

**City of Stevens Point
COMMON COUNCIL MEETING**

**Council Chambers
County-City Building**

**December 16, 2013
7:00 P.M.**

Mayor Andrew J. Halverson, presiding

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

Also Present: City Atty. Beveridge, Clerk Moe, C/T Ladick, Directors Schatschneider, Lemke, Schrader, Ostrowski, Asst. Police Chief Skibba, Asst. Fire Chief Finn, 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.

Due to the length of the agenda, Mayor Halverson did not have any opening remarks.

3. Consideration and possible action of the minutes of the Regular Common Council meeting of November 18 and the Special Common Council meetings of November 18 and December 9, 2013.

Ald. Moore **moved**, Ald. O'Meara seconded, to approve the minutes of the Regular Common Council meeting of November 18 and the Special Common Council meetings of November 18 and December 9, 2013.

Roll Call: Ayes: All
Nays: None. Motion carried.
Excused: Ald. M. Stroik

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.

Ald. O'Meara stated at the last Council meeting he asked if the work product of the wage survey was an open record. He further stated that City Attorney Beveridge has determined that it is. Ald. O'Meara requested Mayor Halverson delay the deadline for filing appeals in order for that documentation to be reviewed.

Reid Rocheleau, 408 Cedar Street West, spoke about Roberts Rules of Order and meeting procedure.

Attorney Bill White, Madison, said a local landlord, Paul Wachowiak, asked him to review the approval process of the 209 Division Street Conservation Place. He questioned the

security for the City in granting the \$500,000 for the project referencing the blank page labeled Exhibit C in the Developer's Agreement. Attorney White stated the guarantee is unknown and recommended the matter be postponed. Secondly, a blight study usually accompanies a TIF award and he does not see one was completed. Attorney White said most significantly is the absence of the meeting of the But For Test which statutory states a TIF award cannot be issued if the project would not occur without the award. He urged the Council to take a closer look at the project as there is not a demonstrated need for it, there is no guarantee or security for it and a blight study has not been completed.

6. Renaming of the Stevens Point Municipal Airport to "Stevens Point Municipal Airport/Mattson Field."

Ald. O'Meara **moved**, Ald. Slowinski seconded, to approve the Renaming of the Stevens Point Municipal Airport to "Stevens Point Municipal Airport/Mattson Field."

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

7. Minutes and actions of the Plan Commission meeting of December 2, 2013.

Ald. Moore **moved**, Ald. Phillips seconded, to approve the Minutes and actions of the Plan Commission meeting of December 2, 2013.

Ald. Wiza stated that even though he will be voting in the affirmative, he objects and disagrees with item #7.

Roll Call: Ayes: All
Nays: None. Motion carried.
Excused: Ald. M. Stroik

8. Public Hearing –Amending Building and Premises Maintenance and Occupancy – adjust parking and loading standards to be consistent with the Zoning Code (Sections 21.03(13) and 21.08(1)(b)of the RMC).

Mayor Halverson declared the public hearing open.

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

9. Ordinance Amendment on the above.

Ald. Wiza asked for clarification in reference to the Administrator.

Mayor Halverson said the Zoning Administrator is Brent Curless.

Ald. Wiza further questioned the issues subject to the approval of that position.

Director Ostrowski stated approval would be for issues within the zoning code as there are some conflicting zoning ordinances that should be in one location as opposed to two or three different ordinances. He said the Administrator is the City's Zoning

Administrator, Brent Curless. At the Plan Commission meeting, Ald. Moore recommended changing what was "Administrator approval" to Plan Commission and Common Council approval for anything that involves discretion.

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

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

10. Public Hearing - Amending the Zoning Code – adjust parking and loading standards, along with related definitions (sections 23.01(14), 23.01(15) and 23.04 of the RMC).

Mary Ann Laszewski, 1209 Wisconsin Street, spoke regarding the lack of parking in the city due to the university.

Reid Rocheleau, 408 Cedar Street West, Whiting, stated this ordinance was written to accommodate the development at 209 Division Street. He spoke about the parking shortage in the city.

Cindy Nebel, 1100 Phillips Street, also spoke in opposition to the zoning change and about the parking shortage around the university.

Paul Wachowiak, 1620 Meadowview Lane, said a broad change in the parking ordinance requires due diligence and a study should be done of how it will impact the city.

Dave Eschenbauch, 10353 Krogwold Road, Amherst Junction, spoke about unintended consequences which could occur in the future should the amendment be passed.

