

REGULAR COUNCIL MEETING

Council Chambers
County-City Building

March 21, 2011
7:00 P.M.

Mayor Andrew J. Halverson, presiding

Roll Call: Present: Ald. Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore
Excused: Ald. Mallison, Wiza
Also
Present: City Attorney Molepske, Clerk Moe, Comptroller-Treasurer Schlice, Directors Schrader, Halverson, Lemke, Ostrowski, McGinty; Police Chief Ruder, Assessor Siebers, Assistant to the Mayor Pazdernik, Kari Yenter, Matt Brown (Portage County Gazette), B. C. Kowalski (Stevens Point Journal)

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

Mayor Halverson announced that Valley Bank and the City have a signed offer to purchase the Center Point Market Place for the original amount of \$1.875 million along with the prorating of the taxes, environmental review and agreement with Shopko.

The Mayor stated it has been an honor to serve this community as Mayor for the past four years.

3. Consideration of the minutes of the Common Council meeting on February 21, the Special Council meetings of February 23 and March 14, 2011.

Ald. R. Stroik moved, Ald. Moore seconded, approval of the meeting minutes.

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.

Henry Korger, 3200 Water Street, Stevens Point, WI 54481:
Item #5 – Persons who wish to address Mayor and Council

John Brown, 2132 McCulloch Street, Stevens Point, WI 54481:

Item #5 – Persons who wish to address Mayor and Council

Barb Jacob, 1616 Depot Street, Stevens Point, WI 54481:

Item #5 – Persons who wish to address Mayor and Council

Item #7 – Joint Resolution– Lease-Purchase Agreement with Center Point LLP

Item #8 – Joint Resolution– Lease-Purchase Agreement with Center Point Mall Corp

Bernard Coerper, 1400 W. River Drive, Stevens Point, WI 54481:

Item #5 – Persons who wish to address Mayor and Council

Item #7 – Joint Resolution– Lease-Purchase Agreement with Center Point LLP

Item #8 – Joint Resolution– Lease-Purchase Agreement with Center Point Mall Corp

Item #9 – Resolution- Prepare documents for dissolution of CDA

Jeremy Fritsch, 917 Meadow Street, Stevens Point, WI 54481:

Item #5 – Persons who wish to address Mayor and Council

Rich Sommer, 4224 Janick Circle N, Stevens Point, WI 54481:

Item #7 – Joint Resolution– Lease-Purchase Agreement with Center Point LLP

Item #8 – Joint Resolution– Lease-Purchase Agreement with Center Point Mall Corp

Item #9 – Resolution- Prepare documents for dissolution of CDA

Bill Yudchitz, 1301 DuBay Avenue, Stevens Point, WI 54481:

Item #7 – Joint Resolution– Lease-Purchase Agreement with Center Point LLP

Jared Redfield, 1033 Park Street, Stevens Point, WI 54481:

Item #11 – Public Hearing – Rezone 1600 Briggs Street

Jackson Case, 3028 Stanley Street, Stevens Point, WI 54481:

Item #13 – Public Hearing – Conditional use for 3725 Patch Street

Brian Suchowski, 2163 Strongs Avenue, Stevens Point, WI 54481:

Item #13 – Public Hearing – Conditional use for 3725 Patch Street

Ald. Slowinski, District 6:

Item #5 – Persons who wish to address Mayor and Council

Ald. Moore, District 11:

Item #5 – Persons who wish to address Mayor and Council

Ald. Brooks, District 10:

Item #5 – Persons who wish to address Mayor and Council

Ald. Trzebiatowski, District 7:

Item #5 – Persons who wish to address Mayor and Council

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

Henry Korger, 3200 Water Street, voiced his concerns on the way funds are being spent. He said we need to live within our means.

John Brown, 2132 McCulloch Street, voiced his concerns on the costs that will be assessed back to the taxpayers.

Barb Jacob, 1616 Depot Street, voiced her concerns on spending this amount of money. She said the City needs to start cutting costs.

Bernard Coerper, 1400 W. River Drive, said he fights for what he believes in.

Jeremy Frisch, 917 Meadow Street, said there is a disconnection between the citizens and the City regarding communications on the mall.

Ald. Trzebiatowski said he is ashamed that important materials are being handed out at the meetings and the Council members are expected to vote on them.

Ald. Brooks would like to know the timeline for chip sealing.

Director Lemke said work will begin after school is out.

