

**City of Stevens Point
REGULAR COUNCIL MEETING**

**Council Chambers
County-City Building**

**October 15, 2012
7:00 P.M.**

Mayor Andrew J. Halverson, presiding

Roll Call: Ald. Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Philips, Moore

Also Present: City Atty. Molepske, Clerk Moe, C/T Schlice, Directors Schrader, Ostrowski, Lemke, Assessor Siebers, Emergency Mgt. Director McGinty, Fire Chief Kujawa, Asst. to the Mayor Pazdernik, B.C. Kowalski-Stevens Point Journal.

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

Mayor Halverson explained that the City did not receive a letter from the State in reference to the annexation. Therefore, no action can be taken on Agenda item #10 which is the ordinance relating to the annexation of 762 acres east of the City. It is anticipated the letter will arrive before the 20 day timeline for the State. However, the public hearing will still take place but there will be no action on the zoning of the annexation. There will be a special meeting held regarding the annexation on Monday, October 22, 2012. Also, on Monday, October 29, 2012 at the Lincoln Center at 6:15 p.m., a Special Finance Committee meeting will be held for the presentation of the 2013 proposed budget.

3. Consideration and possible action of the minutes of the Common Council meeting of September 17, 2012 and the Special Common Council meetings of September 24, October 1, and October 8, 2012.

Ald. R. Stroik **moved**, Ald. Moore seconded, to approve the minutes of the Common Council meeting of September 17, 2012 and the Special Common Council meetings of September 24, October 1 and October 8, 2012.

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.

Armin Nebel, 1100 Phillips Street, Stevens Point, WI 54481;
Item #5 – Persons who wish to address the Mayor and Council

Reid Rocheleau, 408 Cedar W., Whiting, WI;
Item #5 – Persons who wish to address the Mayor and Council

Dave Wilz, 1909 Mary's Drive, Stevens Point, WI;
Item #5 – Persons who wish to address the Mayor and Council
Item #10 – Annexation

Ald. Suomi, 2nd District;

Items #5 – Persons who wish to address the Mayor and Council

5. Persons who wish to address the Mayor and Council for up to three (3) minutes on a non-agenda item.

Armin Nebel, 1100 Phillips Street, extended an invitation to the Alderpersons and any other community members to the annual general meeting of the OMNA neighborhood association. The meeting will be held on October 25, 2012 at 6:30 p.m. in the Old Main Building.

Reid Rocheleau, 408 Cedar, discussed elected and appointed city officials. Mr. Rocheleau expressed concerns about the salary scales regarding elected officials and stated that lower salary scales may deter new candidates from coming forth.

Dave Wilz, 1909 Mary's Drive, expressed concern regarding the conditional use process for the two gas stations being proposed in the city on Old Highway 18 and Highway 10. Mr. Wilz requested that a traffic impact analysis be done before construction begins on the gas stations.

Ald. Suomi, Second District, will be hosting a district meeting on Thursday, October 18, 2012 at the Parks and Recreation Building from 6 p.m. to 8 p.m.

Clerk Moe discussed the upcoming Presidential election on November 6, 2012. In-person voting will start on Monday, October 22 in the City Clerk's office. He is also looking for volunteers to serve as greeters at the polling places.

Mayor Halverson said that Clerk Moe's objective and regimented running of the City's elections is appreciated.

6. Presentation by Lori Dehlinger - annual report for the Portage County Business Council.

Lori Dehlinger gave a report to the Council on the Portage County Business Council. The Business Council continues to work on economic initiatives. They have assisted businesses through multiple contacts in regard to site and data selection, properties for sale/lease, building and adding jobs, workforce, economic impact data, referrals and funding of resources. Handouts of the informational brochure are available at the City Clerk's office.

Consideration and Possible Action on the Following:

7. Minutes and actions of the Plan Commission meeting of October 1, 2012 and the minutes of the Special Plan meeting of September 24, 2012.

Ald. Moore **moved**, Ald. Patton seconded to approve the minutes of the Plan Commission meeting of October 1, 2012 and the Special Plan Commission meeting of September 24, 2012.

Ald. Wiza asked for clarification on a motion made by Commissioner Haines regarding approval of a zoning change on page 9 of 12 of the Report of the City Plan Commission of October 1, 2012.

City Attorney Molepske said there was a motion that was ruled out of order. To entertain that motion would have required a change of the zoning ordinance in regard to the conditional uses or include new additional uses. The agenda item was listed as amending the ordinance from heavy industrial and light industrial. He said that if the motion was to postpone this item to provide that the Planning Commission consider an amendment to an ordinance to require this type of land as a conditional use, then that motion would have been in order.