Dave Plaisance, 3241 Nicolet Court, also said the ordinance is set up to accommodate this project. He further stated the project is too large for the limited parking and it will affect businesses in the area.

Mildred Neville, 1709 Jefferson Street, read a message from business owner, Carl Knuse, who stated there is not enough parking around the university area. Mr. Knuse's concern is that the changes will make the parking worse.

Attorney Bill White emphasized that a parking impact analysis would be in order.

Kyle Kearns, Associate Planner/Economic Development Specialist for the City, spoke about "The Path to a Sustainable Stevens Point" which was taken into consideration in writing the ordinance amendment. He said many of these goals are met in the parking ordinance as it continually reduces dependence upon fossil fuels and extracted underground metals and minerals. Secondly, it continually reduces dependence on activities that harm life sustaining eco systems. Mr. Kearns also stated it encourages the use of public transit and it offers benefits and goals for the city which should be taken into consideration.

Cathy Dugan, 615 Sommers Street, agrees with Mr. Kearns as to a path to sustainability; however, many students work and there is not enough public transportation for them to get to their jobs. She mentioned studies done for parking ramps and stated she does not think this ordinance amendment is appropriate at this time.

Barb Jacob, 1616 Depot Street, also agreed that the parking change is not appropriate and more time needs to be taken to study the situation.

Josh Garbe, 324 Indiana Avenue N, questioned if the city has budgeted for more use of the transportation system if there is an increase in use.

11. Ordinance Amendment on the above.

Mayor Halverson asked if Director Ostrowski would summarize and walk through the changes that are proposed.

Director Ostrowski first addressed the parking for multi-family as there is an issue with the number of stalls required for each development. He said multi-family was changed; however, within the building premise maintenance and occupancy code, the building inspector has the right to reduce the parking spaces to two per unit as long as the landlord guaranteed that no additional students would bring a car to that site. Director Ostrowski said it was amended because it conflicted with the zoning code. He further stated a number of items were changed such retail uses, office uses and industrial use, but a lot of the concern is revolving around multi-family. He went on to say that within the City of Stevens Point, every single multi-family use is a conditional use. Director Ostrowski said this document also addresses landscaping and reiterated there is the ability through the conditional use process to require more parking for a development in an area if it is needed.

Ald. R. Stroik asked Director Ostrowski about the process of narrowing down 72 parking stalls for 180 renters.

Director Ostrowski stated student rentals are based off of the number of occupants or number of units within, just like multi-family.

Ald. R. Stroik said it would have been easier to read with changes highlighted or noted.

Mayor Halverson said the code has been completely re-written.

Director Ostrowski replied the only red-lining within the document are changes that were made at the Plan Commission.

Ald. R. Stroik asked for clarification about whether everything in the document was new.

Director Ostrowski said it is a comprehensive re-write of the parking standards within the zoning code.

Ald. R. Stroik stated he cannot support reducing parking in any scenario.

Ald. Moore questioned the verbiage as it reads now of multiple dwellings having one space for each person 18 years of age or older.

Director Ostrowski said that is correct.

Ald. Wiza referenced the approved minutes of the Finance Committee that does not reference parking other than the fact that snow cannot be piled in parking spots.

Director Ostrowski said that is because the plan was approved as is.

Ald. Wiza commented on Mr. Kearns' statements. He said to turn the facts into something that is on the surface, perceived as supporting the eco municipality

document is inappropriate in this case. He stated it is not innovative to reduce the number of parking spots and hope that people will not bring their cars and walk or take their bikes. Ald. Wiza said he will not be in support of the ordinance amendment.

Director Ostrowski commented that certain issues can be addressed through the conditional use process. He urged the Council not to throw away the entire ordinance and further stated there are good things in the ordinance that took a while to write. Director Ostrowski told the Council to evaluate a project on its merits and do not address it towards this ordinance.

Ald. Slowinski asked if this amendment were approved and multiple requests for existing multi-family buildings were received, would they come back for approval as a conditional use for any change.

Director Ostrowski said any expansion of a current conditional use or a use that would be conditional, needs to come back to the Plan Commission and Common Council for approval.

Ald. R. Stroik requested clarification in a situation where a landlord with a student rental meets the occupancy code.

Director Ostrowski said the landlord still has to come back for approval as every zoning district that has multi-family developments require a conditional use permit.

Ald. Wiza agreed with Director Ostrowski in that the ordinance itself should not be scrapped. He said he would vote in favor of the ordinance changes; however, agenda item #16 will be a different matter.

Ald. O'Meara complimented the Director on the writing of the ordinance. He said the changes being made are not radical.

