

**City of Stevens Point
REGULAR COUNCIL MEETING**

**Council Chambers
County-City Building**

**June 17, 2013
7:00 P.M.**

Mayor Andrew J. Halverson, presiding

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

Also Present: City Atty. Beveridge, Clerk Moe, C/T Ladick, Directors Schatschneider, Schrader, Ostrowski, Lemke, Emergency Mgt. Director McGinty, Police Chief Ruder, Fire Chief Kujawa, Human Resources Manager Jakusz, Chris Jones-Stevens Point Journal, Gene Kemmeter-Portage County Gazette, Brandi Makuski-Stevens Point City Times, Nancy Yousef, Channel 9 News.

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

Mayor Halverson did not have opening remarks due to the length of the agenda. He stated Agenda Item #15 would be moved up after Agenda Item #5 to give the senior people in the audience an opportunity to speak. There was no objection to the request.

3. Consideration and possible action of the minutes of the Regular Common Council meeting of May 20, 2013.

Ald. Moore **moved**, Ald. O’Meara seconded to approve the minutes of the Regular Common Council meeting of May 20, 2013.

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.

Barb Jacob, 1616 Depot Street, Stevens Point
Item #5 - Persons who wish to address the Mayor and Council
Item #14 - Environmental options for the former Dun-Rite Cleaners site and possible authorization to use held back funds.
Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.
Item #21 - Amendments to City benefit structure relating to recognizing domestic partnerships.

Mary Ann Laszewski, 1209 Wisconsin Street, Stevens Point
Item #5 - Persons who wish to address the Mayor and Council
Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Reid Rocheleau, 408 Cedar W, Whiting

Item #5 - Persons who wish to address the Mayor and Council

Item #6 - Plan Commission meeting of June 3, 2013

Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Item #17 - Finance Committee meeting of June 10, 2013

Sadie Behm, 1450 Water Street, Apt. 204, Stevens Point

Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Rich Sommer, 4224 Janick Circle, Stevens Point

Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Catherine Hetzel, 1450 Water Street, Apt. 213, Stevens Point

Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Sharon Boersma, 1450 Water Street, Apt. 211, Stevens Point

Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Victor Dechant, 1450 Water Street, Stevens Point

Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Mildred Neville, 1709 Jefferson Street, Stevens Point

Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Item #21 -- Amendments to City benefit structure relating to recognizing domestic partnerships.

Henry Korger, 3200 Water Street, Stevens Point

Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Item #21 -- Amendments to City benefit structure relating to recognizing domestic partnerships.

Fred Schultz, 1450 Water Street, Stevens Point

Item #15 - Allowing for the sale of Edgewater Manor from the CDA of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Mary Ann Powell, 2333 Prais Street, Stevens Point

Item #21 -- Amendments to City benefit structure relating to recognizing domestic partnerships.

Tom Mallison, 1301 Franklin Street, Stevens Point

Item #21 -- Amendments to City benefit structure relating to recognizing domestic partnerships.

Camden Goetz, 4230 86th Street South, Wisconsin Rapids
Item #21 -- Amendments to City benefit structure relating to recognizing domestic
partnerships.

Julie Schneider, 2700 Peck Street, Stevens Point
Item #21 -- Amendments to City benefit structure relating to recognizing domestic
partnerships.

Jennifer Dunnett, 1981 Strongs Avenue, Stevens Point
Item #21 -- Amendments to City benefit structure relating to recognizing domestic
partnerships.

William P. Maher, 1100 Brawley Street, Stevens Point
Item #21 -- Amendments to City benefit structure relating to recognizing domestic
partnerships.

Ray Haas, 3532 Regent Street, Stevens Point
Item #21 -- Amendments to City benefit structure relating to recognizing domestic
partnerships.

Donna Choate, 1430 Torun Road #337, Stevens Point
Item #16 - Minutes of the Public Protection Meeting of June 10, 2013.

Ray Heitzinger, 1908 Strongs Avenue, Stevens Point
Item #21 -- Amendments to City benefit structure relating to recognizing domestic
partnerships.

Roger Grantham, 1834 Torun Road, Stevens Point
Item #21 -- Amendments to City benefit structure relating to recognizing domestic
partnerships.

Laura Goetz, 5633 U.S. Highway 10 E, Stevens Point
Item #21 -- Amendments to City benefit structure relating to recognizing domestic
partnerships.

