constitute a zoning lot and/or can be further subdivided)"?

Also, can you please send me the section of the code for the City appeals process for this type of order?

Thank you,  
Nathan

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**From:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Sent:** Friday, June 16, 2023 7:07 AM  
**To:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Cc:** Scott Beduhn <[sbeduhn@stevenspoint.com](mailto:sbeduhn@stevenspoint.com)>  
**Subject:** RE: [External] corner of Church and Nebel grass

Nathan – here are the orders that went out yesterday.

Regards,

**Mark Kordus**  
(715) 346-1554

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**From:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Sent:** Thursday, June 15, 2023 12:49 PM  
**To:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Cc:** Scott Beduhn <[sbeduhn@stevenspoint.com](mailto:sbeduhn@stevenspoint.com)>  
**Subject:** [External] RE: [External] corner of Church and Nebel grass

Mark,

This is not a situation that the parcel was created for future purposes. The parcel was bought as part of the CTH HH expansion project which also included improvements to the City's Nebel Street. I do not think that the property line is lining up with the ortho photo on the GIS as they wouldn't have bought part of the Leblanc building but regardless, it was purchased for the current roadway and sidewalk.

The area that I referenced below along Hoover, north of CTH HH was not dedicated. It was purchased through real estate acquisition from a similar project with a traditional plat. That is the same process that the parcel along Nebel was purchased. There is a separate tax ID and the County does not maintain the roadside area along Hoover. I am sure there are other areas as well as we have worked with the City on these joint projects in which the County was the lead but some of the improvements went into the City street as well.

Again, I would ask that the City reconsider but if you need to send the orders for compliance, I will review it with our county team and provide a formal response.

Thank you,  
Nathan

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**From:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Sent:** Thursday, June 15, 2023 11:36 AM  
**To:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Cc:** Scott Beduhn <[sbeduhn@stevenspoint.com](mailto:sbeduhn@stevenspoint.com)>  
**Subject:** RE: [External] corner of Church and Nebel grass

We do have other several other similar situations in which there was a standalone parcel created for future purposes adjacent to but not included within the ROW and the City as owner does maintain those. The areas you referenced below are part of the dedicated ROW and thus are treated as such, they are not separate standalone parcels, therein lies the difference, regardless of who the owner may be; governmental entity, private party or railroad.

**Mark Kordus**  
(715) 346-1554

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**From:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Sent:** Thursday, June 15, 2023 7:52 AM  
**To:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Cc:** Scott Beduhn <[sbeduhn@stevenspoint.com](mailto:sbeduhn@stevenspoint.com)>  
**Subject:** RE: [External] corner of Church and Nebel grass

Mark,

Regardless whose name is on the deed, the sole purpose of that parcel is for the benefit of City r/w. It would be hard to justify mowing along a City road. I am sure that there are other parcels like this throughout the City with the NE corner of Hoover and CTH HH as another example that we would not maintain along Hoover. I would ask that the City reconsider but if you need to send the orders for compliance, I will review it with our county team and provide a formal response.

Thank you,

Nathan

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**From:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Sent:** Wednesday, June 14, 2023 10:40 AM  
**To:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Cc:** Scott Beduhn <[sbeduhn@stevenspoint.com](mailto:sbeduhn@stevenspoint.com)>  
**Subject:** RE: [External] corner of Church and Nebel grass

Nathan thanks for the follow up, I see no certificate of dedication for ROW, it is currently a standalone parcel 281230804301201 and would be subject to the same ordinance standards as any parcel. I have copied in Scott Beduhn and he can separately address the issues of transfer of parcel ownership and/or ROW dedication. If the County can add this parcel to their mowing schedule until the issue is resolved that would be greatly appreciated, as I would really prefer not to send orders for compliance or contractor abatement to the County.