Ald. Slowinski stated work will begin at Iverson Park clearing the shoreline on March 26, 2011, at 9:00 a.m. He also announced that the annual spring clean-up will be April 30, 2011, starting at 9:00 a.m.

Ald. Moore announced that he is seeking re-election for 11th District Alderperson. He would appreciate your vote on April 5, 2011.

6. Presentation: Street Tree Management Plan-Josh Behounek of Davey Resource Group.

Mayor Halverson introduced City Forester Todd Ernster and Josh Behounek of Davey Resource Group.

Josh Behounek gave a brief presentation on the City of Stevens Point's tree inventory, resource structure and environmental functions and values. He also provided urban forest management recommendations for the City of Stevens Point.

7. Consideration of Joint Resolution of the City of Stevens Point and the Community Development Authority of the City of Stevens Point, Wisconsin, Authorizing and Directing Entry of a Lease-Purchase Redevelopment Agreement of the Property Interest of Center Point Limited Partnership in Center Point Market Place with the Community Development Authority of The City Of Stevens Point, Wisconsin in Support of the Downtown Redevelopment Program.

Rich Sommer, 4224 Janick Circle N, voiced his concerns on the decisions being made regarding the mall. He said these are stressful times to spend this amount of money.

Bill Yudchitz, 1301 DuBay Avenue, supports the redevelopment of the downtown; however, he has concerns on the design approach. He is against the lease-purchase agreement.

Bernard Coerper, 1400 W. River Drive, is against the lease-purchase agreement. He is concerned with the amount of money being spent on these agreements.

Barb Jacob, 1616 Depot Street, is also against the lease-purchase agreement. She said the public has been misled during the entire process.

City Attorney Molepske said the lease-purchase agreement provides for \$575,000 at closing. He said the approximately \$90,000 Community Development Authority loan and back taxes will be paid at the time of closing. The City Attorney said we will pay \$10,000 per year for the next 15 years. He said the City will have, under the special power of attorney, the right to cancel or amend the current restrictive covenants and operating agreement. The City Attorney said the City can make demand for the deed after the expiration of the 15 years and payment of \$10,000 per year for the term. He asked the Council to approve this resolution with the following conditions: 1) mutual agreement with Shopko, 2) close on the Valley Property which is the mall, 3) stipulation for the end of the lawsuits, and 4) agreement with Mid-State Technical College. The City Attorney suggested that the Mayor, Comptroller/Treasurer and City Attorney be given the authority to make modifications to the agreement regarding the language.

Mayor Halverson asked if the City will have a signed deed in escrow that will be executed by the owners of this property.

City Attorney Molepske replied that is correct.

Mayor Halverson asked if the City will have exclusivity in terms of any use including demolition of the property.

City Attorney Molepske replied that is correct.

Mayor Halverson said other than leasing the land, there are no other stipulations making this more like a purchase.

City Attorney Molepske replied that is basically what it is.

Ald. Slowinski asked who will receive the \$90,000 for the CDA loan.

City Attorney Molepske said it will initially come to the City and then go back to the Central Wisconsin Economic Development fund.

Mayor Halverson said the City will have the opportunity to use it again.

Ald. R. Stroik asked if we have an agreement with Mid-State that says they will relocate there under any circumstances.

Mayor Halverson replied no. He said the City has a resolution from their board indicating that they are going to be moving through their state approvals.

Ald. R. Stroik asked what would happen if their state approvals do not go through. He asked if the City would own the entire mall.

Mayor Halverson said that could be a possibility.

City Attorney Molepske said that could be added as a memorandum of understanding as it relates to Mid-State.

Mayor Halverson said the City retained some of the right-of-way along Third Street for future reconstruction of the intersection. He noted that it is unlikely that Mid-State will not be granted their state approval.

Ald. R. Stroik asked when the state approvals will be final.

Mayor Halverson replied approximately late May or June.

Ald. R. Stroik understands that the current governor approved the \$750,000 bond.

Mayor Halverson said the Community Development Block Grant has already been awarded.

Ald. R. Stroik asked if only \$575,000 of the \$694,000 is spent, what would the rest of the funds be used for.

Mayor Halverson said it would be held for a variety of uses, most likely for the center portion of the building.

Ald. R. Stroik said the \$10,000 payment per year is a TIF eligible payment so the taxpayers will not see that as an increase on their taxes.

Mayor Halverson said it will be charged to the TIF.

City Attorney Molepske noted the environmental test results should be completed this week.

Ald. R. Stroik asked if the property, at the end of the 15 year period, belongs to the City.

