

**City of Stevens Point  
COMMON COUNCIL MEETING**

**Council Chambers  
County-City Building**

**April 21, 2014  
7:00 P.M.**

**Mayor Andrew J. Halverson, presiding**

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

**Also Present:** City Atty. Beveridge, Clerk Moe, C/T Ladick, Directors Schatschneider, Lemke, Schrader, Ostrowski, Police Chief Ruder, Fire Chief Kujawa, Kelly Pazdernik, Mayoral Assistant, Asst. Police Chiefs Zenner, Skibba, Nathanael Enwald-Portage County Gazette, Brandi Makuski-Stevens Point City Times

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

Mayor Halverson stated the terms of members of the Common Council the serve on the Parks Department Committee have not expired.

Mayor Halverson highlighted the award received by the Susan Lempke, transit manager from the Wisconsin Urban and Rural Transit Authority for outstanding public service award for her leadership on March 3<sup>rd</sup> at the capital.

Mayor Halverson congratulated Tracy Kujawa, Fire Chief on the impact she has had on the community and recognized the asset she is to the city by creating the EMS system.

3. **Consideration and possible action of the minutes of the Regular Common Council meeting of March 17, 2014 and the Special Common Council meeting of April 7, 2014 and the Reorganization meeting of April 15, 2014.**

Ald. O'Meara **moved**, Ald. Phillips seconded, to approve the minutes of the Regular Common Council meeting of March 17, 2014 and the Special Common Council meeting of April 7, 2014 and the Reorganization meeting of April 15, 2014.

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.**

Kevin Sorenson, 3180 Sunset Drive, spoke about his candidacy for Sherriff. He outlined his qualification for the position to the Council. These are 30 years of law enforcement, including jail building experience, leadership experience, and the ability to create partnerships.

Reid Rocheleau, 408 Cedar West, Whiting, spoke against the recent committee appointments by the mayor.

Barb Jacob, 1616 Depot Street, informed the council that the Veterans' Memorial has no flag and one should be placed at the park. She also stated the municipal court should have an evening and daytime court session.

Mayor Halverson stated the city will get a flag hung at the Veterans' Memorial as soon as possible. He also explained Judge McKenna has not finalized the schedule for the municipal court yet, but it will be disseminated to the public when he does.

Dave Plaisance, 3241 Nicolet Court, thanked the city for removal of the flood zone.

Mayor Halverson said the flood zone has been removed due to the debilitating nature of flood insurance. FEMA is currently in the review process and when that is done, the city will redraw the flood zone map. The map should be completed around Sept or Oct 2014.

**6. Third Street Concrete Pavement Mix Design Award - Presentation by Rettler Corporation.**

Buck Butler of the Rettler Corporation presented the city with an award from the Wisconsin Ready Mix Association outstanding urban project for the Third Street Downtown project.

Mayor Halverson states the former city engineer Alex Saunders, the current Directors Schatschneider and Ostrowski were the team that made this project successful.

**7. Recognition and Presentation to Police Officers for Commendations of Valor.**

Mayor Halverson introduced Police Chief Ruder to present the valor awards.

Chief Ruder states the police department of Stevens Point is second to none. On March 4, 2014 at 12:45 am, Sgt. Greg Bean and Officers Yenter, Kramer, and Roser were dispatched to 1900 Monroe Street for a structure fire. They displayed extreme courage by displacing their own safety to help those in immediate peril. The extraordinary act to enter a burning building without the aid of protective equipment in pursuit of saving human life goes beyond the scope of normal duty. Sgt. Gregory Bean, Officer Joe Kramer, Officer Aaron Yenter, and Officer Robert Roser received the award of valor.

Mayor Halverson showed appreciation for the unbelievable acts of heroism that occur within the police department. He extended his thanks and presented the sgt. And three officers with a mayoral commendation.

**8. 2013 Stevens Point Police Department Annual Report Presentation.**

Chief Ruder presented the 2013 Police Department Annual Report. He reported on four topics: community proactive campaigns, community action programs, interdepartmental programs, and challenges and improvements in 2014.

Ald. Suomi asked about the dramatic increase in domestic abuse from 2012 to 2013.

Chief Ruder explained the increase was due to changes in coding methods.

Mayor Halverson expressed thanks for the leadership in the police department which is reflected in the quality within the ranks of the department.

### **Consideration and Possible Action on the Following:**

#### **9. Minutes and actions of the Plan Commission meeting of April 7, 2014.**

Jim Jasper, 311 Financial Way, Wausau, requested any questions for the Common Council.

Ald. Moore **moved**, Ald. Doxtator seconded, to approve the minutes of the Plan Commission meeting of April 7, 2014.