Ben Kureck, 2631 Springville Drive, Plover
Item #21 -- Amendments to City benefit structure relating to recognizing domestic
partnerships.

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

Barb Jacob, 1616 Depot Street, announced Veterans Memorial Park now has playground equipment.

Mary Ann Laszewski, 1209 Wisconsin Street, requested the Chair remain impartial in the debate of Edgewater Manor.

Reid Rocheleau, 408 Cedar W, also requested the Chair remain impartial in the debate of Edgewater Manor. He also spoke about the commitment to our senior citizens in preserving Edgewater Manor.

15. Allowing for the sale of Edgewater Manor from the Community Development Authority of the City of Stevens Point to Affordable Senior Housing of Central Wisconsin, Inc.

Sadie Behm, 1450 Water Street, Apt. 204, Stevens Point, stated she would like to see Edgewater Manor remain as senior citizen housing. She explained vacancies are due to lack of cleaning the building and staffing of the office.

Rich Sommer, 4224 Janick Circle, Stevens Point, said he considers the sale of Edgewater Manor a long term mistake for short term inconveniences. He stated society benefits socially and financially anytime people can help people.

Catherine Hetzel, 1450 Water Street, Apt. 213, Stevens Point, said she enjoys living at Edgewater Manor because of the reasonable rent and its beautiful and convenient location. She stated the building needs to be preserved for the next generation of senior citizens who need reasonable rent. Ms. Hetzel also said that if the building were kept clean and the office was staffed, vacancies would be minimal.

Sharon Boersma, 1450 Water Street, Apt. 211, Stevens Point, said living at Edgewater Manor has been a great experience for her as it is in walking distance to the library and downtown area which is important to the residents who cannot drive. Ms. Boersma stated that safety and location are the priorities of the seniors living there and Edgewater Manor gives them that security.

Victor Dechane, 1450 Water Street, Stevens Point, stated affordable housing is hard to find and Edgewater Manor is viable and is just what is needed in the community.

Mildred Neville, 1709 Jefferson Street, Stevens Point, spoke about a vision for the people which is not about dollars and the Edgewater Manor being the perfect case in point. She also pointed out the proposal made by Affordable Senior Housing of Central WI, which included a donation to the youth of Stevens Point for the property; however, it is not stated in the Offer to Purchase. Ms. Neville also reviewed the four options that were given to the CDA about the purchase and pointed out inconsistencies. She asked the Council to review those options before they voted on the issue.

Reid Rocheleau, 408 Cedar W, Stevens Point, said it is improper for the potential buyer of Edgewater Manor to be lobbying the Alderpersons and their request should be denied. He requested more conversation at public hearings and keeping control of the building.

Mary Ann Laszewski, 1209 Wisconsin Street, Stevens Point, stated one concern with Edgewater is that government should not compete with the private sector. She said Edgewater Manor has a lot to offer senior citizens due to its location to the downtown area and its affordable retirement rent. Ms. Laszewski stated that Edgewater has been the most profitable of all of the public housing and should not be sold.

Barb Jacob, 1616 Depot Street, Stevens Point, said over 200 signatures were obtained opposing Edgewater Manor being sold, most of the signatures were from the 9th and 10th Districts. She spoke about protecting the senior citizens of the future who would need to depend

on affordable housing such as that provided at Edgewater Manor.

Henry Korger, 3200 Water Street, Stevens Point, encouraged the Alderpersons to vote not to sell the Edgewater Manor. He also stated there needs to be better management at the facility.

Fred Schultz, 1450 Water Street, Apt. 120, Stevens Point, said seniors have been moving out of Edgewater Manor due to the instability of the building's ownership. He requested that the Council look out for the seniors and not sell the building.

Ald. R. Stroik asked Director Ostrowski to repeat the amount of the current loan value on the Edgewater Manor.

Director Ostrowski said there is no current debt service payment on the building.

Ald. R. Stroik asked how much money was made in the first quarter of 2013.

Director Ostrowski said the profits on Edgewater are about \$10,000 to \$15,000 per month.

Ald. R. Stroik said then it is on pace without investment at this point to make about \$180,000 this year.

Director Ostrowski said it is probably about \$120,000 to \$140,000, which is due to not having a debt service payment on the building. He continued to say the debt service on the building was \$170,000 - \$180,000 per year which was one of the reasons for the deficit Edgewater faced last year.