City Attorney Molepske replied that is correct.

Mayor Halverson said there is a possibility that the City would transfer the lease to a third party.

Ald. Molski asked if the parking agreement with Shopko has changed.

City Attorney Molepske said they are currently working on the parking arrangements with Shopko.

Ald. Slowinski asked what the stipulation of the lawsuits mean.

City Attorney Molepske explained the lawsuits. He said the first lawsuit involves the City of Stevens Point and the Community Development Authority and the second lawsuit is against Valley Bank.

Ald. R. Stroik **moved**, Ald. Moore seconded, to approve the Joint Resolution of the City of Stevens Point and the Community Development Authority of the City of Stevens Point, Wisconsin, Authorizing and Directing Entry of a Lease-Purchase Redevelopment Agreement of the Property Interest of Center Point Limited Partnership in Center Point Market Place with the Community Development Authority of the City of Stevens Point, Wisconsin in support of the Downtown Redevelopment Program with the following conditions: 1) reach a mutual agreement with Shopko, 2) successfully close on the Valley property, 3) successful end of all lawsuits, 4) satisfactory environmental analysis completed, and 5) allow the Mayor, Comptroller-Treasurer and City Attorney to make minor changes to the agreement and if there are any major changes, they would report them back to the Common Council.

Ald. R. Stroik believes this will be an opportunity for the City to move forward and revitalize the downtown.

Ald. Moore said this is in the best interest of the City.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Slowinski, M. Stroik, O'Meara.
Nays: Ald. Trzebiatowski, Suomi.
Ayes – 7. Nays -2. Motion carried.

8. Consideration of Joint Resolution of the City of Stevens Point and the Community Development Authority of the City of Stevens Point, Wisconsin, Authorizing and Approving the Execution, Financing and Implementation of the Lease-Purchase Redevelopment Agreement with Center Point Mall Corporation in Support of the Downtown Redevelopment Program.

Rich Sommer, 4224 Janick Circle N, had already left the meeting.

Barb Jacob, 1616 Deport Street, declined her opportunity to speak.

Bernie Coerper, 1400 W. River Drive, is concerned about the project and the fact that no appraisals were completed on these properties.

Mayor Halverson noted they do not have the authority to materially change something that would change the impact of a resolution or document without presenting it to the Council.

Ald. O'Meara **moved**, Ald. Moore seconded, to approve the Joint Resolution with the same conditions set for item #7.

Ald. Suomi said she supports downtown redevelopment; however, there are still some unknowns so until she sees a written agreement with Mid- State, she will not support the resolutions.

Roll Call: Ayes: Ald. O'Meara, M. Stroik, Slowinski, Molski, R. Stroik, Brooks, Moore.
Nays: Ald. Suomi, Trzebiatowski.
Ayes – 7. Nays – 2. Motion carried.

9. Consideration of Resolution Directing the City Attorney and the Community Development Authority Executive Director to Prepare Documents and Resolutions Necessary for the Dissolution of the Community Development Authority.

Ald. Molski **moved**, Ald. M. Stroik seconded, to adopt the resolution.

Ald. Brooks asked if the Community Development Authority can be dissolved since it is named in the lawsuit.

City Attorney Molepske said we can and its liabilities, duties and rights would go back to the City.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Slowinski, M. Stroik,
O'Meara, Suomi.
Nays: Ald. Trzebiatowski.
Ayes – 8. Nays – 1. Motion carried.

10. Consideration of the minutes of the Plan Commission meeting of March 7, 2011.

Ald. Moore **moved**, Ald. O'Meara seconded, to approve the minutes and affirm the actions taken at the Plan Commission meeting of March 7, 2011.

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

11. Public Hearing – Rezone – 1600 Briggs Street from R-4 Multiple Family I Residence District to R-5 Multiple Family II Residence District.

The public hearing was declared open by the Mayor.

Jared Redfield, 1033 Park Street, said there is a safety issue with the current parking situation. He said the Salvation Army is asking to increase the current five parking spaces to 16 spaces with proper landscaping.

Bernie Sevenich, 1324 Fourth Avenue, said the current ordinance prohibits parking in the front of buildings.

Bob Quam, Director of Operations for the Salvation Army, said the only building they have left is this one. He said there are meetings now held at this location and there is not enough parking for the meetings.

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

12. Consideration of Ordinance on the above.

Ald. O'Meara **moved**, Ald. Brooks seconded, to approve the ordinance to rezone 1600 Briggs Street from R-4 Multiple Family I Residence District to R-5 Multiple Family II Residence District.