Mayor Halverson highlighted that the Plan Commission only allowed vapor bars to be permitted as conditional use in B1 or above.

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

#### **10. Public Hearing – Conditional Use Permit - Request from Point of Beginning, representing Mark Wolf, for the purpose of constructing four, 8-unit apartment complexes at the northwest corner of Badger Avenue and Songbird Lane (Parcel ID's 2408-36-2200-54, 2408-36-2200-55, 2408-36-2200-56, and 2408-36-2200-57).**

Kathy Dugan, 615 Summer Street, expressed concerns about the density of the area, and the appearance and the use of EFIS in the proposed units.

Diane Dickenson, 5626 Regent Street, also expressed concerns about the reduction of surrounding real-estate due to the appearance of the proposed buildings. She supports the encouragement or regulation of the appearance of the project.

David Plaisance, 3241 Nicolet Court, said the project is a good thing as it has no TIFF money and no changes in zoning.

#### **11. Resolution on the above.**

Ald. R. Stroik stated he is also concerned about the box style of the proposed project. He questioned how the changes in appearance would be enforced. He asked for a review of the plans after the changes have been made.

Mayor Halverson said Director Ostrowski would be able to explain the changes asked for by the plan commission.

Director Ostrowski explained new elevation plans with changes of the roof lines and different EFIS colors would have to be resubmitted to the Plan Commission, along with changes in building placement.

Ald. R. Stroik clarifies that the current resolution would put a lot of pressure on the Plan Commission as the new plans do not have to come before the Common Council.

Ald. R. Stroik **moved**, Ald. O'Meara seconded, to postpone until the next round of meetings of the Common Council, as well as the Plan Commission, for a more appropriate review of the change in exterior design to be forwarded by staff to the Plan Commission and then to the Common Council at their meetings in May.

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

**12. Public Hearing – Amending the Official Street Map of the City of Stevens Point by adding the following:**

- a. A 66-foot wide extension of Jefferson Street. Such area starts approximately at the intersection of Jefferson Street and Brilowski Road and extends east to Burbank Road extended.**
- b. A 66-foot wide extension of Badger Avenue. Such area starts approximately at the intersection of Badger Avenue and Jefferson Street extended and extends south to Old Highway 18.**
- c. A 110-foot wide extension of Burbank Road. Such area starts approximately at the intersection of U.S. Highway 10 East and extends south to Old Highway 18.**

Kathy Dugan, 615 Summer Street, asked for the rejection of this amendment so the council could review the upcoming county comprehensive plan. The public was against the city of Stevens Point expanding to the east in the prior comprehensive plan.

**13. Ordinance Amendment on the above.**

Ald. O'Meara said the two extensions are a good idea as they allow the current residents of the area to travel without going onto Hwy 66.

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

Ald. Moore pointed out that this amendment changes the city map, but isn't a guarantee that the roads will actually be changed.

Mayor Halverson explained the 110 foot extension is to support truck traffic in and out of the East Commerce center.

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

**14. Public Hearing – Conditional Use Permit - Request from Richard Bierman, representing the property owner, for the purpose of constructing a service shop and repair facility addition**

**within the wellhead protection district zone B at 5441 Highway 10 East (Parcel ID 2408-35-1300-05).**

Mayor Halverson Declared the public hearing open.

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

**15. Resolution on the above.**

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

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

**16. Public Hearing – Preliminary Subdivision Plat - Request from Jim Jakusz for a preliminary subdivision plat review of a seven lot subdivision at 1901 Brilowski Road (Parcel ID 2408-36-3202-01). (Resolution for Final Plat will be at a later date.)**

Mayor Halverson Declared the public hearing open.

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

**17. Public Hearing – Amending the Zoning Code (Chapter 23 of the RMC) to:**  
**a. Define vapor bars in Section 23.04(2),**  
**b. Place vapor bars as a conditional use within Section 23.02(2)(a) (B-1 Neighborhood Business District and above districts), and**  
**c. Place vapor bars as a permitted use within Section 23.02(2)(c) (B-3 Central Business District and above districts).**

Mayor Halverson Declared the public hearing open.

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

**18. Ordinance Amendment on the above.**

Ald. O'Meara **moved**, Ald. Wiza seconded, to make vapor bars, along with defining them, a conditional use in all districts from B1 and above.

Ald. R. Stroik asked how the amendment will help regulate the illegal use of drugs in vapor canisters.

Mayor Halverson explained that the Plan Commission agreed that there were some dangers which could be addressed through the conditional use process and possibly a requirement for a license for vapor bars as there is for liquor. The establishment with this additional permit could be reviewed for illegal activities. He said the zoning issues are not applicable and the restrictions are the responsibility of the Public Protection Committee and the Clerk's Office to create a licensing process. He stated that zoning deals with concerns such as parking and noise.

