

**City of Stevens Point
REGULAR COUNCIL MEETING**

Council Chambers

March 19, 2012

County-City Building

7:00 P.M.

Mayor Andrew J. Halverson, Presiding

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

Excused: Ald. Wiza

Also Present: City Atty. Molepske, City Clerk Moe, C/T Schlice, Directors Schrader, Ostrowski, Lemke, Halverson, Assessor Siebers, Asst. Chief Skibba, Emergency Mgt. Dir. McGinty, Fire Chief Kujawa, Human Resources Mgr. Jakusz, Asst. to the Mayor Pazdernik, Paralegal Kalata, Officer Quisler, B.C. Kowalski-Stevens Point Journal, Matt Brown-Portage Co. Gazette, Mike Phillips

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

Mayor Halverson had no opening remarks.

3. Consideration and possible action of the minutes of the Common Council meeting of February 20, 2012 and the Special Common Council Meeting of February 27, 2012.

Ald. R. Stroik **moved**, seconded by Ald. Moore, to approve the minutes of the Common Council meeting of February 20, 2012 and the Special Common Council Meeting of February 27, 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.

Reid Rocheleau, 408 Cedar W., Whiting
City Clerk Moe

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

City Clerk Moe reminded everyone about the spring election. He reviewed what was on the ballot and some of the changes in election laws. The last day to register to vote and to vote absentee is the Friday before election and on election day. At the polls a poll book will need to be signed. Anyone with questions can call the City Clerk's Office at 715-346-1569 or check the City web site at www.stevenspoint.com.

Reid Rocheleau, 408 Cedar W., Whiting, said he'd like to see City office doors open and more welcoming. He discussed credit card usage in the City and County offices.

Consideration and Possible Action on the Following:

6. Resolution - Supporting the Community Access TV Preservation Act.

Ald. O'Meara **moved**, seconded by Ald. Slowinski, to approve the **Resolution - Supporting the Community Access TV Preservation Act**.

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

7. Ordinance Amendment - Amend Traffic and Vehicles Chapter of the RMC - Authority to permit school bus warning light activation (Section 9.01(a)).

Mayor Halverson said currently under state law, school buses are prohibited from using flashing lights and stop signs on any street that is curbed unless an ordinance is approved by the local municipality.

Ald. Molski **moved**, seconded by Ald. Brooks, to approve the **Ordinance Amendment - Amend Traffic and Vehicles Chapter of the RMC - Authority to permit school bus warning light activation (Section 9.01(a))**.

Ald. O'Meara asked for clarification of the ordinance.

City Atty. Molepske said the City will adopt almost the entire traffic code which are the regulations in statute sections 349, 346, 343, 342 and 340.

Mayor Halverson read the state statute, Sec. 349.21(1), "**the governing body of any town, city, village or county may, by ordinance, provide for the use of flashing red warning lights by school bus operators in a residence or business district when pupils or other authorized passengers are to be loaded or unloaded at a location at which are no traffic signals, and such persons must cross the street or highway before being loaded or after being unloaded.**"

Ald. Suomi asked if it still will be the discretion of the bus driver to use the flashers.

City Atty. Molepske replied yes.

Ald. Molski said it is better if they use their flashers in areas where there are no curbs.

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

8. Minutes and actions of the Plan Commission meeting of March 5, 2012.

Ald. Moore **moved**, seconded by Ald. R. Stroik, to approve the minutes and actions of the Plan Commission meeting of March 5, 2012.

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

9. Public Hearing - Conditional Use Permit - Request from US Cellular for a conditional use permit for the purposes of installing three new antennas to an existing tower and performing line work at 5348 Highway 10 East.

Mayor Halverson declared the public hearing open.

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

10. Resolution on the above.

Ald. Trzebiatowski **moved**, seconded by Ald. Suomi, to approve the Conditional Use Permit - Request from US Cellular for a conditional use permit for the purposes of installing three new antennas to an existing tower and performing line work at 5348 Highway 10 East.

Ald. Trzebiatowski was pleased with the installation of the towers and feels the reception will be improved and will be beneficial to the City.

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

Nays: None. Motion carried.

11. Public Hearing - Conditional Use Permit - Request from US Cellular for a conditional use permit for the purposes of installing three new antennas to an existing tower and performing line work at 1900 Polk 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. R. Stroik **moved**, seconded by Ald. Slowinski, to approve the Conditional Use Permit - Request from US Cellular for a conditional use permit for the purposes of installing three new antennas to an existing tower and performing line work at 1900 Polk Street.

