

**City of Stevens Point
COMMON COUNCIL MEETING**

**Council Chambers
County-City Building**

**November 18, 2013
7:00 P.M.**

Mayor Andrew J. Halverson, presiding

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

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

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

Mayor Halverson encouraged members of the community to attend the Holiday Parade and lighting of the tree.

3. Consideration and possible action of the minutes of the Regular Common Council meeting of October 21, 2013.

Ald. Moore **moved**, Ald. Trzebiatowski seconded to approve the minutes of the Regular Common Council meeting of October 21, 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.

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

Mary Ellen Pollock, 1233 Ridge Road, gave an update on the Fox Theatre effort for re-opening. She said weather permitting, the doors will be painted. The new name is, "The Fox on Main" .

Mary Pichelmann, 1300 Briggs, spoke regarding second hand smoke and its effects.

Mackenzie Kinney, 1300 Briggs, spoke regarding her concerns on living conditions at the Hi-Rise.

Mayor Halverson added the issue was placed on the CDA agenda, which is the body that has authority over the public housing units and not the Council. He said there is course of action in place.

Barb Jacob, 1616 Depot Street, expressed disappointment for the lack of public input on the pay plan.

Bill Schierl, 109 County Road E South, spoke regarding the approval of funding \$5,000 for The Fox on Main structural analysis and welcomed questions on the matter.

Diane Brekke, 1300 Briggs, spoke regarding her disappointment on the Hi-Rise still not being smoke free.

Bob Fisch, 1033 Smith Street, addressed the benefits biking has brought into the community.

Ald. Suomi announced she will be hosting a town hall meeting at the Parks and Rec Building on Tuesday, December 10 at 6 p.m. with topics of discussion being parking in and around the university and surrounding neighborhoods.

Ald. Trzebiatowski voiced disappointment on the presentation of the proposed city budget which was not televised. He requested it be televised in the future.

6. Minutes and actions of the Plan Commission meeting of November 4, 2013.

Ald. Moore **moved**, Ald. M. Stroik seconded to approve the Minutes and actions of the Plan Commission meeting of November 4, 2013.

Roll Call: Ayes: All.

Nays: None. Motion carried.

7. Public Hearing – Conditional Use Amendment – 4401-4501 Highway 66 – City of Stevens Point Municipal Airport – Request of Matt Rettler to Construct an approximate 4,320 square foot airplane hangar.

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

8. Resolution on the above.

Ald. Patton **moved**, Ald. O'Meara seconded to approve the resolution.

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

Nays: None. Motion carried.

Excused: Ald. R. Stroik, Wiza

9. Minutes and actions of the Public Protection Committee meeting of November 11 and the minutes of the Special Public Protection Committee meeting of October 21, 2013.

Ald. Suomi **moved**, Ald. Doxtator seconded to approve the Minutes and actions of the Public Protection Committee meeting of November 11 and the minutes of the Special Public Protection Committee meeting of October 21, 2013.

Roll Call: Ayes: All.

Nays: None. Motion carried.

10. Ordinance – Peace and Offenses – Chronic Nuisance (Section 24.51).

Barb Jacob, 1616 Depot Street, said the ordinance could be good for landlords and a useful tool for disruptive tenants. She encouraged conversations with the police department to implement ideas.

Don Keck, 2130 Wisconsin Avenue, Plover is concerned about tenants having parties and the landlords becoming financially liable for tenants' actions despite the attempts by the landlord to cease the parties. He further stated the ordinance will stay in place but the officials enforcing it will not and there may be different points of view in the future.

Rich Sommer, 4224 Janick Circle, said the ordinance needs more thought, is confusing and should not be supported.

Paul Wachowiak, 1620 Meadow View Lane, encouraged more thought on the ordinance such as basing it on enforcement actions.

David James, 1326 High Ridge Road, said he feels progress was made with some re-drafting of the ordinance; however, there are still some issues from a constitutional law perspective with some of the discretion that is granted in the ordinance. He offered suggestions.

Henry Korger, 3200 Water Street #2, encouraged postponing passing the ordinance to take some time to review the issues at hand with members of the Apartment Association to get their input.

