

**City of Stevens Point
COMMON COUNCIL MEETING**

**Council Chambers
County-City Building**

**June 16, 2014
7:00 P.M.**

Mayor Andrew J. Halverson, presiding.

Roll Call: Ald. Doxtator, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore.

Excused: Ald. Suomi. 8:15 Ald. Wiza excused.

Also Present: City Atty. Beveridge, Clerk More, C/T Ladick, Directors Ostrowski, Schatschneider, Schrader, Police Chief Ruder, Kelly Pasdernik, Mayoral Assistant.

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

Mayor Halverson stated that due to the length of the agenda, he will reserve his remarks for the July meeting. In light of the death of Mr. Bill Cowden, a moment of silence was observed.

3. Consideration and possible action of the minutes of the Regular Common Council meeting of May 19, 2014 and the Special Joint Common Council/Redevelopment Authority meeting of June 9, 2014.

Ald. O'Meara moved, Ald. Slowinski seconded to accept the minutes.

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

4. *Person's 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.

Ald. Wiza respectfully asked the Chair that agenda items #36 and #37 be moved after agenda item #6 and before item #7. There were no objections.

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

As no one wished to speak, Mayor Halverson moved to the next agenda item.

6. Proclamation Designating July as Park and Recreation Month.

Mayor Halverson read the Proclamation designating the month of July as Park and Recreation Month. On behalf of the Parks and Recreation Department, Dir. Schrader accepted the proclamation.

36. Public Hearing – Special Assessments for Replacement of Non-Standard Water Services and Non-Standard Sanitary Sewer Laterals – Bukolt Ave from Front St to Georgia St and Georgia St from Bukolt Ave to Sixth Ave. Installation of Storm Sewer Laterals and Replacement of Existing Non-Standard Storm Sewer Laterals – Bukolt Ave from Front St to Second St and Georgia St from Bukolt Ave to Sixth Ave.

Mayor Halverson declared the public hearing open.

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

Ald. Wiza asked for clarification that no one wished to speak on the special assessments.

Mayor Halverson stated that was correct, no one stood up.

37. Final Resolution on the above.

Ald. O'Meara moved, Ald. Wiza seconded to adopt the resolution.

Ald. Wiza requested that Dir. Schatschneider give a status update the projects.

Dir. Schatschneider stated the project is scheduled to start after the 4th of July, specifically after the YMCA Triathlon, beginning July 15, 2014. Residents will find out if the assessments applies to them, after construction starts when the city will determine what underground utilities they have and their condition. This would occur only if the existing utilities would need to be replaced.

Ald. Wiza said the letters residents received earlier were an estimate of the possible assessment that might take place. The City will not know anything about this existing material and what condition it is in until we dig.

Dir. Schatschneider stated that those numbers received from the bid document are fairly accurate. One block will be shut down at a time for the repairs to minimize disruption to residents and parking.

Ald. Wiza asked if someone has questions regarding the special assessments, if they can contact the Comptroller/Treasurer's Office.

C/T Ladick replied yes as it would be his office and the City Clerk's office that could answer questions. They can pay within 30 days with no interest, or spread it out over five years, in which case it is 2.5% or also spread it out over 10 years,

with an interest rate of 4.6%. They will get a notice that explains their options and what the different interest rates are.

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

7. Municipal Licensing of Vapor Bars (discussion only).

Quade C. Varga 950 Highland Drive, Plover, spoke in favor of vapor bars and hookah lounges. He is hoping to open a vapor bar. Mr. Varga spoke of the misconceptions of the hookah as they now offer herbal, vapor and tobacco use. He stated that there will be no heroin, opium, marijuana or any illicit substances in his business.

City Attorney Beveridge addressed the Council and stated there are complications between licensing of vapor bars and State Statutes. Current laws at both the state and local level already address potential violations of selling tobacco products to minors and controlled substances.

Ald. O'Meara would like to see vaping added to the indoor smoking ordinance. He believes the City needs to modify the indoor smoking ordinance to include these products.

Ald. Wiza wholeheartedly disagrees with Ald. O'Meara. This is a legal product and it should be treated as such. There are no laws against it. He agrees with licensing but, to restrict this based on people's opinions of what the product is, is completely wrong. If an ordinance in effect regarding this, he will never support it.

Ald. R. Stroik, asked if City Attorney was recommending against licensing and just treating these as conditional uses.

City Attorney Beveridge stated that the amendment to insert this as a conditional use was rejected.