Regards,

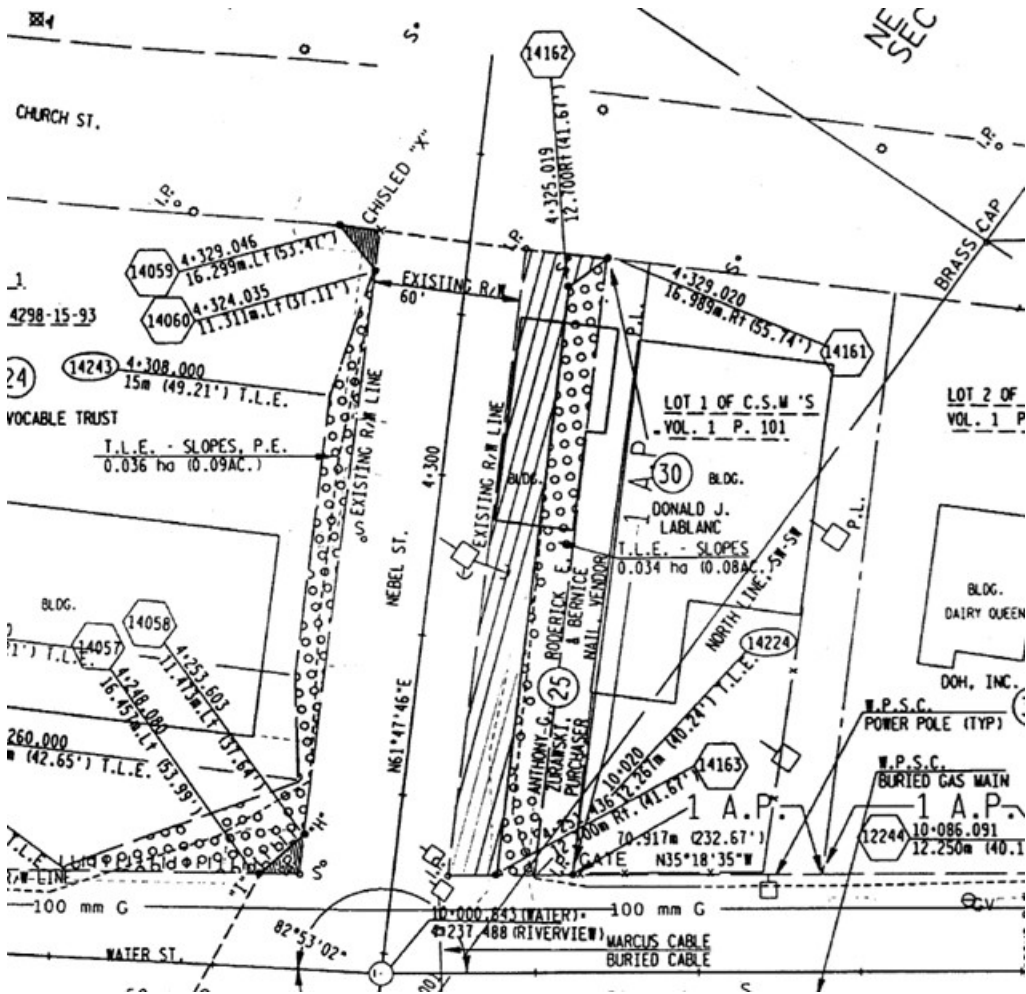
**Mark Kordus**  
(715) 346-1554

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**From:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Sent:** Monday, June 12, 2023 7:03 AM  
**To:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Subject:** RE: [External] corner of Church and Nebel grass

Good morning Mark,

That parcel was created as part of the CTH HH expansion project back in 1996 for the sole purpose of road right-of-way for the reconstruction of City street, Nebel St as part of that project.



The County would not maintain the right-of-way along a City street.. We have not maintained that area and assume that the adjacent property owner would be responsible as in any other city boulevard situation. If that is not the case, then we can discuss transferring ownership over to the City since the real purpose is for the City r/w.

I think we have had some prior correspondence regarding sidewalk in this area as well that I can try and dig up. Please let me know how you want to proceed.