Ald. Patton said the fine should go on the tenants and not the landlords.

Ald. Trzebiatowski also said the responsibility should be put on the violator.

Ald. Trzebiatowski **moved**, Ald. Moore seconded, to deny the ordinance.

Ald. Moore said he has had a lot of negative feedback on this issue and is concerned it may open the City up for a lawsuit the way it is structured.

Ald. Suomi asked the City Attorney when an ordinance is written if it is a practice

that citations are included in the ordinance; secondly, she questioned the discretion the ordinance gives to the Chief of Police; and lastly, if it would open the City up to lawsuits.

City Attorney Beveridge said City ordinances make reference to state statutes. He noted with regard to discretion, the Chief of Police can decide whether or not to identify a property as having had three or more nuisance activities within a month, but those activities have to occur. He also discussed a nuisance activity occurring and a tenant not answering the door for the police and the fact that officers cannot just enter the building. In situations such as these, the nuisance activity occurred but no citation was issued; however, when citations are issued, it creates a deterrent. City Attorney Beveridge further stated the ordinance does not open the City up for risk of a lawsuit.

Ald. Patton said he is concerned about landlords trying to enforce police actions and he does not feel the landlords should be put in that situation.

Ald. Trzebiatowski questioned if there is a possibility to issue the ticket to the resident of the property.

City Attorney Beveridge said tenants would have an easy defense to such a claim. He also mentioned that driver's licenses are governed by state statutes and DOT regulations. The City does not have authority to place a restriction or suspension on a driver's license for these types of actions.

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

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

Ald. Patton asked about the process of changing the ordinance if problems arise in the future.

Mayor Halverson said there are different ways to proceed – those being going back before the Public Protection Committee for review or placing the issue back in front of Council.

Ald. Trzebiatowski also expressed concern about once that ordinance is created, it becomes the "letter of the law" and it may be treated differently by future chiefs.

Ald. Moore asked why other ordinances are not "beefed up" instead of creating a new ordinance.

City Attorney Beveridge said the end result with this ordinance is to prevent these activities from happening. He further stated they are looking for compliance, deterrence and prevention of activities not wanted in the City and this is another tool in the toolbox.

Ald. Moore asked why not take each ordinance that deals with each incident and strengthen them instead of creating something new.

City Attorney Beveridge said disorderly conduct might only occur once at a premises and it should be enforced.

Mayor Halverson said the key word is chronic which leans toward repetition and continual problems as opposed to one-time nuisances.

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

Ald. Phillips **moved**, to postpone the ordinance until the December Council meeting for further review.

Mayor Halverson reiterated the motion to approve failed and the motion to deny failed and in terms of any other guidance, there will be no action on the item this month.

11. Minutes and actions of the Finance Committee meeting of November 11 and the Special Finance Committee meeting of October 28, 2013.

Ald. Moore **moved**, Ald. O'Meara seconded, to approve the Minutes and actions of the Finance Committee meeting of November 11 and the Special Finance Committee meeting of October 28, 2013.

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

12. Resolution Adopting the Budget for the City of Stevens Point for the Year 2014.

Mayor Halverson reviewed some changes of which would be the corresponding entry level for the wages as approved by the adoption of the pay plan to be moved from contingency to fund the wage accounts. He said there is also a change in capital as Portage County has funded the replacement of all mobile and portable radios for the police department for 2014. They also will replace portable and mobile radios for the paramedics and ambulances for a savings of \$85,000.

C/T Ladick informed the Council that \$5,000 of the operating budget was moved from Transit to Airport with another adjustment to the IT master plan in which \$100,000 was originally budgeted, which is more than necessary, reducing that number to \$35,000. He said this will save \$65,000 and when added to the \$85,000 will bring a savings of \$150,000 to reduce borrowing.

Ald. O'Meara **moved**, Ald. Suomi seconded, to approve the budget with the changes to the capital budget as presented as well as the movement of the dollars out of contingency to appropriate wage accounts based on the new pay plan.

Ald. Moore **moved**, Ald. Trzebiatowski seconded, to remove everything dealing with municipal court out of this budget for further discussion.