Mayor Halverson stated there has been no action.

City Attorney Beveridge stated that licensing with mechanisms and goals established, such as licensing for pawn shops is set up to avoid the potential of fencing stolen goods, versus licensing that makes you pay a fee and fill out some forms in order to get your license. Licensing to prevent the sales of nicotine products to minors or sales of controlled substances would be redundant with what laws currently exist.

Mayor Halverson stated that ultimately this is a legal product that is out there for entrepreneurs to take advantage of from a marketing perspective. It is not the

City's role to determine if it's right, wrong, good, bad, that is for the greater regulatory bodies, like the FDA to determine.

Chief Ruder stated that if there is a complaint and the business is licensed, our officers can go in without a warrant and check to see if the complaint has merit so this department can follow through with it.

Ald. Wiza asked Chief Ruder to clarify the legal possession of a pipe, hookah, or anything else that might not be used for any illegal purposes.

Chief Ruder stated that a hookah is not illegal of itself, as long as it is not used for paraphernalia purposes or does not have anything to do with an illegal substance. Serving food would be licensed through the Health Department.

8. Minutes and actions of the Plan Commission meeting of June 2, 2014.

Ald. Moore moved, Ald. Phillip s seconded_ approval of the June 2, 2014 meeting minutes. Seconded by Ald. Phillips.

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

9. Public Hearing – Conditional Use Permit – Renewals for the following places and activities:

- a) 2317 Division Street – Archie's (operate a tavern)
- b) 908 Maria Drive – Final Score (operate a tavern)
- c) 912 Main Street – Graffiti's (operate a tavern)
- d) 1324 Second Street – Copper Top (operate a tavern)
- e) 2600 Stanley Street – Partners Pub (operate a tavern)
- f) 2525 Dixon Street - Point Bowl (operate a tavern)
- g) 929 Main Street – Heritage Pub (operate a tavern)
- h) 3260-74 Church Street – Bucks and Bulls Archery (operate indoor archery range)
- i) 1331 Westmore Court – John and Carol A. Lawlis (second living space)

Mayor Halverson declared the public hearing open.

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

10. Resolutions on the above.

Ald. R. Stroik moved, Ald. Slowinski seconded to approve items: a) through i).
Ald. Moore stated that he will abstain from this vote.

Roll Call: Ayes: Ald. Doxtator, O'Meara, Wiza, M. Stroik, Slowinski,
Trzebiatowski, Patton, R. Stroik, Phillips.
Nays: None

Abstained: Ald. Moore. Motion carried.

11. Public Hearing – Conditional Use Permit – Request to expand a tavern (Guu’s on Main) at 1140 Main Street.

Mayor Halverson declared the public hearing open.

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

12. Resolution on the above.

Ald. O’Meara said he approves of the expansion of Guu’s on Main, but asked that one of the two areas be maintained as smoke-free.

Ald. O’Meara **moved**, Ald. Trzebiatowski seconded, to amend this use because it has two areas, one in the front and one in the back, that one of the areas be maintained as smoke-free. Voice vote.

Roll Call: Ayes: Ald. O’Meara, Trzebiatowski, R. Stroik, Phillips.
Nays: Ald. Wiza, Slowinski, M. Stroik, Doxtator, Patton, Moore.

Motion failed.

Ald. Wiza **moved**, Ald. Moore seconded, to approve the resolution.

Roll Call: Ayes: Ald. Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski, M. Stroik, Wiza, O’Meara, Doxtator.
Nays: None. Motion carried.

Mayor Halverson stated that by a vote of 8-1-1, there is an approved resolution.

13. Public Hearing – Conditional Use Permit – Request to construct one, 2-bedroom apartment one, 4-bedroom apartment at 1140 Main Street.

Mayor Halverson declared the public hearing open.

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

14. Resolution of the above.

Ald. Moore **moved**, Ald. Doxtator seconded, to approve the above resolutions.

Roll Call: Ayes: Ald. Doxtator, O’Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore.
Nays: None. Motion adopted.

15. **Public Hearing – Rezone the property located on the northeast corner of Echo Dells Avenue and Riverview Avenue from R-2 Single Family Residence District to R-3 Single and Two-Family Residence District.**

Mayor Halverson declared the public hearing open.

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

16. **Ordinance Amendment on the above.**

President Slowinski **moved** Ald. M. Stroik seconded, to approve the ordinance amendment.