Ald. R. Stroik said it was reported at Plan Commission that we are losing money on the property. He just wanted to make it clear that the building is profitable at this time.

Director Ostrowski said that is correct.

Ald. R. Stroik asked City Attorney Beveridge from a legal prospective if there is any reason why the City needs to sell this property.

City Attorney Beveridge replied that the City is not compelled by the law to sell the building.

Ald. R. Stroik said he is led to believe that Stevens Point would be the only community ever to run a government property of this size.

City Attorney Beveridge said it is a rare arrangement, but it would not be illegal.

Ald. R. Stroik stated the City prides itself on being a trend setter and he would encourage social justice to future senior citizens of Stevens Point to keep this property current, legitimate and real since there is no legal reason why the property should be sold.

Ald. R. Stroik **moved**, Ald. Trzebiatowski seconded not to accept the CDA's opinion to sell the City property of Edgewater Manor to Affordable Senior Housing of Central Wisconsin.

Ald. Slowinski stated when the issue was initially brought up, he believed it was costing taxpayer dollars to subsidize the building, but it appears the building would be self-sufficient and he supports the motion to deny the sale.

Ald. Doxtator stated he does not support the sale of Edgewater Manor and encouraged proper management of the property.

Ald. Patton said he only had one person from his district contact him about the sale of Edgewater.

Ald. Wiza said he wants to be sure that the City will invest in the building both physically and on the management level. He said we need to commit the resources needed to make this successful, viable and occupied.

Mayor Halverson said if the sale agreement is not approved, the CDA will maintain the status quo and look at the current path relating to the positive cash flow and segregate some of the funds for improvements as needed. He said in regard to the management issue, the difficulty is that the staff is HUD subsidized. Mayor Halverson stated outside management will be a part of the business plan moving forward.

Ald. Moore asked if janitorial services could be contracted out.

Mayor Halverson said that initially, the same system will have to be relied on but as that process moves forward, we will have a better handle on what the positive monthly cash flow will be to extend those services and other improvements.

Ald. Phillips asked if the CDA would come up with a business plan.

Mayor Halverson said the business plan is already written.

Ald. Phillips asked about the particulars such as management staff.

Mayor Halverson said the business plan is manifested in the Excel spreadsheet based on all of the projected expenditures. He said part of the more detailed business plan will include marketing dollars and the CDA will take direction from the Executive Director as well as the Public Housing Manager in terms of that process moving forward.

Ald. Wiza questioned what happens to the building when the CDA is dissolved.

Mayor Halverson said it depends on where the assets would be directed and it could still be under control of a housing authority or the Common Council. He said this is a non-subsidized property and the likelihood of it falling under the purview of the City is a possibility, or a redevelopment authority could own it as well.

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

Consideration and Possible Action on the Following:

6. Minutes and actions of the Plan Commission meeting of June 3, 2013.

Ald. Moore **moved**, Ald. Patton seconded to approve the Minutes and actions of the Plan Commission meeting of June 3, 2013.

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

7. Public Hearing - Conditional Use Permit - 1137 Main St. - Indulgence - Operate a wine bar, serving wine, beer and liquor.

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

8. Resolution on the above.

Ald. O'Meara **moved**, Ald. Doxtator seconded to approve the Resolution for Conditional Use Permit, 1137 Main St., Indulgence to operate a wine bar, serving wine, beer and liquor.

Ald. Wiza questioned item number 4 of the resolution which he thought was vague in requiring keeping the area surrounding the premises clean and orderly and he wondered if this is standard language in conditional uses.

Director Ostrowski said it is standard language that is used on all taverns within the downtown area.

President Moore took over presiding the meeting at 8:07 p.m.

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

9. Public Hearings - Conditional Use Permit renewals at the following locations:

- 1001 Amber Avenue - Amber Grill (operate a tavern)
- 1320 Strongs Avenue - Arbuckle 's (operate a tavern)
- 200 Division Street - Pete 's Sports Bar (operate a tavern)
- 233 Division Street - Papa Joes Bar (operate a tavern)
- 2301 Church Street - Middletown Grille (operate a tavern)
- 1036 Main Street - Tech Lounge (operate an electronic amusement

business)

As no one wished to speak, President Moore declared the public hearing closed.

10. Resolutions on the above.

Ald. Wiza **moved**, Ald. M. Stroik seconded to approve the Resolutions.