Roll Call: Ayes: All.

Nays: None. Motion carried.

8. Public Hearing – Conditional Use - Request from JD Manville, representing the owner/applicant to increase the occupancy at 927-933 Main Street (Parcel ID 2408-32-2018-03) from 8 to 12 with four off-site parking permits.

Mayor Halverson declared the public hearing open.

No one wished to speak. Mayor Halverson declared the public hearing closed.

9. Resolution on the above.

Mayor Halverson recorded an abstention for Ald. Moore due to a conflict of interest.

Ald. Beveridge moved, Ald. Trzebiatowski seconded, to approve the resolution for the owner/applicant to increase the occupancy at 927-933 Main Street (Parcel ID 2408-32-2018-03) from 8 to 12 with four off-site parking permits.

Ald. Wiza asked for clarification that this is to include an increase in occupancy, but there will not be off-site parking permits.

Mayor Halverson indicated that they will count the parking that is already owned by the particular property which is directly behind it. Director Ostrowski said the parking will remain on-site with the parking behind the building. The off-site parking was not approved at the Plan Commission.

Roll Call: Ayes: Phillips, R. Stroik, Patten, Trzebiatowski, Slowinski, M. Stroik, Wiza, Suomi, Beveridge

Nays: None. Motion carried.

Abstained: Moore (conflict of interest)

10. Ordinance - Annexation - Request from Myron Soik and Sons Inc., Blue Top Farms Inc., The Mocadlo Family, and James and Delores Zakrzewski for the purpose of annexing multiple unaddressed properties located in the towns of Hull, Stockton, and Plover to the City of Stevens Point. Such land, consisting of approximately 762 acres, is to be known as East Park Commerce Center, and is located north of County Road HH, east of Brilowski Road/County Road R, south of Canadian National Railroad right-of-way, and west of Burbank Road (County Parcel ID's: 30230801-13, 34230906:08.01, 34230906:07, 34230906:09.01, 34230906:10, 34230906:24, 34230906:09.03, 34230906.23, 34230906.25, 34230906:26.01, 020230801-03.02, 30230801-14, 30230801-09, 30230801-15, 30230801-12, 020230801-01.04, 020230801-01.02, 020230801-04.02, 020230801-04.01, 034230906:08.04, 34230906:09.02,

020230801-05.02, 020230801-02.06, 020230801-02.02, 020230801-03.01, and 30230801-16.01). Such annexation includes the northern half of the adjacent right-of-way of County Road HH.

As noted in Mayor Halverson's opening remarks, this Agenda item was pulled.

11. Public Hearing – Amend Chapter 23 (Zoning Code) of the RMC to establish permanent zoning classification for the properties indicated in the previous agenda item (East Park Commerce Center).

Mayor Halverson declared the public hearing open.

No one wished to speak. Mayor Halverson declared the public hearing closed.

12. Ordinance amendment on the above.

As noted in Mayor Halverson's opening remarks, this Agenda item was pulled.

13. Public Hearing –Amend Chapter 23 (Zoning Code) of the RMC to allow for a lesser setback for schools, churches, community or senior centers, and hospitals, through the conditional use process, within the R-3 Single Family and Two Family Residence District (Section 23.02(1)(e)(4)).

Mayor Halverson declared the public hearing open.

No one wished to speak. Mayor Halverson declared the public hearing closed.

14. Ordinance amendment on the above.

Ald. Moore **moved**, Ald. Patton seconded, to approve the Amendment to Chapter 23 (Zoning Code) of the RMC to allow for a lesser setback for schools, churches, community or senior centers, and hospitals, through the conditional use process, within the R-3 Single Family and Two Family Residence District (Section 23.02(1)(e)(4)).

Ald. O'Meara asked if the Fire Department has reviewed the affect on their operations regarding the reduced setbacks in these zones.

Mayor Halverson said it wasn't going to affect many properties and the answer is no.

Ald. O'Meara stated he would support it, but he would recommend the Fire Department review any proposals.

Roll Call: Ayes: Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore.

Nays: None. Motion adopted.

15. Public Hearing –Amend Chapter 23 (Zoning Code) of the RMC to reduce the minimum number of required parking spaces for medical and dental clinics for from 1 space per 200 sq. ft. for buildings under 10,000 sq. ft. and from 1 space per 300 sq. ft. for buildings exceeding 10,000 sq. ft., to 1 space per 300 sq. ft. for all buildings (Section 23.01(14)(d)(4)).

Mayor Halverson declared the public hearing open.