Ald. Suomi thanked the Director for his time and effort; however, she stated she does not have a high comfort level with the amount of changes in the ordinance. She questioned the appropriateness of the timing. Ald. Suomi spoke about the opinion of a registered engineer in the State of Wisconsin, if a listed ratio requires too much or too little parking, the applicant may provide an alternative parking plan. She asked Director Ostrowski to walk her through on how an applicant would do that.

Director Ostrowski said right now we have that through the industrial sector and he proceeded to explain the process.

Ald. Suomi asked if it would be a requirement as far as an applicant getting a state engineer.

Director Ostrowski said no, it would be met under the current code, but if the applicant wanted to reduce it further, then they would need a state engineer.

Ald. Suomi also mentioned access to a car-sharing program and questioned if we were even there yet.

Director Ostrowski said no, but we probably should be there as the issue of sustainability needs to be addressed along with different techniques. He encouraged looking at ways to reduce the parking required at the university.

Ald. Suomi referenced the area by Kwik Trip where people have been currently parking doing their own ride-share in which the Board of Public Works Committee just passed a no parking ordinance. She questioned why the City does not embrace that opportunity to develop the area as people are currently using it in that capacity.

Director Ostrowski reiterated that ride-and-shares are a great idea and that is one of the many solutions needed to address the parking concerns, but unfortunately, there is not one single solution to address the problem.

Ald. Suomi said a parking impact analysis should be done to implement this ordinance. As far as transit goes, she does not think the City is at the point of having the resources to get people to employment on Saturday and Sunday. She further stated she is not comfortable with supporting all of the changes and the timing is not appropriate.

Ald. Slowinski recognized the efforts put into drafting the ordinance amendments; however, he reiterated there is a parking problem and that problem will expand by adopting this amended ordinance.

Ald. Moore stated good work has been put into the ordinance but he does not agree with all of it.

Ald. Moore **moved**, Ald. Trzebiatowski seconded, to postpone action on the ordinance amendment until January.

Ald. Trzebiatowski said it is unfortunate this ordinance amendment is tied to future developments. He stated if it would have been brought up to the Council months ago, the appearance would have been a non-issue.

Ald. R. Stroik felt he could not vote in the affirmative on the motion to postpone unless Ald. Moore would specify what information would be available for the next month's meeting so it can be moved forward.

Ald. Moore replied not everyone understands what is going on in this ordinance as it is a strong ordinance with many changes. He does not think everyone comprehends what effect it will have on the community.

Ald. Patton did not think the vote should be postponed. He said the only part that seems to be the problem is changing the parking for one development.

Ald. Wiza stated that Ald. Moore had a number of concerns with the ordinance amendment. He questioned if the motion to postpone succeeds, and item #17 succeeds, would that mean that conditional use would be approved on the current parking requirements.

Director Ostrowski said that is correct, they would have to meet the current standards.

Ald. Wiza said by postponing, concerns would be out of way, proving the ordinance is not directly related to this one particular development.

Ald. Trzebiatowski asked if this fails, would the apartment project be able to be passed as it is currently situated.

Director Ostrowski replied no, it would not.

Ald. Suomi stated she is concerned about the impact of this parking ordinance on the city and she does not think 30 more days will help her understand it.

Ald. Slowinski said he agrees with Ald. Suomi. He is also concerned about the impact the ordinance will have on the community and he feels postponing would not be beneficial.

Ald. Patton suggested a parking study and parking ramps.

Mayor Halverson restated the motion is to postpone action on the ordinance amendment until the January Council meeting.

Roll Call: Ayes: Ald. Moore, Phillips, Wiza

Nays: Ald. R. Stroik, Patton, Trzebiatowski, Slowinski, O'Meara, Suomi, Doxtator. Motion fails.

Excused: Ald. M. Stroik

Mayor Halverson then called for action on the original amendment on the above.

Ald. O'Meara **moved**, Ald. Doxtator seconded, to approve the original ordinance amendment.

Ald. R. Stroik said Director Ostrowski and his staff have done a great job on the ordinance, but the "white elephant" is the parking with multi-family dwellings. He does not want to see the ordinance fail because of it and questioned what would have to be changed in the ordinance to have the parking as it is today for multi-family dwellings.

Mayor Halverson said Ald. R. Stroik is asking for an action the Council can take to amend the document to keep the parking requirements the same for multi-family as is exists now.

Director Ostrowski said it would require one space per occupant 18 years old or older.

Ald. R. Stroik asked where in the document the change would be made.