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

Nays: None. Motion carried.

13. Public Hearing - Conditional Use Permit - Request from the Stevens Point Water Department for a conditional use permit for the purposes of constructing a garage at 5431 Highway 66.

Mayor Halverson declared the public hearing open.

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

14. Resolution on the above.

Ald. Moore **moved**, seconded by Ald. M. Stroik, to approve the Conditional Use Permit - Request from the Stevens Point Water Department for a conditional use permit for the purposes of constructing a garage at 5431 Highway 66.

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

Nays: Ald. Motion carried.

15. Public Hearing - Amending Zoning Chapter of the RMC - Create a wellhead protection zone for Well 11 and amend the uses within the Wellhead Protection Overlay District (Section 23.02(4)(e)).

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.

Ald. Molski **moved**, seconded by Ald. O'Meara, to approve the Amending Zoning Chapter of the RMC - Create a wellhead protection zone for Well 11 and amend the uses within the Wellhead Protection Overlay District (Section 23.02(4)(e)).

Ald. R. Stroik asked for confirmation that this ordinance does not diminish the value of the water quality of Stevens Point and that there will not be groundwater contamination.

Mayor Halverson said the time and travel of the ground water will be protected along with the wells. He said nothing will allow harmful or dangerous uses.

Ald. Trzebiatowski asked if there was any input by other towns or townships.

Mayor Halverson said Well 11 will have to be approved by County Planning and Zoning.

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

17. Public Hearing - Amending Zoning Chapter of the RMC- Amend the conditional use requirement for the co-location of antennas to a permitted use (Section 23.02(4)(d)).

Mayor Halverson declared the public hearing open.

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

18. Ordinance Amendment on the above.

Mayor Halverson said the conditional use request previously would be eliminated by this amendment. He said this will allow as many individual antennas on a tower as possible without additional review. The conditional use review will still remain for any new tower.

Ald. Moore **moved**, seconded by Ald. Suomi, to approve the Amending Zoning Chapter of the RMC-Amend the conditional use requirement for the co-location of antennas to a permitted use (Section 23.02(4)(d)).

Ald. O'Meara asked what would happen if someone wanted to add another antenna and add fifty feet to the existing antenna.

Mayor Halverson said any modification or change in status for the original conditional use relating to that tower and height restrictions with any deviation would fall under conditional use requirements for a new tower.

Ald. Trzebiatowski approved of the tower as it provided better coverage.

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

19. Minutes and actions of the Public Protection Committee meeting of March 12, 2012.

Ald. R. Stroik **moved**, seconded by Ald. Trzebiatowski, to approve the minutes and actions of the Public Protection Committee meeting of March 12, 2012.

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

20. Minutes and actions of the Finance Committee meeting of March 12, 2012.

Ald. Moore **moved**, seconded by Ald. Slowinski, to approve the minutes and actions of the Finance Committee meeting of March 12, 2012.

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

21. Approval of the four-party agreement for the repair of the McDill Dam.

Reid Rocheleau, 408 Cedar W., Whiting, felt the DNR should fix the dam and asked members to vote this agreement down.

Krista Olson, 3317 Della St., McDill Lake District representative, thanked the City for their cooperative approach to this agreement. She said the Lake District members voted to approve \$123,000 cost share to restore McDill. She said the goal of the Lake District is to restore McDill to the award winning lake that it was in 2009.

Ald. Suomi **moved**, seconded by Ald. Brooks, to approve the four-party agreement for the repair of the McDill Dam.

Ald. Suomi said she supports the repair of the dam and feels it's time to move forward.

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

22. Consideration of Tax Refund Claim - Walgreens.

Ald. Molski **moved**, seconded by Ald. Moore, to **deny** the Tax Refund Claim - Walgreens.

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

23. Minutes and actions of the Board of Public Works meeting of March 12, 2012.

Barb Jacob, 1616 Depot St., was against the additional charges being added to the water bill and asked if taxes would be reduced.

Mayor Halverson said each single-family home will have an annual charge of \$59.00. He said any crediting is not reflected in this and rates will have to be codified as well. He said any business that has onsite retention currently, or are taking other steps to reduce the amount of storm water runoff, will receive credit.

Ald. O'Meara asked if the budget line for storm sewer will be taken from the City and put under the storm water utility.