Ald. Patton questioned why it should be removed.

Ald. Moore said no information is known about it, and it should not be placed in the budget at this time. He said the budget can be changed to add it, but right now he is concerned about the specifics.

Mayor Halverson clarified the amount of money included, that falls within the expenditure side of that budget, is 75% of the total amount required prorated by 9 months. He continued to say that is not the totality of what those individuals would be compensated for from an annual perspective.

Ald. Moore stated that is exactly why it should not be included in the budget until further discussion.

Ald. Patton asked if it would take a 2/3 majority vote of the Council to approve an amended budget if it is not approved at this time.

Mayor Halverson said it does.

Ald. Slowinski questioned where the municipal court funding would come from if it is removed from the budget at this time.

Mayor Halverson said the budget would have to be amended by a 2/3 vote to add the expenditures back, as well as putting the revenue assumptions back into the budget. He explained the reason for it being placed in the budget was to ensure, at a minimum, the expenditure side of the equation was covered primarily due to the ERP restriction as opposed to the levy restriction. If in the first quarter of 2014 the creation ordinance is not adopted for a municipal court, the money just sits there and there is no activity for those accounts. Mayor Halverson explained if it is approved, it would help stream-line the implementation process.

Ald. Trzebiatowski stated this is a valid reason to remove it. He said the money is in contingency and can be added in at a later date and he is not in favor of including it in the budget at this time until it can be discussed further.

Mayor Halverson said he understands that perspective and these concerns have been addressed with other municipalities that operate municipal courts as well as the District Court Administrator.

Ald. Patton asked if an ordinance to adopt a municipal court would still need to be approved if it is included in the budget.

Mayor Halverson said yes.

Ald. Patton asked for confirmation that the Council still has control on the issue.

Mayor Halverson stated 100%.

Ald. Patton further questioned if an appointed judge would need to be approved by the Council.

Mayor Halverson said with the creation ordinance, the Council would be a part of the process by creating an oversight board for the municipal court. He further explained the oversight board would be composed of five individuals, 3 of which would be from the City and 2 of which would be from the Village of Plover. Mayor Halverson said the ordinance would need approval from each governing body and the oversight board would choose the judge if it is an appointed position, which would depend on the time frame the court is established.

Ald. Moore questioned why this information has not been shared with the Council and community if this planning has been done. He stated the Village of Plover does not have it in their budget. And further questioned where the agreement came from and why it needs to be in the City's budget.

Mayor Halverson said it was discussed with the Village President, Administrator, Chief of Police and Captain of Operations.

Ald. Moore questioned if the Village Board has voted on it yet.

Mayor Halverson stated he did not know.

Ald. Phillips said he cannot support voting in favor of the municipal court because he has no documentation or numbers and it should be postponed.

Mayor Halverson restated the amendment is to remove any reference to municipal court from the budget.

Roll Call: Ayes: Majority.
Nays: Minority. Motion carried.

Ald. Trzebiatowski **moved**, Ald. Phillips seconded, to increase the deer management portion to \$1,500.

Roll Call: Ayes: Majority.
Nays: Minority. Motion carried.

Mayor Halverson directed a vote on the original motion.

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

13. Resolution Appropriating Necessary Funds for the City of Stevens Point for 2014 and Levying the Tax Rate for the Year 2013.

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

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

14. Resolution Providing for Writing Special Assessments and Special Charges into the Tax Roll for 2013.

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

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

15. Initial Resolution - Authorizing the Sale and Issuance of General Obligation Promissory Notes, and Certain Related Details.

Ald. Moore **moved**, Ald. M. Stroik seconded, to approve the initial resolution.

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

16. Initial Resolution - Authorizing the Sale and Issuance of Taxable General Obligation Promissory Notes, and Certain Related Details.

Ald. Moore **moved**, Ald. Doxtator seconded, to approve the initial resolution.

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

17. Minutes and actions of the Board of Public Works meeting of November 11, 2013.

Ald. M. Stroik **moved**, Ald. Patton seconded, to approve the Minutes and actions of the Board of Public Works meeting of November 11, 2013.