Director Ostrowski noted the section for the change and discussed increasing occupancy and meeting ordinance requirements.

Ald. R. Stroik **moved**, Ald. Slowinski seconded, to amend Section 21.14(3)(c) to add multi-level units to be one parking space per tenant over 18 years of age.

Ald. Wiza stated for clarification purposes, Ald. R. Stroik is referring to the multi-family living which would apply to apartment complexes.

Mayor Halverson said that is correct.

Ald. Suomi questioned what if an applicant requires less parking.

Director Ostrowski said it cannot be less.

Ald. Trzebiatowski asked if the motion by Ald. R. Stroik were implemented, would it effectively "kill" the apartment complex.

Director Ostrowski said yes, as they would not meet the parking standard.

Ald. Moore repeated there are several things he does not like as it will add to the cost of starting a business and deter safety. He is not convinced it is the right thing to do.

Director Ostrowski said in regard to the screening, the requirements are very similar to the existing code, it is just worded differently.

Ald. R. Stroik encouraged that in the future, city staff conduct a study to conclude objective evidence without tying it to a particular development.

Ald. Patton asked if a study would be performed by city staff or hired out.

Mayor Halverson said perimeters of a study would review specific variables and it would be a complex study if it were to be done right.

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

Mayor Halverson called for a vote on the original motion by Ald. O'Meara, seconded by Ald. Doxtator.

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

12. Public Hearing – Amending the Zoning Code – allow adjustments to be made to conditional use standards relating to landscaping with the recommendation of the City Forester (Section 23.01(16)(c)(14) of the RMC).

Mayor Halverson declared the public hearing open.

Reid Rocheleau, 408 Cedar W, Whiting, said this ordinance was also written to accommodate the Conservation Place development.

Cindy Nebel, 1100 Phillips Street, expressed disappointment as no solutions have been made to the parking problem.

Mildred Neville, 1709 Jefferson Street, said the best solution would be to take out the ordinance.

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

13. Ordinance Amendment on the above.

Ald. Slowinski requested that Director Ostrowski explain the ordinance amendment.

Director Ostrowski said the ordinance allows the City Forester to review project landscaping on the site which within the ordinance provides for one tree per unit. He said this has nothing to do with a particular development, and it provides for a variety of trees on a development site.

Ald. Slowinski clarified that the Council will ultimately have the final say on the landscaping via a recommendation from the City Forester.

Director Ostrowski said the recommendation of the City Forester would go before the Plan Commission as part of the conditional use process and then the Plan Commission would make a recommendation to the Council.

Ald. Wiza questioned what prevents the City Forester from making a recommendation as part of the conditional use right now.

Director Ostrowski said there are set standards within the conditional use that need to be met and those cannot be modified at this time. The ordinance would need to be amended and that is what this does.

Ald. O'Meara said the City Forester would be making a finding that landscaping would be more effective by changing a design.

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

Ald. Wiza asked if this fails, will it put a stop on the apartment complex.

Director Ostrowski said yes.

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

Nays: None. Motion carried.

Excused: Ald. M. Stroik

14. Public Hearing – Conditional Use – permit to allow four unrelated persons in a single dwelling at 2316 Main Street (Parcel ID 2408-33-2016-08).

Mayor Halverson declared the public hearing open.

Cindy Nebel, 1100 Phillips Street, spoke on behalf of OMNA and said one of the issues with this property is that it is being used as a multiple rental without being licensed.

Salah Qutaishat, 221 Michigan Court, Racine, owner of the property, addressed concerns Ms. Nebel had with his property.

Reid Rocheleau, 408 Cedar West, Whiting, said this is not only a safety issue, it is an ordinance issue and further discussed the lack of parking on the property.

Mary Ann Laszewski, 1209 Wisconsin Street, said the zoning codes on rooming houses need to be addressed and the fact that this property has been operating illegally for around five years.

Mildred Neville, 1709 Jefferson Street, spoke regarding the lack of maintenance on the property.

Paul Wachowiak, 1620 Meadowview Lane, said there is something wrong with the process if one is rewarded for violating the occupancy requirements.

Garrett Ryan, 1708 Clark Street, spoke on behalf of OMNA. He said there will be more properties sold that can pack a lot of occupants into them if the permit is granted.

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

15. Resolution on the above.

Ald. R. Stroik **moved**, Ald. Suomi seconded, to deny the permit to allow four unrelated persons at a single dwelling at 2316 Main Street based on not all of the conditions being met.

Ald. Slowinski questioned if the "stacking" of four vehicles in the driveway is permitted.