Ald. Wiza questioned why the Tech Lounge requires a conditional use.

Director Ostrowski said electronic amusement businesses are a conditional use under the City's zoning code which is the category the Tech Lounge fell under at the time of its creation. He said in the future, it will be reviewed under the zoning rewrite.

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

Nays: None. Motion carried.

Mayor Halverson took over presiding the meeting at 8:10 p.m.

11. Public Hearing - Ordinance Amendment - Sign Ordinances - allow wall signs to be placed on more than two walls (Section 25.04(7)(e) of the RMC).

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

12. Ordinance Amendment on the above.

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

Ald. Wiza questioned why the change is required.

Director Ostrowski said this was thought to have been taken out of the code some time ago. He said Culver's has requested a variance to have more than one wall sign, McDonald's on Division Street has signs on more than one side and Subway on Badger will have more than two wall signs.

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

13. Public Hearing - Preliminary plat review of a thirteen (13) lot subdivision, Washington Terrace, south of Regent Street, between Saint Paul Street and Dearborn Avenue (Parcel ID 2408-28-4001-06). Zoned as "R-2" Single Family Residence and "R-3" Single and Two Family Residence Districts (Resolution for final plat will be at later date).

Cathy Dugan, 615 Sommers Street, Stevens Point, WI said that single family residences will be a good fit for the neighborhood; however, she requested a neighborhood park be created by the developer and be included as part of the subdivision.

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

14. Environmental options for the former Dun-Rite Cleaners site and possible authorization to use held back funds.

Director Ostrowski elaborated on the options outlined to the Council regarding the property north of the Children's Museum /Fox Theater (which was the former Dun-Rite Cleaners' site). He said at that location, there is a high concentration of dry cleaning fluid right where the former dry cleaning machines were located. Director Ostrowski stated that in both options, the dry cleaning fluid would be removed and disposed of properly in the landfill. He said Option 1 would consist of managing the soil on-site with a cost estimate of \$55,000-\$75,000 or the City could try to get as much soil as possible out of the site with an estimate of \$140,000-\$160,000. Director Ostrowski further explained Option 1 in which the high concentration of contaminated soil would be removed. They would then move any remaining contaminated soil under where the parking lot would be located and cap it. He said at that point, it would have no direct human contact and would meet DNR standards; however, a Pavement Management Plan would need to be in place in which every year cracks would need to be filled. Director Ostrowski reviewed Option 2 as a more intense option in which almost all of the soil would be removed and taken to a landfill. He said if the Council elects Option 2 with an increased cost, the money would have

to be taken from reserves. He also stated that with Option 2, there is no guarantee the DNR will sign off without conditions on the site.

Ald. R. Stroik asked exactly where the contamination site is located.

Director Ostrowski explained it is just north of the Children's Museum and Fox Theater. He said the site of the contamination is where the green area is proposed.

Ald. R. Stroik repeated the soil contamination would be removed so the green space could remain at the proposed site. He then asked for the cost of the parking lot.

Director Ostrowski said it will cost about \$800,000.

Ald. R. Stroik asked Director Ostrowski is he is confident that parking lot would not be ripped up for any type of development proposed to come downtown.

Director Ostrowski said the concern is if the parking lot would be removed at any given time, it removes the cap and the contamination would have to be dealt with at that time.

Ald. R. Stroik said his concern is spending more money to remove the contamination. He felt Option 2 is the better choice.

Mayor Halverson said either option is acceptable; however, Option 2 is more invasive and fixes the problem along with a higher price tag. He said he is of the impression that the dollars are there to pay for the project to assure it is done right the first time.

Ald. Trzebiatowski asked the AECOM representative for clarification if the soil would no longer be contaminated if it was exposed to air and sunlight.

Dave Senfelds, AECOM representative, stated there are some benefits when materials are aerated, but it would not be remediated to the levels required by regulations.

Ald. O'Meara said he is leaning toward Option 2 as it is a more complete removal.

Ald. O'Meara **moved**, Ald. Wiza seconded to move forward with the more aggressive remediation.

Director Ostrowski called on Dave Senfelds of AECOM to clarify the terms of the complete remediation in regard to conditions that may be placed by the DNR.

Dave Senfelds said it is very difficult to detect the contamination in the field and the concern is the soil to groundwater pathway. He said these levels are low and through precipitation, the contamination could go into the groundwater and exceed standards. Mr. Senfelds spoke about the time, effort and cost associated with the testing of the soil after digging it up and there are no guarantees for a clean closure.