Roll Call: Ayes: Ald. Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski, M. Stroik, Wiza, O’Meara, Doxtator.
Nays: None. Motion carried.

17. **Public Hearing – Amend Zoning Ordinance to allow the selling of product by a non-profit (501(c)(3)) organization as a conditional use in R-5 Multiple Family II Residence District (Section 23.02(1)(g)(3) of the RMC).**

Mary Ann Laszewski, 1209 Wisconsin Street, addressed the Council concerning the Masonic Temple and the historic nature of the area. She was not in favor of the amended zoning change as noted above.

Cathy Dugan, 615 Sommers Street, said she is a great proponent of this neighborhood as she has lived there for a long time. She is hoping to protect the character of the neighborhood.

18. **Ordinance Amendment on the above.**

Ald. Wiza **moved** Ald. O’Meara seconded, to approve the ordinance amendment.

Roll: Ayes: Ald. Doxtator, Wiza, Slowinski.
Nays: O’Meara, M. Stroik, Trzebiatowski, Patton, R. Stroik, Phillips, Moore.
Motion failed.

19. **Public Hearing – Conditional Use Permit – Request to sell product at 1578 Strongs Avenue.**

Mayor Halverson declared the public hearing open.

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

20. Resolution of the above.

Ald. Moore moved, Ald. R. Stroik seconded to deny the conditional use.

Ald. Wiza stated that he has spoken with people who live in the area who have no issue with this proposal. One of the biggest concerns brought to his attention was the dance studio right across the street and the amount of traffic and noise that that generates. He was told that while classes are going on there it is almost impossible to get through the street. He did not think they will be bringing any additional disruption to the neighborhood. There is a bed and breakfast there and there is parking on the street. That is why he was in favor of this and that is why he is in favor of this one.

Mayor Halverson stated that the Council will not be acting on this item as it is indeed moot at this point.

21. Public Hearing – Amend the City of Stevens Point Comprehensive Plan future land use map (Map 8.3) for the purposes of amending the future land use designation from residential to commercial/office/multi-family for all of the following properties:

- 2601 Main Street (Parcel ID 2408-33-2025-02)
- 2617 Main Street (Parcel ID 2408-33-2025-01)
- 1310 Chase Street (Parcel ID 2408-33-2025-14)
- 1318 Chase Street (Parcel ID 2408-33-2025-13)
- 2624 Clark Street (Parcel ID 2408-33-2025-12)

Justin Kirking, 2700 Clark Street, asked if there are any other alternatives that would allow Ministry to expand parking to meet their needs without compromising the neighborhood. Before the Council votes, he asked if there are other alternatives.

22. Ordinance Amendment on the above.

Mayor Halverson stated that the only difference between R-5 versus R-4 in terms of actual future uses is that it would allow for smaller, light office uses as opposed to multi-family. This would be the only addition.

Ald. O'Meara asked if the City could grant a conditional use permit parking for Ministry.

Dir. Ostrowski stated no.

Ald. O'Meara moved, Ald. Doxtator seconded, the approval of the ordinance amendment.

Roll Call: Ayes: Ald. Moore, Phillips , R. Stroik, Patton, Trzebiatowski, Slowinski ,

M. Stroik, Wiza, O'Meara, Doxtator.
Nays: None. Motion adopted.

23. Public Hearing – Rezone the property located at 2617 Main Street from R-4 Multiple Family I Residence District to R-5 Multiple Family II Residence District.

Justin Kirking, 2700 Clark Street, asked that the Council examine all the possible alternatives there may be as it relates to the current zoning.

Mayor Halverson stated that unfortunately there really is not another alternative. He thinks a big plus is the way in which a landscaping buffer will be constructed.

24. Ordinance Amendment on the above.

Ald. Trzbiatowski moved, Ald. Patton seconded to approve the ordinance amendment.

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

25. Public Hearing – Rezone the property located at 2624 Clark Street from R-4 Multiple Family I Residence District to R-5 Multiple Family II Residence District.

Mayor Halverson declared the public hearing open.

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

26. Ordinance Amendment on the above.

Ald. Slowinski moved, Ald. Phillips seconded, to approve the ordinance amendment.

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

27. Public Hearing – Amend Zoning Ordinance to allow small-scale alcohol production facilities (brewpubs, craft- or micro-breweries, wineries, or distilleries) as a conditional use in B-2 Central Business Transition District (Section 23.02(2)(b)(3) of the RMC).