Director Ostrowski said it is not permitted; however, it appears a vehicle could be swung around without making another vehicle move and they would meet that standard. He asked the Council to explain which standards are not being met for clarification purposes.

Ald. R. Stroik responded that safety was the issue.

Mayor Halverson cautioned the Council that they may be putting themselves in a dangerous position in regard to a parcel that is zoned for a specific conditional use and it was the finding of the Plan Commission that the conditions were met. He also said the reasoning has little grounding in respect to the safety rationale.

Ald. Slowinski questioned the fact that the owner could remodel the premises into a duplex and he would still have the liberty of parking four cars in the driveway with no inspection or oversight on the property.

Mayor Halverson said that is correct.

Ald. R. Stroik stated that would be costly for the property owner.

Ald. Wiza said right now, the property does not comply with the law and safety is a big concern and it is justified.

Director Ostrowski also said it would take a significant amount of work and cost to remodel the property into a duplex.

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

16. Public Hearing – Conditional Use – permit to construct an approximate 40-unit apartment building, using the "B-TID5" Tax Incremental District 5 standards, at 209 Division Street (Parcel ID 2408-29-4002-03).

Reid Rocheleau, 408 Cedar West, Whiting, spoke against the project and requested the Council vote against it.

David James, 1326 High Ridge Road, stated the parking reasons heard are a good reason to deny the conditional use permit. He addressed the bike parking issues, encouraged fostering an environmentally friendly community and the impact of a development such as this which will not bring jobs into the community.

Attorney Bill White commented that a conditional use permit is not a matter of right and this development in this TIF district is not predominantly employment based. He also mentioned the lack of bicycle and moped parking.

Cathy Dugan, 615 Sommers Street, urged the Council not to approve the conditional use. She discouraged competition of these apartments with the residential landlords and stated the large apartment complex would be an eye sore in the community.

Jeff May, 21 Oakcrest Drive, stated concern over parking and green space with the development. He further broke down cap rate comparisons without TIF incentives.

Dave Eschenbauch, 10353 Krogwold Road, Amherst Junction, spoke on the university's long range plan and encouraged the Council to vote no.

Henry Korger said no one is in favor of this project and urged the Council to vote against it. He has concerns with the lack of parking and handing out money to a developer.

Mildred Neville, 1709 Jefferson Street, read a statement from Carl Knuse (owner of Campus Cycle & Sport Shop) in which he says he is opposed to the apartment complex and the TIF grant.

Dave Plaisance, 3241 Nicolet Court, questioned if this conditional use passes, would it also include the parking. He also expressed concern of the lack of bike parking.

Mike Kazmarek, 2508 Currier Street, spoke regarding the lack of parking, green space and the massive size of the building. He also mentioned there will be a problem with the lack of space to put snow.

Paul Wachowiak, 1620 Meadowview Lane, asked the Council to vote no to issuing a permit to construct a 40 unit apartment building and stated it is a bad idea.

Mary Ann Laszewski, 1209 Wisconsin Street, stated to only do this project for the increased taxes is wrong if it has to be stolen from the residents and incentives for this development should not be considered.

Josh Garbe, 324 Indiana Avenue, also said the building is too big and parking is a concern and urged the Council to vote no.

Barb Jacob, 1616 Depot Street, encouraged the Council to vote no. She said a five story building is too large for that area and the balconies are dangerous.

Mildred Neville, 1709 Jefferson Street, thought a point of order was appropriate as she wanted to discuss finance items.

Mayor Halverson said members of the body can raise a point of order, the public hearing is related to a specific item.

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

17. Resolution on the above.

Ald. Patton stated there were only two people in his district that indicated they did not want the apartment complex built. He said the same people come to the meetings and are against the building of apartment complexes and he does not feel that everyone is against this development.

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

Ald. Wiza **moved**, Ald. Slowinski seconded, to amend the conditional use to require 130 parking spots for the 182 beds.

Ald. R. Stroik applauded Ald. Wiza for adding parking, but he does not think it is enough because it does not address guest parking.

Ald. Suomi asked where the handicap parking stalls are located and the amendment does not address parking stalls for visitors. She also brought up a concern of safety and if there is enough space for a fire truck to go on the east side of this building.

Director Ostrowski said the handicap spaces are outlined on the plan as the first three spots.

Assistant Fire Chief Finn said in review of the plans, the Fire Department will have access to all sides of the building due to the design of their equipment.

Ald. R. Stroik expressed disappointment with the fact that the developer has not spoken to the Council. He felt it would be a chance for the developer to sell his project. Ald. R. Stroik said 192 parking stalls would allow for 10 transient spots to be for guests.