Mayor Halverson said reasonable boundaries need to be set based on the data that is available and use the amount of money that is available to the best of our ability to remediate. He reiterated this is a challenged site and does not want the issue still being dealt with 30 years from now because of a failed development.

Ald. Slowinski asked if the contamination would continue to move if Option 1 is selected with the capping of the parking lot.

Director Ostrowski said with it being capped, it typically will not move.

Ald. R. Stroik said there is a problem with that area being proposed as green space and there is no guarantee all of the contaminated soil will be dug up.

Ald. Moore said there may be more issues in regard to digging up the downtown area that the City does not want to find.

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

16. Minutes and actions of the Public Protection Committee meeting of June 10, 2013.

Donna Choate, 1430 Torun Road #337, Stevens Point, WI raises rabbits, chickens and ducks for both food and therapy reasons. She said she has 23 rabbits for show and food and is hoping to be able to keep all of her animals.

Ald. Wiza **moved**, Ald. Moore seconded approval of the Minutes and actions of the Public Protection Committee meeting of June 10, 2013 with the exception of the Torun Road request.

Ald. Wiza said in regard to the request to raise 10 chickens by Cody Scholfield & Madigan Just, 532 Prentice Street, the conditions have been met. He said those conditions were that the compost pile be elevated at least 12 inches from ground or placed in an area that does not contact surface water and providing screening centered on the coop. These conditions were acceptable to them.

Ald. Wiza also stated he spoke with three of the neighbors of Denise Heimstead and not one of them had an issue with the chickens.

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

Ald. Wiza **moved**, Ald. Suomi seconded per the property owner's request to allow 8 chickens, 3 ducks and 8 rabbits.

Ald. Moore mentioned Ms. Choate had more than 8 rabbits.

Mayor Halverson said the email from the Manager of the Four Seasons Community states 8 chickens, 3 ducks and 8 rabbits at this time is what is supported by the property owner.

Ald. Wiza stated the property owner has the right to say what can and cannot be on the property.

Clerk Moe asked Ald. Wiza if there is a time limit to be placed on when Ms. Choate needs to comply with the number of animals on site.

Ald. Wiza stated six months.

Clerk Moe also mentioned approval by the Portage County Humane Society being a part of the conditions being set on Ms. Choate.

Ald. Wiza stated yes and that should automatically be a part of any condition for housing animals.

Mayor Halverson restated the motion is to allow for 8 chickens, 3 ducks and 8 rabbits at this time and also comes with the allowance for six months to comply with the reduction of the number of animals and also the requirement that the Portage County Humane Society reviews compliance.

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

17. Minutes and actions of the Finance Committee meeting of June 10, 2013.

Reid Rocheleau, 408 Cedar West, Stevens Point, WI stated he is opposed to the expansion of TIF 6.

Ald. Moore **moved**, Ald. O'Meara seconded to approve the Minutes and actions of the Finance Committee meeting of June 10, 2013.

Ald. Moore clarified that Item #7 which was discussion on amending TIF 6 was a non-action item and no vote was taken as it was just a discussion.

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

18. Minutes and actions of the Board of Public Works meeting of June 10, 2013.

Ald. Patton **moved**, Ald. O'Meara seconded to approve the minutes and actions of the Board of Public Works meeting of June 10, 2013.

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

Mayor Halverson called for a recess at 8:49 p.m.

Mayor Halverson called the Common Council meeting back to order at 8:55 p.m.

19. Ordinance Amendments - Traffic - Miscellaneous Parking Restrictions - No Parking on a section of Minnesota Ave. when no parking signs are posted (Section 9.05(q)6 of the RMC).

Ald. Suomi **moved**, Ald. O'Meara seconded to approve the Ordinance Amendment.

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

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

20. Minutes and actions of the Personnel Committee meeting of June 10, 2013.

Ald. O'Meara **moved**, Ald. Phillips seconded to approve the minutes and actions of the Personnel Committee meeting of June 10, 2013.

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

21. Amendments to City benefit structure relating to recognizing domestic partnerships.

William Maher, 1100 Brawley Street, Stevens Point, spoke against providing benefits to domestic partners on behalf of his family and his faith. He said it is the wrong decision to make as it would be a financial burden on the City and sends the wrong message.