Thank you,  
Nathan

**From:** Mark Kordus <[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com)>  
**Sent:** Thursday, June 8, 2023 12:13 PM  
**To:** Check, Nathan <[CheckN@co.portage.wi.gov](mailto:CheckN@co.portage.wi.gov)>  
**Subject:** corner of Church and Nebel grass

Hello Nathan – I am not sure if this fell off the county’s grass cutting radar list but last fall and this spring I see that it is no longer begin maintained.

**Mark E. Kordus**

*Neighborhood Improvement Coordinator*

City of Stevens Point - Community Development  
 1515 Strongs Avenue, Stevens Point, WI 54481  
 Direct: (715) 346-1554 Main: (715) 346-1567

[mkordus@stevenspoint.com](mailto:mkordus@stevenspoint.com) | [www.stevenspoint.com/neighborhood](http://www.stevenspoint.com/neighborhood)

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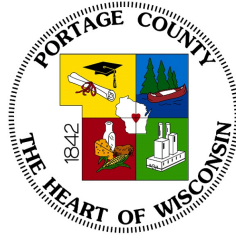
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Portage County  
Highway Department



800 Plover Road  
Plover, WI 54467

Nathan Check, PE  
Commissioner

Phone: 715-345-5230  
Fax: 715-345-5356

August 14, 2023

**Attachment 2**

City Clerk's Office  
Attn: Administrative Appeals Board  
1515 Strongs Avenue  
Stevens Point, WI 54481

**Re: Property Appeal, 3300 Church Street, RAC 2023-00577 Attachment 2  
Portage County's Parcel 281-23-0804301201**

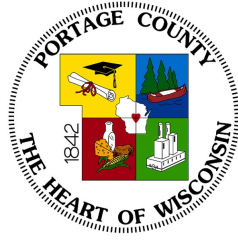
Please see below for the specific reasons that the ordinance violation(s) were unfounded, incorrect, or without basis.

Both the Noncompliance Notice and the Notice and Invoice for Correcting Violation the City of Stevens Point issued to Portage County cite City ordinance 21.03(21) Lawn Maintenance, which is copied below.

*(21) Lawn Maintenance. The owner of any property within the City shall maintain their lawn, grasses and weeds, to a length not to exceed eight (8) inches. If a property is found to exceed this height standard or is determined to be a public nuisance by the Code Official, a notice shall be served to the property owner giving them a minimum of 7 days from the date the notice is mailed, to correct. If the nuisance is not corrected after that time period, upon re-inspection the City shall have it abated by City or contracted staff and the actual costs for abatement, plus any applicable municipal service fees shall be charged to the owner. **Properties exempt from these requirements shall be the following:***

- a. Any properties which have been deemed by the Code Official as **undeveloped (the property has no dwelling on it or does not constitute a zoning lot and/or can be further subdivided)** or agricultural parcels. These properties would only be required to maintain the area within the road right of way up to and including three (3) feet beyond the edge of public rights of way, in addition to any applicable vision triangle requirements per the Zoning code.*
- b. If a property owner has submitted a Vegetation Management Plan and received approval from the Code Official for a Native Lawn. Those properties would be exempt from these provisions, so long as they are in compliance with the approved Vegetation Management Plan, are maintaining vegetative growth along adjoining neighboring property lines, and any applicable conditions within the approved plan.*
- c. The rules contained in this subsection shall not apply during the period from May 1 through May 31 each year.*

County Engineer – Lucas Meddaugh  
County Patrol Manager - Kory Kukuczka    State Patrol Manager – David Johnson  
Parts Room / Shop Manager – Corey Giese    Assistant Patrol Supervisor – Bob Lang  
Finance Office Supervisor – Stacy Zerby    Financial Associate III – Kristen Hancock



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**The County-owned parcel is not developed and should be deemed to be exempt from the cited City ordinance.** Under the ordinance, the lot is undeveloped. The definition of “undeveloped” is provided within City Ordinance section 21.03(21)(a): *Any properties which have been deemed by the Code Official as undeveloped (the property has no dwelling on it or does not constitute a zoning lot and/or can be further subdivided) or agricultural parcels. (emphasis added).* Because it has no dwelling on it, the County-owned lot is undeveloped per the City ordinance.