Ald. Phillips asked if this was the appropriate time to add other conditions.

Mayor Halverson said the added amendments would be taken on a case by case basis.

Ald. Wiza **moved**, Ald. Slowinski seconded, to amend the amendment to accommodate Ald. R. Stroik's number of 192 on-site parking spots.

Ald. O'Meara said 130 parking spots is defensible, but 192 is not. He further stated there will not be 100% car ownership in this development and all of those parking spots would not be used.

Mayor Halverson **called for a voice vote**: Too close to call.

Mayor Halverson then **called for a hand vote**. Ald. in favor: 6; Ald. opposed: 4
Amendment approved.

Ald. Phillips **moved**, no flags (other than the U.S. flag), sign, banners, satellite dishes, window air conditioning units be allowed on the building and he would like the management of the complex to be located on-site.

Mayor Halverson said any outside displays would probably be able to be a condition; however, specifically referencing what can or cannot be displayed cannot be amended. He stated the requirement for on-site management could be appropriate.

Ald. Phillips' motion fails due to a lack of a second.

Ald. Moore said he is disappointed the building does not fit into the plan of the TIF district, as a majority of it was for employment purposes.

Mayor Halverson began reading from the TIF5 plan.

Ald. Wiza called for a point of order citing the conditional use has nothing to do with TIF or financing.

Mayor Halverson rejected Ald. Wiza's point of order.

Ald. Wiza then challenged the ruling of the Chair.

City Attorney Beveridge stated it takes a call of two members of the body for an appeal to the body as a whole.

Ald. Slowinski seconded Ald. Wiza's objection.

City Attorney Beveridge noted it requires approval of $\frac{3}{4}$ of the Council, so 8 members present, to overrule the Chair.

Mayor Halverson said the meeting will proceed based on the concerns raised relating to his reference to the TIF plan. He said his concern is for the ability to find ways to encourage redevelopment through the conditional use process that is allowed in certain zoning districts is going to become more challenging.

Ald. Suomi asked if there was enough space for 192 parking stalls.

Director Ostrowski said physically there is not enough space for 192 stalls unless they would build a ramp or go underground.

Ald. O'Meara asked for the developer's experience with parking demand in cities of similar size for student housing.

Mayor Halverson called on Mr. Fischer to explain what his experience has been in other communities with similar projects and parking demands.

Jack Fischer spoke on behalf of the developer and stated that they are comfortable with actual units, the parking and the ratios based on sound information. He stated the people who rent the units understand the parking limitations and the biking issues have been addressed. Mr. Fischer said in regard to the security provision, the development group has provided bank statements and financials with verification and the ability to provide the required guarantees to City staff. He also stated blight studies are not typically completed at this time but rather they are evaluated and put in place when the TIF district is established. Mr. Fischer said this natural environment for students is controlled by an aggressive lease that ties back to the parent participant of the student. This is not a party house as there are rules and regulations and an on-site rotating management team.

Ald. R. Stroik reflected upon taking the \$500,000 TIF award out of the picture and let the developer build with their own money, with only 72 parking stalls for 180 students, so the taxpayers are not on the hook for a potential failure. He further stated as a councilman, as a steward and as a representative of the people, he has not heard anything that could guarantee that failure from not happening.

Mr. Fischer said the complications of a project like this definitely are meeting and demanding the "but for" scenario and there is risk in this project as with any project. He said under the scenario, the developer is confident this project will be viable for multiple years to come.

Ald. Suomi asked if the on-site management is a person and will 12 month leases be required.

Mr. Fischer said the leases will be for 12 months and there will not be a short lease relationship. He said managers are chosen from a core group, most likely a married couple, and they will undergo a training process.

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

18. Minutes and actions of the Personnel Committee meeting of December 9, 2013.

Ald. O'Meara **moved**, Ald. Moore seconded, to approve the Minutes and actions of the Personnel Committee meeting of December 9, 2013.

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

19. Minutes and actions of the Public Protection Committee meeting of December 9, 2013.

Ald. R. Stroik **moved**, Ald. Trzebiatowski seconded, to approve the Minutes and actions of the Public Protection Committee meeting of December 9, 2013.

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

20. Ordinance Amendment – Polling Place Change in District #11 – Move from Pacelli High School, 1301 Maria Dr. to the Stevens Point Area Convention & Visitors Bureau, 340 Division St. North (Sect. 15.03(11) of the RMC).