Ald. R. Stroik asked if a moratorium would be created if a vapor bar was defined, but no conditional use permit was given.

Mayor Halverson said a moratorium would be created as there is no definition within the zoning code, but he encouraged caution with doing this.

City Attorney Beverage clarifies the legality of using zoning to create a moratorium. He spoke to League Municipality Attorney, Daniel Olson, about the legality of blocking legal activities under state law with zoning. He encouraged the council to ban the use of vapor bars through a different chapter under the municipal code. Although it will be difficult to define where the line is between vapor bars and legal retail outlets that can sell the vapor canisters.

Ald. R. Stroik states a working group is needed to define a vapor bar and not allow the conditional use yet.

Ald. Patton asked if there was an ordinance blocking stores such as El Dorado's from being built.

Mayor Halverson said the city has an ordinance allows sexually oriented stores in the city, but there are specific zoning requirements that must be met.

Chief Ruder encouraged using a license since sanctions can be used to get rid of bad owners who don't handle the legalities of the business.

Mayor Halverson suggested postponing the vapor bar zoning decision until the next council meeting to discuss licensing with the Public Protection Committee.

Ald. Moore said the current amendment lacks the details that need to be determined by the Public Protection Committee, so he would like to postpone.

Ald. O'Meara **withdrew** the motion on the floor.

Ald. Doxtator **moved**, Ald. Wiza seconded, to postpone the amendment until the next round of appropriate Council meetings.

Mayor Halverson explained additional changes may be made to clarify the definition of vapor bar vs. retail establishment.

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

**19. Amending the sublease and developer's agreement with Great Lakes Educational Loan Services.**

Ald. O'Meara **moved**, Ald. Doxtator seconded, to approve amending the sublease and developer's agreement with Great Lakes Educational Loan Services.

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

Nays: None. Motion carried.

**20. Minutes and actions of the Public Protection Committee meeting of April 14, 2014.**

Ald. R. Stroik **moved**, Ald. Suomi seconded, the approval of the minutes and actions of the Public Protection Committee meeting of April 14, 2014.

Ald. R Stroik stated the swans do have a home.

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

**21. Minutes and actions of the Board of Public Works meeting of April 14, 2014.**

Ald. O'Meara **moved**, Ald. Doxtator seconded, the approval of the minutes and actions of the Board of Public Works meeting of April 14, 2014.

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

**22. Minutes and actions of the Finance Committee meeting of April 14, 2014.**

C/T Ladick stated the itemized bill required by Item # 5 has been submitted by the County verifying the additional charges and the charges have been substantiated.

Ald. Slowinski **moved**, Ald. R. Stroik seconded, the approval of the minutes and actions of the Finance Committee meeting of April 14, 2014.

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

**23. Resolution – Reverse the commitment of funds in the Soil Remediation Special Revenue Fund (Fund 222) for the remediation of contaminated properties.**

Ald. Slowinski **moved**, Ald. M. Stroik seconded, the approval of Resolution – Reverse the commitment of funds in the Soil Remediation Special Revenue Fund (Fund 222) for the remediation of contaminated properties.

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

**24. Developer Agreement Amendment and collateral release for Executive Place at Point, LLC.**

Ald. M. Stroik **moved**, Ald. O'Meara seconded, the Developer Agreement Amendment and collateral release for Executive Place at Point, LLC.

Ald. Wiza asked if the Executive Place is current on their property taxes.

C/T Ladick explained they are about \$60,000 behind on their 2013 property taxes.

Ald. Wiza questioned the rationale of releasing the collateral when the property tax payments are not current.

C/T Ladick explained that the city would get \$140,000 cash in place of the collateral if it is released, replacing the collateral with cash.

Mayor Halverson stated back taxes are a separate issue from the collateral. He said the city will be safer taking the \$140,000 for principal reduction of the city loan.

Ald. Wiza stated regardless of the upward trend of property values of the Executive Place that means nothing if taxes are not paid.

C/T Ladick explained that if Executive Place still has delinquent taxes in August, the County will pay the City the delinquent amount.

Ald. Wiza pointed out that city taxpayers would still be responsible for the taxes as the County gets their money from them.

City Attorney Beveridge explained property taxes are secured by the property itself.

Ald. Wiza said he understood that, but value of the property is rarely recovered if it goes to a tax sale. He doesn't think the collateral should be released for a company who isn't current on its property taxes.

C/T Ladick agreed that the delinquent taxes are a concern, but explained he thinks the cash is a better option for the City as the stock that is pledged can be volatile and the land has delinquent property taxes which the City would be responsible for paying if it needed to foreclose.