Mayor Halverson declared the public hearing open.

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

28. Ordinance Amendment on the above.

Ald. Moore moved, Ald. M. Stroked seconded, to approve the Ordinance Amendment.

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

29. Public Hearing – Conditional Use Permit – Request to operate a micro-winery at 1201 Water Street.

Mayor Halverson declared the public hearing open.

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

30. Resolution of the above.

Ald. Wiza moved, Ald. Moore seconded to approve the resolution.

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

31. Public Hearing – Amend Zoning Ordinance to reduce the minimum lot size for one unit dwellings in the R-4 Multiple Family I Residence District and the R-5 Multiple Family II Residence District (Sections 23.02(1)(f)(4) and 23.02(1)(g)(4) of the RMC).

Mayor Halverson declared the public hearing open.

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

32. Ordinance Amendment on the above.

Ald. Wiza asked why it is necessary to reduce the lot size.

Dir. Ostrowski stated this is a request from a landowner whose lot is very small, yet zoned multi-family. A neighbor who has a single family lot is willing to sell a portion of their lot to the neighbor behind them in order for them to store some snow on it. Currently the land cannot be sold because this lot is under 10,000 sq. feet. The ordinance change would reduce this lot limit to 8,000 sq. feet and allow the individual sell the land.

Ald. Wiza **moved**, Ald. R. Stroik seconded, to approve the Ordinance Amendment.

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

33. Minutes and actions of the Public Protection Committee meeting of June 9, 2014.

Ald. Slowinski **moved**, Ald. M. Stroik seconded to approve the Public Protection Committee meeting minutes.

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

34. Minutes and actions of the Personnel Committee meeting of June 9, 2014 and the minutes of the Special Personnel Committee meeting of May 19, 2014.

Dave Schleihs, President, Police and Fire Commission, requested that the City Council eliminate the current language of Administrative Policy 3.0171, and replace it with the following language: If the Administrative Assistants in the Police and Fire Departments are required to wear uniforms, the City would create a specific line item in the budget to purchase a standard uniform. He believes this would free up departments to manage their budgets as well as frees up the Council to set financial policies and limits for the City. It also treats all City employees who are required to wear uniforms fairly.

Ald. Patton **moved** that we put this in as a line item in the budget.

Mayor Halverson stated that this has already happened, so a motion is not necessary. It would be a discretionary act of the Comptroller/Treasurer of the City. Motion failed due to a lack of a second.

Ald. Trzebiatowski stated that they should have complete control of their budget.

C/T Ladick said the current policy states, If the administrative assistants in the Police and Fire Departments are required to wear uniforms, the City will provide uniform shirt and badge. The original proposal is to add 2 to the number of uniform shirts per calendar year and badge as needed.

Ald. Phillips **moved**, Ald. O'Meara seconded, to accept the minutes and actions of the Personnel Committee meeting, as well as the minutes of the Special Personnel Committee meeting with the exception of the item concerning the clothing allowance.

Roll Call: Ayes: All.

Nays: None. Motion carried.

Mayor Halverson stated that if the Council wants to pull it, then his suggestion would be to move to eliminate any reference in the administrative policies to administrative assistant uniforms followed by a statement that would be clear in that the administrative assistant in the Fire Department is required to wear a uniform. A line item has been established for these uniforms and it clearly would be the discretion of the chiefs respectively to determine how that money would be distributed to the administrative assistants based on their uniform needs.

Ald. Moore moved, Ald. Patton seconded, to eliminate any reference in the administrative policies to administrative assistant uniforms followed by a statement that would be clear in that the administrative assistant in the Fire Department is required to wear a uniform. A line item has been established for these uniforms and it clearly would be the discretion of the chiefs respectively to determine how that money would be distributed to the administrative assistants based on their uniform needs.

Ald. Slowinski stated the reason this was brought to the Council because it was abused.

Ald. Moore stated that once the Departments get their budget, it is out of the Council's hands.

City Attorney Beveridge said the only specific item mentioned in the statute is the actual buildings themselves. The Council has authority over those purchases. Once money has been allocated to the Police and Fire Commission under a budget item, it is up to them to decide how it is going to be spent. But they are constrained to the same degree that any other city department would be constrained by the nature of that budget item. The department could not spend money for ammunition on uniforms and vice-versa.

Ald. Moore asked if this could go directly to the Police and Fire Commission to deal with.

Mayor Halverson said that would be the way he would interpret the motion.