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

18. Ordinance Amendment – Traffic – Parking Restrictions, Signs, Weight limits & Truck Routes (Sections 9.05(o), (u), 9.06(a), 9.07(2)).

Ald. Doxtator **moved**, Ald. Trzebiatowski seconded, to approve the ordinance.

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

19. Minutes and actions of the Board of Water & Sewerage Commissioners meeting of November 11, 2013.

Ald. Slowinski **moved**, Ald. M. Stroik seconded, to approve the Minutes and actions of the Board of Water & Sewerage Commissioners meeting of November 11, 2013.

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

20. Resolution – Petitioning the Secretary of Transportation for Airport Improvement Aid.

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

Ald. O'Meara referenced the relocate/removal of the access road and trail in the resolution. He questioned what trail is being referred to and whether it will be relocated or removed.

Director Lemke said part of the fence project involves potential relocation of a section of the Green Circle Trail.

Ald. O'Meara then clarified it would be a relocation.

Director Lemke stated it has been agreed that since the trail is existing, access would not be cut off.

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

21. Renaming of the Stevens Point Municipal Airport to "Stevens Point Municipal Airport/Mattson Field" (Discussion Only).

Mayor Halverson said Mr. Conrad Mattson is worthy of recognition at this level. He introduced John Dorcey and Tom Thomas of the Wisconsin Aviation Hall of Fame.

John Dorcey, 3980 Shamott Drive, Oshkosh, gave an overview of the mission of their organization which is to collect and preserve the history of aviation in Wisconsin and gave their full support in the naming of the airport.

Tom Thomas, 5210 Kingbridge Road, Madison, author of, "This Joker was an Ace", reviewed the highlights of his article on Conrad Mattson.

Ald. Patton said several pilots have talked to him about renaming the field with a concern about announcing the name of the field when they fly over. He said pilots use the name of the city when announcing a fly over and renaming the field may cause confusion. Ald. Patton questioned how naming the airport after Mr. Mattson would benefit the City.

Mayor Halverson stated it sets the airport apart in terms of its prestige specifically because it is recognizing the efforts of a veteran and it offers another destination in aviation history.

Ald. Patton said it may be more appropriate to name a hangar after Mr. Mattson.

Ald. O'Meara thought it is a good idea to name the airfield after Conrad Mattson and he encouraged the inspiration of the name.

Ald. Trzebiatowski questioned if there are other names of airport that are similar where it would cause confusion on the part of a pilot.

John Dorcey said it is not the intention to rename the airport, but rather add to the name of it by recognizing a hometown hero. He stated pilots will still refer to it as the Stevens Point Airport over the radio as is the practice with airports across the state.

Ald. Suomi stated she would like to preserve aviation history especially honoring a hometown hero of this caliber. She asked what the next step entails.

Mayor Halverson said he intends placing the official naming of the airport before Council in December.

Ald. Phillips said he is in favor of renaming the airport.

22. Minutes and actions of the Police and Fire Commission meeting of November 5, 2013.

Ald. Phillips **moved**, Ald. Moore seconded, to approve the Minutes and actions of the Police and Fire Commission meeting of November 5, 2013.

Roll Call: Ayes: All.

Nays: None. Motion carried.

23. Minutes and actions of the Transportation Commission meeting of October 24, 2013.

Ald. M. Stroik **moved**, Ald. O'Meara seconded, to approve the Minutes and actions of the Transportation Commission meeting of October 24, 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. Mayoral Appointment:

City Plan Commission

– Appoint Daniel Hoppe, 2008 McCulloch Street

Ald. Suomi **moved**, Ald. Slowinski seconded, to accept the Mayoral appointment.

Ald. Patton said he noticed Mr. Hoppe has an extensive background with the Historic Preservation Committee and questioned how it would affect his voting on issues that would impede development within the City.

Mayor Halverson said Mr. Hoppe has been a member and volunteer with the Historical Society, but he has not been on the Historic Design Review Commission.

Roll Call: Ayes: All.

Nays: None. Motion carried.

26. Adjournment.

Adjournment at 8:53 p.m.