No one wished to speak. Mayor Halverson declared the public hearing closed.

16. Ordinance amendment on the above.

Ald. R. Stroik **moved**, Ald. O'Meara seconded, to approve the Amendment to Chapter 23 (Zoning Code) of the RMC to reduce the minimum number of required parking spaces for medical and dental clinics from 1 space per 200 sq. ft. for buildings under 10,000 sq. ft. and from 1 space per 300 sq. ft. for buildings exceeding 10,000 sq. ft., to 1 space per 300 sq. ft. for all buildings (Section 23.01(14)(d)(4)).

Roll Call: Ayes: All.

Nays: None. Motion carried.

17. Public Hearing –Amend Chapter 23 (Zoning Code) of the RMC to delete and recreate Section 23.02(4)(b) relating to standards and requirements for Planned Development Districts.

Mayor Halverson declared the public hearing open.

No one wished to speak. Mayor Halverson declared the public hearing closed.

18. Ordinance amendment on the above.

Ald. Beveridge **moved**, Ald. Wiza seconded, to approve the Amendment to Chapter 23 (Zoning Code) of the RMC to delete and recreate Section 23.02(4)(b) relating to standards and requirements for Planned Development Districts.

Roll Call: Ayes: All.

Nays: None. Motion carried.

19. Minutes and actions of the Public Protection Committee meeting of October 8, 2012.

Ald. R. Stroik **moved**, Ald. Trzebiatowski seconded, to approve the minutes of the Public Protection Committee meeting of October 8, 2012.

Roll Call: Ayes: All.

Nays: None. Motion carried.

20. Minutes and actions of the Finance Committee meeting of October 8, 2012 and the minutes of the Special Finance meeting of September 24, 2012.

Ald. Beveridge **moved**, Ald. Moore seconded, to approve the minutes of the Finance Committee meeting of October 8, 2012 and the minutes of the Special Finance meeting of September 24, 2012.

Roll Call: Ayes: All.

Nays: None. Motion carried.

21. Minutes and actions of the Board of Public Works meeting of October 8, 2012.

Ald. Suomi **moved**, Ald. M. Stroik seconded, to approve the minutes the Board of Public Works meeting of October 8, 2012.

Roll Call: Ayes: All.

Nays: None. Motion carried.

22. Minutes and actions of the Personnel Committee meeting of October 8, 2012.

Ald. Moore **moved**, Ald. Slowinski seconded, to approve the minutes the Personnel Committee meeting of October 8, 2012.

Roll Call: Ayes: All.

Nays: None. Motion carried.

23. Minutes and actions of the Board of Water & Sewerage Commissioners meeting of October 8, 2012.

Ald. Wiza **moved**, Ald. Phillips seconded, to approve the minutes the Board of Water & Sewerage Commissioners meeting of October 8, 2012.

Ald. Suomi asked Director Lemke to explain where they are at in developing a capital improvement plan.

Director Lemke explained that was simply a comment on the fact that being able to estimate revenue needed and the capital improvement plan is a key part.

Ald. O'Meara discussed the ERU (Equivalent Runoff Unit) study done which studied 100 single family residences and questioned if duplexes or triplexes were looked at or if it is industry standard to review single family residences.

Director Lemke said the initial proposal was to keep it consistent per unit.

Ald. O'Meara mentioned getting building square footage from the Assessor's Office to do a study.

Director Lemke said they have been using data from the Assessor and the Community Development Offices.

Roll Call: Ayes: Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski,
M. Stroik, Wiza, Suomi, Beveridge.

Nays: None. Motion adopted.

24. Ordinance Amendment – Sect. 13.17(2) of the RMC - Establishing storm water utility rates.

Mayor Halverson said this was an area that staff discussed an amendment under 4) Property Affected. Except as provided in this section, all real property shall be subject to the storm water service charges regardless of whether privately or publicly owned, with the exception of land used for highway purposes & runway purposes.

Ald. Wiza **moved**, Ald. Patton seconded, to approve the ordinance amendment as amended providing for “& runaway purposes”.

Ald. Beveridge asked for clarification on why the discount is only a one-time credit considering that the reduction in storm water loading from the installation of a rain barrel or rain garden is on-going.

Director Lemke said that rain barrels/gardens need to be properly maintained to be effective and the amount of use discount versus the cost of inspection to determine if they are adequately functioning would be ineffective.

Mayor Halverson stated this is something the City needs to have as a mechanism to comply with the regulations that will be placed on the City by the State via the Clean Water Act. This is a \$1.4 million fee increase on real property, privately and publicly owned in the City. This fee will give the City more flexibility but this is a new utility and the money is to be used only for storm water control.