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

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

21. Minutes and actions of the Finance Committee meeting of December 9 and the minutes of the Special Finance Committee meeting of November 18, 2013.

Ald. O'Meara **moved**, Ald. Doxtator seconded, to approve the minutes and actions of the Finance Committee meeting of December 9 and the minutes of the Special Finance Committee meeting of November 18, 2013.

Ald. Wiza stated he is against item #7 which is the execution of the Developers Agreement with CCFS Group, but he will be voting in favor of the rest of the minutes.

Attorney Bill White said it has not been shown that TIF funds are necessary for this project and he urged the Council not to support it.

Ald. Trzebiatowski said he is concerned about how the project came to be. He discussed the past issue with Klas Properties and how they were not awarded TIF funds unless their development created jobs. Ald. Trzebiatowski thought the project could go forward without TIF funds.

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

22. Authorizing the Execution of Development Agreement with CCFS Group, LLC.

David James, 1326 High Ridge Road, discussed concerns whether the development is economically viable. He said residential development should not seek hand-outs and if it is needed, the market will allow for it.

Cathy Dugan, 615 Sommers Street, requested the Council not authorize the development agreement but rather negotiate a smaller building with the developer, a smaller incentive, more green space and better fit in the area.

Ald. R. Stroik **moved**, Ald. O'Meara seconded, to approve the Developer's Agreement with CCFS Group with 192 parking spaces.

Ald. Suomi questioned why there is no information listed on Exhibit C.

City Attorney Beveridge said under Section 3.01.01 of the agreement, it lists the conditions that have to be met for the developer's incentive which will be provided with one being the execution of the guarantee, which would be drafted and put together at a later date.

Ald. Slowinski said he is not comfortable with giving incentives for this development and he will be voting no.

Ald. Moore questioned how the City Attorney determined the \$4.9 million if the developer is investing \$6.3 million.

City Attorney Beveridge said the developer has to acquire an existing structure and business which has value associated with the cost up front.

Director Ostrowski said he asked the City Assessor to put together a projection on what he felt this building would assess at and that total is about \$5.4 million of which \$4.9 million would be the building component and about \$500,000 would be the land value.

Ald. Trzebiatowski asked what method was used for assessing this property.

Director Ostrowski stated the assessor used an income approach as well as a cost approach and both methods resulted in about \$5.4 million. He said the developer has to guarantee a \$4.9 million assessment and if that fails for half of the life of the TIF, the development will pay a payment in lieu of taxes or the City could go after their security.

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

23. Minutes and actions of the Board of Public Works meeting of December 9, 2013.

Bob Fisch, 1033 Smith Street, spoke in favor of hiring a consultant for the Division/Church Street project.

Barb Jacob, 1616 Depot Street, spoke against hiring a consultant and urged the Council to give it more thought.

Craig Tesch, 1100 Frontenac Avenue, shared his observations regarding the Business 51 corridor and feels not enough information has been given to the property owners about the project.

Reid Rocheleau, 408 Cedar West, Whiting, also spoke against spending \$30,000 to hire a consultant and against going from four lanes to two lanes on the Business 51 project.

Ald. Wiza **moved**, Ald. Moore seconded, to approve the Minutes and actions of the Board of Public Works meeting of December 9, 2013 pulling item #3 for a separate vote and discussion.

Ald. Suomi **moved**, Ald. R. Stroik seconded, to amend for further consideration the parking concerns on Wilshire Boulevard.

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

Mayor Halverson stated a vote is needed on the original motion to approve with the exception of item #3.

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

Ald. Wiza **moved**, Ald. Moore seconded, to deny the \$30,000 to hire an outside consultant.

Ald. Moore said he does not see the need to spend \$30,000.

Ald. Slowinski also said he is struggling with the taxpayers paying \$30,000 because AECOM was hired to do essentially what the Council would be hiring a consultant to do.

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

24. Minutes and actions of the Board of Water & Sewerage Commissioners meeting of December 9, 2013.

Ald. Slowinski **moved**, Ald. R. Stroik seconded, to approve the Minutes and actions of the Board of Water & Sewerage Commissioners meeting of December 9, 2013.

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

25. Minutes and actions of the Police and Fire Commission meeting of December 3, 2013.

Ald. R. Stroik **moved**, Ald. Doxtator seconded, to approve the minutes and actions of the Police and Fire Commission meeting of December 3, 2013.

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

26. Minutes and actions of the Board of Park Commissioners meeting of December 4, 2013.

Eric Skille, 1800 North Point Drive, spoke in favor of the naming of the Arts Center and welcomed any questions.