Roll Call: Ayes: Ald. Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski,
Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

13. Public Hearing – Conditional Use – 3725 Patch Street to construct an addition on an auto body repair shop.

The public hearing was declared open by the Mayor.

Jackson Case, 3028 Stanley Street, said this project was previously approved; however, their one year has passed so they are requesting approval again.

Brian Suchowski, 2163 Strongs Avenue, is the co-owner of Premier Auto Body and asked the Council for their support in granting their request.

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

14. Consideration of Resolution on the above.

Ald. Slowinski moved, Ald. Moore seconded, approval of the resolution.

Ald. Suomi noted a typographical error in the resolution. She also asked why there is a six month extension.

Mayor Halverson said the initial one year has passed and the owners asked for an extension to complete the project.

Director Ostrowski said they were given one year to start construction on their project. He said if the owner is not able to complete the project in one year then they are given an additional six months.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski,
Slowinski, M. Stroik, O'Meara, Suomi.
Nays: None. Motion carried.

15. Public Hearing – Conditional Use – 2124 Rice Street to operate a tavern with a temporary premise expansion for the sports area for two events, a temporary premise extension for the outdoor area for an event, and a permanent premise extension for the sports area during league play.

The public hearing was declared open by the Mayor.

Jason Glisczynski, 1920 Adams Street, is available for any questions.

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

16. Consideration of Resolution on the above.

Mayor Halverson asked that Mr. Glisczynski comply with all the established conditions. He noted that there have not been any complaint issues with this establishment.

Ald. Moore is concerned with the outside event on neighboring property. He asked if Mr. Glisczynski has a written agreement and insurance covering the event.

Jason Glisczynski, 1920 Adams Street, said his insurance will cover that event. He said he has an ECR agreement that allows for certain uses. Mr. Glisczynski said he will receive a written agreement from the owners.

Ald. R. Stroik asked if the extension for the volleyball event is for the entire building.

Mayor Halverson replied that it is the entire indoor sports area.

Ald. Suomi asked what is the correct date for the April event.

Jason Glisczynski, 1920 Adams Street, replied it is Saturday, April 16, 2011.

Ald. R. Stroik **moved**, Ald. M. Stroik seconded, to approve the conditional use request for 2124 Rice Street to operate a tavern with a temporary premise expansion for the sports area for two events, a temporary premise extension for the outdoor area for an event, and a permanent premise extension for the sports area during league play including the 10 conditions in the resolution and noting the premise description containing an area of 25' x 80' and 55' x 25' area are for the wrestling event on April 16, 2011.

Ald. M. Stroik asked what the date of the conditional use is.

Mayor Halverson replied it is the date of the resolution.

Roll Call: Ayes: Ald. Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski,
Molski, R. Stroik, Brooks, Moore.

Nays: None. Motion carried.

17. Consideration of the minutes of the Personnel Committee meeting of March 14, 2011.

Ald. Molski **moved**, Ald. M. Stroik seconded, approval.

Ald. Molski note the AFSCME Local 309 (Transit), AFSCME Local 348 (Clerical & Related) and AFSCME Local 309 (Streets & Parks) contracts are being ratified for 2011-2012.

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

18. Consideration of the minutes and actions taken at the Public Protection Committee meeting of March 14, 2011.

Ald. R. Stroik **moved**, Ald. Slowinski seconded, approval of the minutes and actions with items 1C and 2B pulled for further discussion.

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

The following is the motion on item #1C:

Ald. R. Stroik **moved**, Ald. M. Stroik seconded, to approve the event with the extended premise being an area of 25' x 80' extending out of the current tavern entry door and another extension 55' x 25' for the patrons of age to view the wrestling ring on Saturday, April 16, 2011.

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

The following is the discussion and action on item #2B:

Ald. R. Stroik would like to postpone this until next month. He would like to see city staff come up with better guidelines to use for raising chickens.

Ald. Suomi supports a policy or ordinance regarding raising chickens.

Mayor Halverson said the Community Development and Inspection Department will review this issue.

Ald. R. Stroik **moved**, Ald. Suomi seconded, to postpone action until next month or until such time that an ordinance is presented to the Council.

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

19. Consideration of the minutes and actions taken at the Finance Committee meeting of March 14, 2011.

Ald. Moore **moved**, Ald. Molski seconded, approval of the minutes and affirm the actions taken at the Finance Committee meeting of March 14, 2011.