Jennifer Dunnett, 1981 Strongs Avenue, Stevens Point, spoke against providing benefits to domestic partners as it needlessly burdens taxpayers and is being advanced by outside organizations that would not share the increased tax rate this proposal would bring.

Mildred Neville, 1709 Jefferson Street, Stevens Point, spoke in favor of benefits for domestic partners. She said it is the fair approach to take.

Barb Jacob, 1616 Depot Street, Stevens Point, spoke in favor of the benefits for domestic partners. She said it is not our place to judge anyone and our society needs to comply with the realities of the world.

Mary Ann Powell, 2333 Prais Street, Stevens Point, said offering these benefits to domestic partners is the wrong thing to do and she proceeded to speak about the nature of marriage.

Henry Korger, 3200 Water Street, Stevens Point, spoke against benefits being offered for domestic partners and asked the Council to keep it the way it is.

Ben Kureck, 2631 Springville Drive, Plover, also addressed the Council in disagreement with the benefits being offered to domestic partners. He urged the Council not to vote in favor of the issue and expressed his belief in his faith.

Roger Granthan, 1834 Torun Road, Stevens Point, spoke against the issue and offered his beliefs as a voter of the City to the Council for consideration.

Ray Heitzinger, 1908 Strongs Avenue, Stevens Point, voiced his opposition to the proposal of coverage for domestic partners. He said this is not a civil rights issue, but a morale issue and should be considered as such. Mr. Heitzinger also elaborated on the unity of marriage and his religious beliefs.

Ray Haas, 3532 Regent Street, Stevens Point, offered his religious beliefs and spoke against voting in favor of benefits being offered to domestic partners.

Julie Schneider, 2700 Peck Street, Stevens Point, said this issue did not come from outside sources and she offered up the names of other municipalities and business that do offer

the benefits to domestic partners. She spoke in support of same sex benefits and is hopeful that the vote will be in favor of the issue to end discrimination and expressed her belief of equal rights in the work place.

Laura Goetz, 5633 Highway 10 East, Stevens Point, also spoke in favor of extending the benefits and the separation of church and state.

Camden Goetz, 4230 86th Street South, Wisconsin Rapids, said he is in favor of benefit extensions for domestic partners on behalf of two local organizations, We Are Central Wisconsin and P-FLAG, Stevens Point. He encouraged members of the Council to send a "welcome to the community of Stevens Point" message to the youth and vote yes on the issue.

Tom Mallison, 1301 Franklin Street, Stevens Point, clarified this amendment was not brought up by an outside group and he spoke in favor of it to fairly extend benefits to all of the employees of the City and separation of church and state.

Mayor Halverson stated the following individuals were also in favor of the amendment but were not speaking: Erwin Palma, 1903 Water Street, Stevens Point; Alan Bushmante, 1903 Water Street, Stevens Point; Mark Balhorn, 2700 Peck Street, Stevens Point.

Ald. Suomi **moved**, Ald. Wiza seconded to accept the City benefit structure to include domestic partnerships as eligible for city benefits.

City Attorney Beveridge instructed the Council that should they decide to vote in favor of extending these benefits, there are several different legal ways to do so. He said under Chapter 770 of the Statutes, there is a system for recognizing and registering domestic partnerships. He also said there is a system for registering domestic partnerships under Chapter 40 of the state statutes. City Attorney Beveridge further discussed Chapter 770 which defines domestic partnership as same sex and Chapter 40 does not. He asked the Council to be specific about the manner in which they would like the registration requirement to occur. He also cautioned exposure to liability for discrimination if the benefits are extended to same sex partners but not opposite sex partners.

Ald. Suomi clarified her motion defines domestic partnerships as same sex.

Mayor Halverson stated the motion is to approve the domestic partnership language and referencing same sex in terms of the domestic partnership definition.

Ald. O'Meara **moved**, Ald. Trzebiatowski seconded to amend the motion to strike the reference to same sex from the proposed language so that all domestic partnerships would have standing under this benefit.

Mayor Halverson said comments would be made on the amendment first -- only to striking the same sex reference and allowing for all domestic partnerships to be recognized within the process. He continued to state registration would be through the Register of Deeds' Office and the other would be an affidavit process in Chapter 40.

Ald. Slowinski said the City's current compensation package covers married persons and the State of Wisconsin defines marriage between a man and a woman and until that changes, he will not support an amendment to the ordinance.