In addition, **the County-owned parcel does not constitute a zoning lot** per the City ordinance. A zoning lot is found in City Ordinance, copied below.

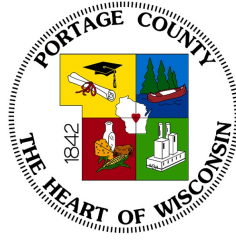
*LOT, ZONING - is a single tract of land which (at the time of filing for a Land Use or Building Permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under the ownership and/or legal control of the person or persons applying for the Land Use and/or Building Permit(s). A zoning lot shall be large enough to meet the various yard, area and setback requirements of this ordinance. (emphasis added)*

The County as the owner has not developed or built upon the lot. Instead, the lot was purchased for the sole purpose of right-of-way for the improvement of the City street, Nebel Street. The roadway project was completed as part of Wisconsin Department of Transportation Project No. 6998-01-64, which included improvements along CTH HH from CTH P to Business 51. The full reconstruction of Nebel Street is shown on the plan sheet, Attachment 3.

This project required road right-of-way acquisition along CTH HH and the surrounding municipal streets. Please refer to Attachment 4 which shows a portion of the project plat for Nebel Street/CTH HH area. In addition, please refer to Attachment 5 which is the Warranty Deed, Document Number 529955 in which the County purchased this parcel in 1997 for \$106,000. These documents show that property was purchased for the sole purpose of the improvement of the City’s Nebel Street. The County did not purchase the property for nor intend for it to be a developed zoning lot, nor can it be based on the current zoning restrictions. Ultimately, this parcel was purchased for the benefit of the City street for road right-of-way purposes.

In addition, the parcel is located in B-4 Commercial zoning district. The County’s undeveloped lot is not large enough to meet the various requirements of the ordinance. The ordinance requires the lots in this zoning district to be 60-80’ wide as a minimum performance standard for the district. This lot is 50’ wide. In addition, the lot would have setback issues if it was proposed to be developed. Therefore, it is not large enough to meet the various yard, area, and setback requirements of the City ordinance and would not meet the definition of a zoning lot.

Portage County  
Highway Department



800 Plover Road  
Plover, WI 54467

Nathan Check, PE  
Commissioner

Phone: 715-345-5230  
Fax: 715-345-5356

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**The City has failed to state how the ordinance applies to portions of the County's parcel.** Because the County's parcel is not developed and is not a zoning lot, it should be deemed exempt from the lawn maintenance section of the City ordinance. Even so, City Ordinance section 21.03(21)(a) states the County, as owner of the lot, "would only be required to maintain the area within the road right of way up to and including three (3) feet beyond the edge of public rights of way..." The City has not clarified or explained how that would be applied to which portions or dimensions of the County's parcel. The County has asked for clarification from the City about what parts of the parcel would fall within the ordinance requirement. As of the date of this letter, the City has failed to reply.

Portage County respectfully requests that the Notice and Invoice for Correcting Violation the City of Stevens Point issued to Portage County and the \$161.46 charges be voided, rescinded, and/or overruled. Thank you for your kind consideration.

Attachments:    Attachment 3 Project Plan Sheet  
                         Attachment 4 CTH HH/Nebel Street Project Plat Sheet  
                         Attachment 5 Warranty Deed  
                         Attachment 6 Property Map

County Engineer – Lucas Meddaugh  
County Patrol Manager - Kory Kukuczka    State Patrol Manager – David Johnson  
Parts Room / Shop Manager – Corey Giese    Assistant Patrol Supervisor – Bob Lang  
Finance Office Supervisor – Stacy Zerby    Financial Associate III – Kristen Hancock





529955

VOL 708 PAGE 0172

WARRANTY DEED

Document Number

Exempt from fee: s. 77.25(2r)

Document Title

THIS INDENTURE, made by Anthony G. Zurawski.

grantor(s), conveys and warrants the property described below to Portage County

grantee, for the sum of One Hundred Six Thousand Dollars and No Cents (\$106,000.00)

Any person named in this deed may make an appeal from the amount of compensation within six months after the date of recording of this deed as set forth in s. 32.05(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the deed shall be treated as the award, and the date the deed is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property:

Legal Description

This (is) (is not) homestead property.