Ald. R. Stroik said the west side of City has few storm sewers and asked if those residents will still be charged the monthly rate or will they be credited because the ditches run into the river.

Director Lemke said the west side is unique in the fact that it has functional ditches/swales which are storm water features. However, they are still eligible for the fee.

Ald. R. Stroik said that the homeowners still must maintain the ditch.

Director Lemke said it is the homeowner's responsibility for the culverts in their driveways to maintain clear flow. Also, when road projects are constructed, the cost of ditches/swales are a storm water utility cost.

Ald. R. Stroik questioned if the west side will get the attention and maintenance it needs with this utility.

Director Lemke replied yes, along with other problematic areas in the City that have already been identified for immediate projects that need to be done.

Mayor Halverson reviewed other areas of the City that need attention.

Director Lemke said that the existing infrastructure is in need of the revenue source.

Ald. Trzebiatowski questioned if the rain garden and retention ponds would be an on-going credit.

Director Lemke said for residents, the rain barrels/gardens are a one-time credit and when it comes to non-residential properties, it is more complicated and criteria needs to be met.

Ald. Trzebiatowski said that he was disappointed that if people have rain barrels or rain gardens installed, etc. to keep the water on the property, they should get more than just a one-time incentive for those efforts.

Director Lemke said that runoff eventually finds its way to the storm water infrastructure.

Mayor Halverson said setting these rates is the first step in the process and as incentives are found the process can be reassessed.

Director Lemke said in the creation of this utility, every possible credit could not be determined and as requests come forward, they can be reviewed.

Ald. Beveridge questioned the riparian property discount.

Director Lemke said the major outfalls in the City are either to the Wisconsin or Plover River. He also explained to Ald. Beveridge that there will be some gray areas with the riparian properties and those issues will be handled on an as-presented basis.

Ald. Wiza said he agrees with the utility and realizes things may change. He said he wants more background on the rate class and how that came about. He asked why the determination wasn't based on lot size rather than duplexes/triplexes.

Director Lemke said lot size does not reflect how much impervious surface there are unless the lot itself restricts building size. As he stated before, it is a wide range of variability and the general approach is that they have a smaller multiplier than a single family residence. The balance of the two is the issue.

Ald. O'Meara said it is important to have a universal application for storm water and wants a fair way to distribute it.

Ald. Moore said he wants to revisit this issue in a year.

Ald. Phillips said there are homes in his district by McDill Pond and questioned if those residents will get the charge.

Director Lemke said they will be eligible for the available riparian credit by filing an application for the credit. However, there is a dataset for those properties that are obvious for the credit and they would not need to apply.

Mayor Halverson said crediting will need to be reviewed as time progresses with the utility in this area.

Ald. O'Meara said people who will benefit from the utility are the ones living in low lying areas.

Ald. Patton asked when the commercial/industrial people would find out what they will be charged.

Director Lemke said they have the estimates.

Ald. Trzebiatowski spoke regarding solids that enter the water system. There are areas of Dan's and Channel Drive that do not have functioning swales. These areas need to be taken into account when looking at riparian credits.

Mayor Halverson discussed introduction of swales into these areas via the utility charge.

Roll Call: Ayes: Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore
Nays: None. Motion adopted.

25. Minutes and actions of the Board of Park Commissioners meeting of October 3, 2012.

Ald. Phillips **moved**, Ald. M. Stroik seconded, to approve the minutes of the Board of Park Commissioners meeting of October 3, 2012.

Roll Call: Ayes: All.
Nays: None. Motion carried.

26. Minutes and actions of the Police and Fire Commission meeting of October 2, 2012 and the Special Police and Fire Commission meeting of September 24, 2012.

Ald. Wiza **moved**, Ald. Moore seconded, to approve the minutes of the Police and Fire Commission meeting of October 2, 2012 and the Special Police and Fire Commission meeting of September 24, 2012.

Roll Call: Ayes: All.
Nays: None. Motion carried.

27. Statutory Monthly Financial Report of the Comptroller-Treasurer.

Ald. Moore **moved**, Ald. Phillips seconded, to place on file the Statutory Monthly Financial Report of the Comptroller-Treasurer.

Roll Call: Ayes: All.
Nays: None. Motion carried.

28. Mayoral Appointments: Supplemental Poll Workers

Ald. Wiza **moved**, Ald. M. Stroik seconded, to approve the list of Supplemental Poll Workers.

Roll Call: Ayes: All.
Nays: None. Motion carried.

29. Adjournment.

The meeting adjourned at 8:15 p.m.