Ald. Trzebiatowski stated he has taken calls regarding concerns of the donation versus the cost of re-signing, re-labeling and re-addressing everything. He asked if Director Schrader could elaborate on the cost.

Director Schrader said the total cost would be about \$1,500.

Ald. O'Meara **moved**, Ald. Wiza seconded, to approve the minutes and actions of the Board of Park Commissioners meeting of December 4, 2013.

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

27. 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.

28. Appointment of Election Officials for the 2014-2015 Election Cycle.

Ald. Slowinski **moved**, Ald. O'Meara seconded, to approve the appointments.

Roll Call: Ayes: All
Nays: None. Motion carried.
Abstained: Ald. Doxtator, Wiza, Phillips
Excused: Ald. M. Stroik

29. Public Hearing – Dissolving the Community Development Authority of the City of Stevens Point, which is created under Section 66.1335 of the Wisconsin Statutes – Creating a housing authority under Section 66.1201 of the Wisconsin Statutes – Creating a redevelopment authority under Section 66.1333 of the Wisconsin Statutes.

Mayor Halverson declared the public hearing open.

Mary Pichelmann, 1300 Briggs Court, spoke of her concerns that the appointed boards be composed of people involved in the community and who will act independently.

Mildred Neville, 1709 Jefferson Street, asked the Council to take Ms. Pichelmann's comments seriously.

Barb Jacob, 1616 Depot Street, said she does not see a change with the split of the boards and she would like to see the Council be the determining authority.

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

30. Resolution – Dissolving the Community Development Authority and creating the Housing Authority of the City of Stevens Point.

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

Ald. Suomi asked the reason for just four appointees.

Mayor Halverson said the only reason there is not a fifth appointee is because he is still looking for another person to appoint.

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

31. Resolution – Directing the Mayor to appoint seven residents to serve as commissioners of the Redevelopment Authority of the City of Stevens Point.

Ald. Wiza questioned the verbiage of the resolution. He is of the opinion that the Council would direct the Mayor to recommend appointment of seven residents subject to Council approval.

City Attorney Beveridge said the reason for the wording is because the statute says "upon receipt of a certified copy of a resolution directing the Mayor to appoint people, then the Council shall take action on that recommendation". He said it is just reflecting the language in the statute and it will still require Council approval by a 4/5 margin for those appointees.

Ald. Wiza asked if it would change the resolution at all if the Council were to amend to say "we direct the Mayor to recommend appointment of seven city residents".

City Attorney Beveridge said it would be out of line with the language in the statute and that statute specifically states the Council has to approve the appointments upon the receipt of a resolution directing the Mayor to appoint seven members.

Ald. Wiza **moved**, Ald. Moore seconded, to amend that the Council is directing the Mayor of the City of Stevens Point to recommend appointment of seven residents of the City of Stevens Point.

Ald. O'Meara said he prefers to strictly follow the language in the statute due to bond issues.

Ald. Trzebiatowski asked City Attorney Beveridge if there is a certain percentage or number of those board members who are to be members of the Common Council.

City Attorney Beveridge stated one member has to be a member of the legislative body and no more than two may be officers of the City.

Mayor Halverson **called for a voice vote:** Too close to call.

Mayor Halverson then **called for a hand vote:** Ald. in favor: 5; Ald. opposed: 5.

Mayor Halverson broke the tie voting in opposition to the amendment. Motion fails.

Mayor Halverson called for a vote on the original resolution which directs the Mayor to appoint seven residents to serve as Commissioners of the Redevelopment Authority of the City of Stevens Point

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

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

Mayor Halverson then noted he has received a certified copy of the resolution from the Clerk.

32. Ordinance Amendment – Officials, Boards, Employees -- Repealing the Community Development Authority (section 3.19), Repealing the Housing Advisory Committee (section 3.21), Creating a Redevelopment Authority (section 3.51), and Creating a Housing Authority (section 3.52).

Ald. R. Stroik **moved**, Ald. Moore seconded, to approve the ordinance amendment.

Ald. Suomi asked why the combination of both and why not have them separate.

Mayor Halverson said it is more clerical in relation to the municipal code to be in line with the resolutions.

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

**33. Mayoral Appointments:
Redevelopment Authority
Housing Authority**

Ald. Wiza **moved**, Ald. O'Meara seconded, to approve the Mayoral appointments for the Housing Authority.

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

Ald. O'Meara **moved**, Ald. Wiza seconded, to approve the Mayoral appointments for the Redevelopment Authority.

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

34. Adjournment.

Adjournment at 11:40 p.m.