Beginning at a point on the west line of Church Street in the City of Stevens Point, Wisconsin, 200 feet NW'ly of the NE corner of a tract of land conveyed to Frank Boushley by Warranty Deed dated 5/14/24 and recorded 5/15/24 in Book 135 of Deeds, page 1 of Portage County Registry records, thence NW'ly along the W'ly line of Church Street a distance of 50 feet, thence SW'ly on a line parallel with the N line of said Boushley land to the E'ly line of Water Street, thence SE'ly on the E'ly line of Water Street, 50 feet more or less to a point 200 feet NW'ly of the NW corner of said Boushley land; thence running NE'ly on a line parallel with the N'ly line of said Boushley land to the place of beginning and being a part of the W $\frac{1}{2}$ SW of Section 4, T23N-R8E.

AND

See Attached Legal Description

Anthony G. Zurawski  
(Signature)

Anthony G. Zurawski

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

Subscribed and sworn to before me this date 9/23/97

Barbara A. Taves  
(Signature, Notary Public, State of Wisconsin)

Barbara A. Taves  
(Print or Type Name, Notary Public, State of Wisconsin)

5-30-99  
(Date Commission Expires)

(SEAL)

Project 6998-01-21

This instrument was drafted by Barrantos & Associates, Inc.

Parcel No. 25

REGISTER'S OFFICE }  
PORTAGE COUNTY, WI }  
RECEIVED FOR RECORD }

OCT 07 1997

TIME: 3:05 P M

Cynthia A. Wiskus  
CYNTHIA A. WISKUS REGISTER OF DEEDS

\$ 16.-

Recording Area  
Name and Return Address  
A. Barrantos  
Portage County Planning & Zoning Department  
1516 Church Street  
Stevens Point, Wisconsin 54481

Parcel Identification Number (PIN)

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EXEMPT

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Fee title in and to the following tract of land in the City of Stevens Point, County of Portage, State of Wisconsin, described as:

A parcel of land located in the W 1/2 - SW 1/4 of Section 4, T 23 N, R 8 E. Said parcel includes all land of the owner contained in the following described traverse:

Commencing at the west quarter corner of Section 4, T 23 N, R 8 E;  
Thence S 00° 42' 34" E, 1328.55 feet along the west line of the NW 1/4 - SW 1/4 of Section 4 to an iron found apparently marking the northwest corner of the SW 1/4 - SW 1/4 of said Section 4 and the point of beginning;  
Thence S 01° 36' 21" E, 114.92 feet along the west line of the SW 1/4 - SW 1/4 of Section 4 to an iron found at the northeast corner of Lot 1, Portage County Certified Survey Map Number 5349-19-159 and a point of curve concave to the northwest having a radius of 60.00 feet;  
Thence northeasterly, 15.94 feet along the southerly existing right-of-way line of Riverview Avenue and arc of said curve whose long chord bears N 57° 43' 13" E, 15.90 feet;  
Thence S 89° 59' 22" E, 583.22 feet;  
Thence S 89° 22' 35" E, 401.75 feet;  
Thence S 35° 19' 12" E, 1438.97 feet;  
Thence S 09° 43' 45" W, 32.45 feet to a point on the existing northerly right-of-way line of Polk Street;  
Thence S 77° 18' 11" E, 150.48 feet to a point on the existing easterly right-of-way line of Water Street;  
Thence S 89° 09' 15" E, 6.75 feet to an iron found on the existing easterly right-of-way line of Water Street marking the southwest corner of Portage County Certified Survey Map Number 3753-13-111 & 111A;  
Thence continuing S 89° 09' 15" E, 12.42 feet along the south line of said Certified Survey Map;  
Thence N 35° 19' 12" W, 130.03 feet;  
Thence N 52° 16' 58" W, 34.30 feet to a point on the existing easterly right-of-way line of Water Street;  
Thence N 35° 18' 42" W, 1259.55 feet along said easterly line of Water Street;  
Thence N 35° 18' 35" W, 232.67 feet along said easterly line;  
Thence N 61° 47' 46" E, 241.41 feet;  
Thence S 71° 12' 51" E, 19.24 feet to a point on the westerly existing right-of-way line of Church Street;  
Thence N 28° 09' 31" W, 109.21 feet to a point on the westerly existing right-of-way line of Church Street;  
Thence S 16° 55' 41" W, 23.20 feet to a point on the existing northerly right-of-way line of Nebel Street and the southerly line of Portage County Certified Survey Map Number 4298-15-93;  
Thence S 61° 55' 41" W, 231.08 feet along the northerly line of Nebel Street and the southerly line of said Certified Survey Map;  
Thence N 76° 08' 27" W, 24.41 feet to a point on the existing easterly right-of-way line of Water Street;  
Thence S 83° 15' 45" W, 67.63 feet to a point on the existing westerly right-of-way line of Water Street;  
Thence S 12° 33' 40" W, 34.65 feet;  
Thence S 46° 54' 50" W, 25.55 feet;  
Thence S 73° 06' 06" W, 80.12 feet to an iron found on the northerly existing right-of-way line of Riverview Avenue;  
Thence N 89° 21' 43" W, 804.31 feet along said northerly right-of-way line to the point of beginning.

Said parcel contains 0.11 acres, more or less, exclusive of lands previously acquired or now held for highway purposes.

ALSO, a **Temporary Limited Easement** for grading slopes, including for such purpose the right to operate necessary equipment thereon, the right of ingress



and egress, as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil or to beautify the highway.

Said easement consists of the following tract of land located in the W 1/2 - SW 1/4 of Section 4, T 23 N, R 8 E, City of Stevens Point, Portage County, Wisconsin:

Beginning at a point on the easterly existing right-of-way line of Water Street known as Station 4+251.436, 41.67 feet right;

Thence southerly along said easterly existing right-of-way line of Water Street to a point known as Station 10+020, 40.24 feet left;

Thence to a point on the westerly existing right-of-way line of Church Street known as Station 4+329.020, 55.74 feet right;

Thence to a point known as Station 4+325.019, 41.67 feet right;

Thence to a point known as Station 4+251.436, 41.67 feet right and the point of beginning.