Ald. Moore asked when the repayment amount changed from \$147,000 to \$140,000.

C/T Ladick stated the Finance Committee chose the \$140,000, but the council ultimately decides the payment amount.

Ald. Moore asked if it didn't make more sense to get \$147,000 from the collateral.

C/T Ladick stated the \$147,000 was the more conservative number. The Council would have to make the choice on the payment for the collateral, but he believes it would be better to have the cash, rather than the collateral currently pledged.

Mayor Halverson agreed with C/T Ladick.

Ald. Slowinski **moved**, Ald. Moore seconded, to amend the motion to change the cash payment from \$140,000 to \$147,000 for the release of the collateral.

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

Ald. Slowinski asked if this fails in the same boat with delinquent taxes and payments.

C/T Ladick explained that although the taxes are behind, the City is charging the developer for the tax shortfall and they are current on that.

Ald. Stroik pointed out that Tim Schertz has invested a lot in this city and it is not necessary to increase the payment.

Mayor Halverson agreed and pointed out that the City has \$1 million invested in a \$3 million dollar project that greatly improved the downtown area. He said the \$147,000 would put the City in a safer position, which reduces the direct principal obligation, which is what really reduced the tax payer's obligations.

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

**25. Minutes and actions of the Personnel Committee meeting of April 14, 2014 and the minutes of the Special Personnel Committee meeting of March 17, 2014.**

Reid Rockeleau, 408 Cedar, Whiting, commented on the mayoral appointment of the Directors. Noting the comments from former Directors, he feels the current system is not working. He believes the Council should do something about it.

Ald. R. Stroik said that bringing up the appointment of the Directors was not about him not liking Mayor Halverson's style, but rather, it has to do with the City's future and he encouraged the new Personnel Committee Chair to continue the discussion. Ald. R. Stroik stated that any progressive community or organization would take opportunities to explore how things are done.

Ald. Wiza thanked Chairman O'Meara for putting his concerns on the Committee's agenda for discussion and possible action.

Mayor Halverson said he understands the Council would like to be more involved. He cautioned the Council to think about the form of government they would like going forward as the Mayor has to have a staff that is aligned with his goals. This is how it should be as the goals of the Mayor are made public during the democratic process. If he does not have the ability to release the individuals working with him if they are not fulfilling the goals, objectives, and the vision of the Mayor, the balance of power shifts to the Common Council. He suggested if the Council is very concerned, a City Administrator should be appointed.

Ald. O'Meara **moved**, Ald. Wiza seconded, the approval of the minutes and actions of the Personnel Committee meeting of April 14, 2014 and the minutes of the Special Personnel Committee meeting of March 17, 2014.

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

**26. Minutes and actions of the Board of Water & Sewerage Commissioners meeting of**

**April 14, 2014.**

Ald. Slowinski **moved**, Ald. M. Stroik seconded, the approval of the minutes and actions of the Board of Water & Sewerage Commissioners meeting of April 14, 2014.

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

**27. Minutes and actions of the Transportation Commission meeting of April 10, 2014.**

Ald. O'Meara **moved**, Ald. Slowinski seconded, the approval of the minutes and actions of the Board of Water & Sewerage Commissioners meeting of April 14, 2014.

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

Mayor Halverson encouraged the council to watch the cost of the Whiting bus service.

**28. Minutes and actions of the Police and Fire Commission meeting of March 18, 2014 and the Special Police and Fire Commission meeting of March 25, 2014.**

Ald. Wiza **moved**, Ald. Phillips seconded, the approval of the minutes and actions of the Police and Fire Commission meeting of March 18, 2014 and the Special Police and Fire Commission meeting of March 25, 2014.

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

**29. Minutes and actions of the Board of Park Commissioners meeting of April 2, 2014.**

Ald. O'Meara **moved**, Ald. Wiza seconded, approval of the minutes and actions of the Board of Park Commissioners meeting of April 2, 2014.

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

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

C/T Ladick reports that Cold Storage wish to take advantage of the \$200,000 loan offered by the City.

Ald. Moore **moved**, Ald. M. Stroik seconded, to place the Statutory Monthly Financial Report of the Comptroller-Treasurer on file.

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

**31. Motion to enter into closed session (approximately 8:00 p.m.) pursuant to section 19.85(1)(e) Wis. Stats., for the deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business,**

**whenever competitive or bargaining reasons require a closed session, relating to the negotiating of the lease/rental of 933 Michigan Avenue (Mid-State Technical College) with the University of Wisconsin-Stevens Point.**

Ald. Suomi **moved**, Ald. Phillips seconded, to enter into closed session at 9:00 p.m.

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

**32. Adjournment.**

The meeting adjourned at 9:18 p.m.