Ald. Trzebiatowski said that freewill is a big part of the issue as is separation of church and state. He also said it is time to approach the matter and he feels that everyone has the opportunity to benefit. Ald. Trzebiatowski stated the amendment should not be restrictive to same sex only or to married couples. He continued to speak about fairness and equality and is in favor of Chapter 40 as guidance.

Ald. Wiza asked for clarification from Ald. O'Meara on why he chose the Chapter 40 definition sub 21d which applies specifically to the public employee trust fund; whereas, Chapter 770.05 (5) more broadly defines the domestic partnership status. He said the definition under 770 would be easier to justify should rules change with what the state defines as a domestic partnership.

Ald. O'Meara said he agrees with Ald. Wiza and he just wanted to strike the reference to same sex. He does not want the Council to put qualifiers on domestic partnerships which is what he felt was being done in the proposed ordinance.

C/T Ladick said that Statute 770 is the official state statute relating to domestic partnership and it does get officially registered in the Register of Deeds office.

City Attorney Beveridge stated the Council would have the option of creating their own system of registration as they are not bound by either Chapters 770 or 40 but there are legal advantages to using state statutes as guidelines.

Ald. R. Stroik asked for clarification on Ald. O'Meara's amendment.

Mayor Halverson said the motion is to have domestic partnership recognition within the City broadly defined to be inclusive of same sex relationships as well as heterosexual domestic partnerships.

Ald. O'Meara said he struck the same sex issue and what he is doing is getting whatever the state defines as a domestic partnership, either now or in the future, will be honored. He said he is not putting on an additional qualifier on the state's system and is going along with the state statute. Ald. O'Meara reiterated to honor whatever the State of Wisconsin calls a domestic partnership.

Mayor Halverson said the danger with the amendment is that there are conflicts specifically within how the state recognizes domestic partnerships. He said it needs to be clearer. If it is the intent of the Common Council, relating to the potential benefit change, that the City of Stevens Point defines the way in which we recognize domestic partnerships as same sex as well as heterosexual domestic partners and we have a process (which would be by affidavit) in the heterosexual example. Mayor Halverson said we could use the Chapter 770 registration for the same sex versions. He continued to state if that is not what Ald. O'Meara is doing, then his amendment is going to be less clear and it will make it more difficult for City Administration to follow.

Ald. O'Meara said what he is doing is whatever is in Chapter 770, either now or as amended in the future, is what the City will recognize.

Ald. Wiza called for point of order because it was Ald. Suomi's motion, so no amendment is needed.

Mayor Halverson said this is an amendment specifically to Ald. Suomi's motion which was to strike the reference to same sex. He said if there is anything more specific than that, it needs to be clear on what the motion will do.

Ald. Trzebiatowski said if that is Ald. O'Meara's position, he withdraws his second to the motion.

Mayor Halverson asked for another second to recognize the motion to strike reference to same sex.

Ald. Doxtator seconded the motion. Mayor Halverson reiterated the motion is only to strike the words "same sex".

Ald. O'Meara suggested voting on this amendment and if someone wishes to be more specific, they could further amend the ordinance.

Ald. Wiza said that Chapter 40 refers to only the Employee Trust Fund while Chapter 770's title is "Domestic Partnership". He questioned if Council used the definitions as set forth by the state under Chapter 770, they effectively cover what Ald. O'Meara is trying to do.

Mayor Halverson stated, which is only same sex.

Ald. Wiza said correct, Wis. Stats. 770.05(5) says the individuals are members of the same sex. He questioned if Ald. O'Meara was striking that from the State's definition because that is outside the Council's authority.

Mayor Halverson said no, Ald. O'Meara said we will follow the definition of Chapter 770 today and in the future regardless of how it is amended.

Ald. Wiza said that he was unclear and asked Ald. O'Meara if that is the motion.

Ald. O'Meara replied yes.

Ald. Moore stated that divorce is not taken into account in the same sex clause and is unfair.

Mayor Halverson restated the motion is to amend the original motion which would adhere to the recognition of domestic partnerships to the language within Chapter 770. He called on Ald. Wiza to read the stipulations that shall be adhered to meet the definition within that reference.

Ald. Wiza quoted:

770.05 Criteria for forming a domestic partnership. Two individuals may form a domestic partnership if they satisfy all of the following criteria:

(1) Each individual is at least 18 years old and capable of consenting to the domestic partnership.