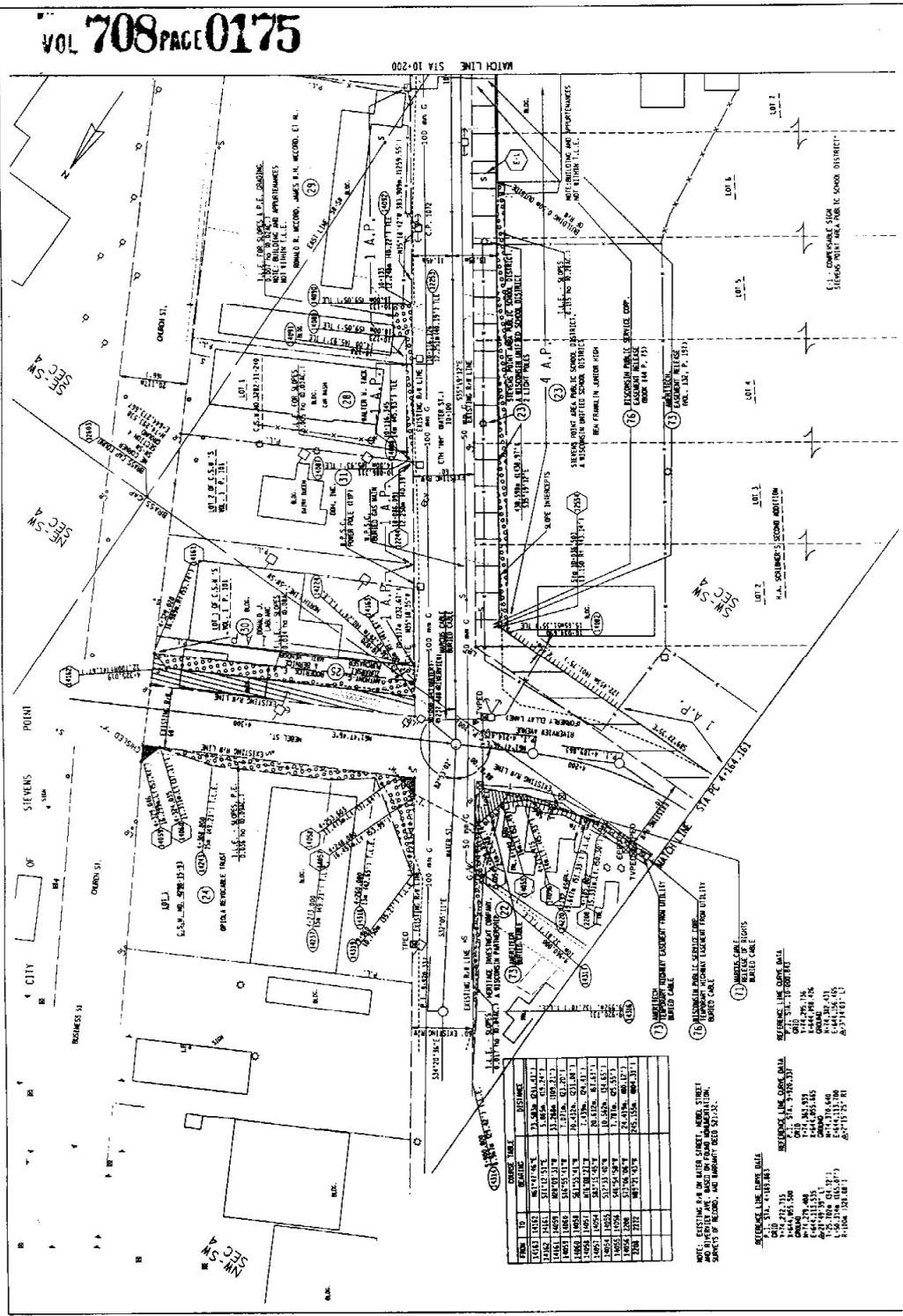
Said temporary easement contains 0.08 acres, more or less, for highway purposes.

**This easement is to terminate upon the completion of the construction of this project.**

Also acquired herein are all existing, future or potential common law or statutory easements or rights of access between the right of way of the highway, currently designated as Nebel Street and CTH "HH" (Water Street), and all of the abutting real property of the owner(s), whether acquired by separate conveyance or otherwise, where the following described real estate abuts on the said highway: That land of the owner(s) in the NW 1/4 of the SW 1/4 of Section 4, and in the SW 1/4 of the SW 1/4 of Section 4, T23N, R8E, abutting Nebel Street on the south side, and CTH "HH" (Water St.) on the east side.

Except the right of access to said highways from abutting lands on the south and east side of said highways by means of one access point, as shown on the attached Exhibit A, pursuant to the provisions of Section 86.07(2), Wisconsin Statutes.





REVISION DATE: \_\_\_\_\_ DATE: \_\_\_\_\_ GND FACTOR: 0.9999099

SCALE: 1:1500

HWY: CTH 'HH'

COUNTY: PORTAGE

FEDERAL PROJECT NO: \_\_\_\_\_ STATE R/W PROJECT NO: 6998-01-21

SHEET NO: 4:11

# EXHIBIT A



Attachment 6 Property Location Map