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

35. Minutes and actions of the Board of Public Works meeting of June 9, 2014.

Trevor Roark, Washington Avenue, Stevens Point, an avid bicyclist, stated he feels strongly that the City continue this project to increase the safety along this corridor.

Bob Fisch, 1033 Smith Street, Stevens Point, said that visionary leaders understand the need to create balance among all transportation modes so that Stevens Point can thrive in the coming decades.

Ald. R. Stroik moved, Ald. Slowinski seconded, to approve the minutes of the Public Works meeting of June with item #1 pulled for further discussion.

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

Ald. R. Stroik said that the City should be loyal to our taxpayers and spend the money when the Council is committed to the Business 51 project.

Dir. Schatschneider stated that the biggest reason to complete this study is that our safety issues are not going to go away. If the City can get this study completed and approved, it is going to put us at the front of the line to get dollars to fix that intersection. The DOT came short of saying that we really want the city to approve this, because if we can't come to a consensus, there is a real concern that we may be forced to an Environmental Impact Study (EIS) when we pick this project back up. It is extremely intensive and it's a lot more complicated.

Ald. Slowinski said if the City completed this project, this would not be an issue. He asked if they can't force us to do this 10 years from now.

Dir. Schatschneider stated if the City can at least complete what we have started, it really eliminates the threat to get dragged back and start all over again.

Ald. Trzebiatowski asked about completing this now versus doing it down the road.

Dr. Schatschneider stated that if the City could complete it now, we are looking at \$996,000. If we wait and complete it at a future time, we are probably looking at \$1.6 million. In 2015, we will be eligible to apply for funding for this corridor again. By completing this, it is going to allow us to get money so we are ready to reconstruct this.

Ald. Slowinski asked if the City is eligible to apply for monies for this starting in 2015. He asked if this is an annual application and can this money be put aside and designated for this project, or does the City have a certain amount of time that it will have to spend the awarded funds.

Dr. Schatschneider stated that there are windows in which you can spend the money. The application process is every 2 years.

Mayor Halverson stated that as part of this project there will be a preferred alternative that is chosen. Once that preferred alternative is chosen, it is locked and it is the only alternative and it would be included in the document.

Ald. O'Meara **moved**, Ald. Slowinski seconded, that the City proceed with the study to completion. Ald. Moore stated that it would be good to finish this. The City is at the point right now that we do need to see this through to completion.

Roll Call: Ayes: Ald. Moore, Phillips, Patton, Trzebiatowski, Slowinski, M. Stroik, O'Meara, Doxtator.
Nays: R. Stroik. Motion carried.

38. Minutes and actions of the Finance Committee meeting of June 9, 2014.

Ald. Moore **moved**, Ald. Phillips seconded, to approve the minutes and actions.

Roll Call: Ayes: Ald. Doxtator, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Patton, R. Stroik, Phillips, Moore.
Nays: None. Motion carried.

39. Purchasing 100 Second Street North (former Mickey's Restaurant), for \$87,000.

Mayor Halvorson stated that he would entertain a motion to postpone until such time as the City Attorney has an opportunity to get together to read the location plan related to personal property of that property.

Ald. Trzebiatowski **moved**, Ald. Moore seconded to postpone this item.

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

40. Minutes and actions of the Police and Fire Commission meetings of June 2, and and the Special Police and Fire Commission meeting of May 20, 2014.

Ald. Patton **moved**, Ald. Moore seconded to approve the minutes and actions.

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

41. Minutes and actions of the Transportation Commission meeting of May 22, 2014.

Ald. M. Stroked **moved**, Ald. Moore seconded to approve the minutes and actions.

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

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

Ald. Moore **moved**, seconded by Ald. Phillips to accept report and place it on file.

Roll Call: Ayes: All

Nays: None. Motion carried.

- *43. **Motion to enter into closed session (approximately 8:30 p.m.) pursuant to section 19.85(1)(e) Wis. Stats., for the deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, relating to the negotiating of the lease/rental of the Portage County Public Library Building, 1001 Main Street, with Portage County.**

Ald. Phillips **moved**, Ald. O'Meara seconded, to enter into closed session.

Roll Call: Ayes: Ald. Moore, Phillips, R. Stroik, Patton, Trzebiatowski, Slowinski,
M. Stroik, O'Meara, Doxtator.

Nays: None. Motion carried.

44. Adjournment.

The meeting was adjourned at 9:21 p.m.