(2) Neither individual is married to, or in a domestic partnership with, another individual.

(3) The 2 individuals share a common residence. Two individuals may share a common residence even if any of the following applies:

- (a) Only one of the individuals has legal ownership of the residence.
- (b) One or both of the individuals have one or more additional residences not shared with the other individual.
- (c) One of the individuals leaves the common residence with the intent to return.
- (4) The 2 individuals are not nearer of kin to each other than 2nd cousins, whether of the whole or half blood or by adoption.
- (5) The individuals are members of the same sex. “

Ald. Wiza pointed out the dissolving of the domestic partnership is no different than a divorce.

Ald. O’Meara said the debate should be with providing medical benefits to domestic partners.

Ald. R. Stroik reviewed City Attorney Beveridge’s memo which discussed unfairness to not recognize opposite sex domestic partnerships. He said he does not believe the motion addresses opposite sex partnerships and is more apt to vote including that verbiage because then any legal union would be recognized to attract viable employees to the City. Ald. R. Stroik said he could not support the motion at this time as it would bring potential lawsuits.

Mayor Halverson said that is correct and the motion would prohibit recognizing opposite sex domestic partnerships. He said the last thing the City wants to do is be exclusive and currently, the strict adherence to Chapter 770 would only allow same sex recognition; whereas, if it was done the other way, both would be recognized.

Ald. Suomi spoke about the financial impact and asked if C/T Ladick could share the information about the flow from a single to a family and vice versa.

Mayor Halverson said in relation to the amendment, in terms of the numbers that are in place between family and single health insurance plans, is not specific to the amendment. However, if the amendment is approved, we can go to those types of statistics on the main motion should the amendment be adopted.

C/T Ladick noted that the amendment could have a financial impact.

Ald. Suomi said if we do include the City Attorney’s issue of Chapter 40 to open this up to heterosexual couples, it could have a financial impact beyond just recognizing domestic partnerships.

Mayor Halverson called on C/T Ladick to go through the relationship with single health insurance coverage and family health insurance coverage and how often that changes.

C/T Ladick said anytime an employee changes from a single plan to a family plan the additional money to be budgeted is \$13,219 and it tends to balance out. He gave an example of employees who leave or retire and are replaced by a single employee along with the change to a higher deductible health plan has benefited the City with employees not opting for the family plan. C/T Ladick said however, the amendment would expand the financial impact because the eligible number of employees would be expanded.

Ald. Moore said the way it is stated right now, and with two definitions from the state, this is not easy to tackle. He stated the discrimination issue is not being solved and verbiage should be swayed to Chapter 40.

Ald. Moore asked for further discussion on item #7 on the Affidavit of Domestic Partnership since it is part of what is being passed. He said one of the requirements is not having access to other medical coverage. Ald. Moore questioned why that should make a difference.

Mayor Halverson's interpretation of the motion is that the stance of the Common Council is to support recognizing same sex and opposite sex domestic partnerships for inclusion in the City's benefit structure and upon that direction, the Administration will draft our own affidavit and policy which will be in front of the Personnel Committee for Council approval in July.

Ald. Moore questioned that the affidavit in the Personnel folder is not being approved.

Mayor Halverson said correct.

Human Resources Manager Jakusz commented on Ald. Phillips' statement regarding the Affordable Care Act. She said at this point there is no provision in the Affordable Care Act that requires the City to include domestic partnerships.

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

Mayor Halverson restated that the City will be moving forward with approval for the recognition of same sex and opposite sex domestic partnerships for benefits.

22. Minutes and actions of the Police and Fire Commission meeting of June 4, 2013.

Ald. Wiza **moved**, Ald. Doxtator seconded approval of the minutes and actions of the Police and Fire Commission meeting of June 4, 2013.

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

23. Minutes and actions of the Transportation Commission meeting of May 23, 2013.

Ald. Wiza **moved**, Ald. O'Meara seconded to approve the minutes and actions of the Transportation Committee meeting of May 23, 2013.

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

24. 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.

25. Establishing Expectations/Goals for the Portage County Business Council relating to Economic Development.

Mayor Halverson told the Council to give direction if there are specific concerns and goals that should be recognized and this item will be placed on the July agenda.

26. Adjournment.

Adjournment at 10:13 p.m.