Mayor Halverson said between \$350,000 and \$500,000 will be moved to the utility that is currently in the levy. Any parcel that does not pay property tax will pay this fee. He said all of

the cost that will be shifted to the utility will create a reduction in what the City is spending on storm water control on the levy.

Ald. R. Stroik asked if this is a result of past state mandates or a proactive approach by the City to get ahead of future mandates.

Dir. Lemke said there are stricter regulations that are being considered.

Ald. R. Stroik asked if this is to get the City to be proactive to meet those requirements and not to build up a revenue source to be able to pay fines for a state mandate that the City cannot meet.

Dir. Lemke said the funds will go towards the storm water collection system that needs far more maintenance than it is currently getting and regular street reconstruction that the City experiences each year. The funds would also cover the possible reduction in phosphorus level requirements, etc. that are coming in the future.

Ald. R. Stroik asked how the City intends to enforce storm water retention.

Mayor Halverson said compliance will be through plan review and a storm water control specialist that will look at site plans and any modifications to an existing property. Building inspectors will also monitor for compliance. He said if there is a crediting process, it would be done directly through the utility. If the City utilizes its existing building inspectors to do compliance checks in the field, there could be a charge for the employees' salaries towards the utility as opposed to the levy. He said this will also create other avenues for different accounting maneuvers on the City side for engineering staff and street sweeping when they are switched over to the utility.

Ald. Trzebiatowski said this issue was heavily discussed three years ago by the League of Wisconsin Municipalities. He said there are misconceptions that tax-free entities such as schools, churches, hospitals, and municipal buildings would remain tax- exempt from the storm water district, which is not the case.

Ald. Slowinski said this will create awareness regarding wastewater runoff and will reduce the negative impact on roadways, storm water system and waterways. He is supportive of it.

Ald. Brooks **moved**, seconded by Ald. **O'Meara**, to approve the minutes and actions of the Board of Public Works meeting of March 12, 2012.

Ald. Trzebiatowski said the City of Madison has an aggressive storm water protection program that teaches residents how to conserve water runoff and he would like our City do the same.

Mayor Halverson said there will also be information distributed with storm water tips on the City's web site.

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

24. Ordinance Amendment - Amending Officials, Boards, Employees Chapter of the RMC - Creation of a Stormwater System (Section 3.35(1)).

Ald. Slowinski **moved**, seconded by Ald. R. Stroik, to approve the Ordinance Amendment - Amending Officials, Boards, Employees Chapter of the RMC - Creation of a Stormwater System (Section 3.35(1)).

Roll Call: Ayes: Ald. **Beveridge, Suomi, O'Meara, M. Stroik, Slowinski, Trzebiatowski**,

Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

25. Actions taken at the Special Board of Public Works meeting of March 19, 2012.

Clerk Moe read the minutes of the Special Board of Public Works meeting of March 19, 2012.

Ald. Brooks **moved**, seconded by Ald. O'Meara, to affirm the actions taken at the Special Board of Public Works meeting of March 19, 2012.

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

26. Minutes and actions of the Personnel Committee meeting of March 12, 2012.

Ald. Molski **moved**, seconded by Ald. Moore, to approve the minutes and actions of the Personnel Committee meeting of March 12, 2012.

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

27. Minutes and actions of the Board of Water & Sewage Commissioners meeting of March 12, 2012.

Ald. R. Stroik **moved**, seconded by Ald. O'Meara, to approve the minutes and actions of the Board of Water & Sewage Commissioners meeting of March 12, 2012.

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

28. Minutes and actions of the Police and Fire Commission meeting of March 6, and the Special Police and Fire Commission meetings of February 23 and March 13, 2012.

Ald. Molski **moved**, seconded by Ald. M. Stroik, to approve the minutes and actions of the Police and Fire Commission meeting of March 6, and the Special Police and Fire Commission meetings of February 23 and March 13, 2012.

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

29. Minutes and actions of the Special Board of Park Commissioners meeting of March 12, 2012.

Ald. Slowinski **moved**, seconded by Ald. O'Meara, to approve the minutes and actions of the Special Board of Park Commissioners meeting of March 12, 2012.

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

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

Ald. Moore **moved**, seconded by Ald. O'Meara, to approve the Statutory Monthly Financial Report of the Comptroller-Treasurer.

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

31. The meeting adjourned at 7:57 PM.