Roll Call: Ayes: Ald. Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

20. Consideration of the minutes of the Special Finance meeting of March 14, 2011.

Ald. Moore **moved**, Ald. Brooks seconded, to place the minutes on file and affirm the actions taken at the Special Finance meeting of March 14, 2011.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Slowinski, M. Stroik, O'Meara, Suomi.
Nays: Ald. Trzebiatowski.
Ayes – 8. Nays -1. Motion carried.

21. Consideration of the actions taken at the Special Finance meeting of March 21, 2011.

Clerk Moe read the minutes of the Special Finance meeting of March 21, 2011.

Ald. Moore **moved**, Ald. Brooks seconded, approval of the actions of the Special Finance Committee meeting of March 21, 2011, with the amendment to remove the arbitration/mediation language and invoices payable in 45 days.

Ald. O'Meara said he had concerns with the language on arbitration/mediation.

Roll Call: Ayes: Ald. Suomi, O'Meara, M. Stroik, Slowinski, Molski, R. Stroik, Brooks, Moore.
Nays: Ald. Trzebiatowski.
Ayes – 8. Nays – 1. Motion carried.

22. Consideration of the minutes and actions taken at the Board of Public Works meeting of March 14, 2011.

Ald. O'Meara **moved**, Ald. Brooks seconded, to affirm the actions and place the minutes on file of the Board of Public Works with the exception of the Director's report.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, O'Meara, Suomi.
Nays: None. Motion carried.

Ald. Suomi would like to know the road and sewer conditions for Fourth Avenue and why the project has been delayed.

Director Lemke said Franklin Street has water and sewer mains that need to be replaced. He said Fourth Avenue has a stormwater issue.

Mayor Halverson said there are a number of stormwater issues in key areas of the city. He said the City may have to look at the possibility of assessing a stormwater fee for creating a stormwater utility.

Ald. Moore **moved**, Ald. Brooks seconded, to accept the report and place it on file.

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

23. Consideration and possible action to approve the Preliminary Resolution to levy special assessments upon properties along Franklin Street for replacement of non-standard sewer laterals and/or non-standard water services.

Ald. R. Stroik **moved**, Ald. Molski seconded, approval of the preliminary resolution.

Roll Call: Ayes: Ald. Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

24. Consideration and possible action to approve the cost share agreement between Portage County and the City of Stevens Point.

Ald. Brooks **moved**, Ald. M. Stroik seconded, approval of the cost share agreement between Portage County and the City of Stevens Point.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, O'Meara, Suomi.
Nays: None. Motion carried.

25. Consideration of Ordinance Amendment - No Parking be changed to 15 minute parking on the west side of Isadore Street in the 600 block; and No Parking, Stopping or Standing during the school hours 8:00 a.m. to 4:00 p.m. on the west side of St. Paul Street from the intersection of Prais Street and St. Paul Street to a point 670 feet north.

Ald. Slowinski **moved**, Ald. Molski seconded, approval of the ordinance amendment.

Ald. Molski believes the ordinance amendment will help the traffic situation around Washington School.

Roll Call: Ayes: Ald. Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

26. Consideration of minutes and actions taken at the Transportation Commission meeting of February 24, 2011.

Ald. O'Meara **moved**, Ald. R. Stroik seconded, to affirm the actions and place the minutes on file of the Transportation Commission meeting of February 24, 2011.

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

27. Consideration of the minutes and actions taken at the Board of Water & Sewage Commissioners meeting of March 14, 2011.

Ald. Brooks **moved**, Ald. M. Stroik seconded, approval of the actions and place the minutes on file of the Board of Water and Sewage Commissioners.

Mayor Halverson said the City received a \$225,640 Focus on Energy Grant for the new methane electric generation project.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, O'Meara, Suomi.
Nays: None. Motion carried.

28. Consideration of the minutes and actions taken at the Police and Fire Commission meetings of February 17, March 1, and March 17, 2011.

Ald. R. Stroik **moved**, Ald. Moore seconded, approval of the minutes and affirm the actions.

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

29. Consideration of the minutes and actions taken at the Board of Park Commissioners meeting of March 2, 2011.

Ald. Slowinski **moved**, Ald. Moore seconded, approval of the minutes and actions.

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

30. Consideration of the Statutory Monthly Financial Report of the Comptroller-Treasurer.

Ald. Moore **moved**, Ald. O'Meara seconded, to accept the report and place it on file.

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

31. Adjournment.

Adjournment at 9:30 p.m.