

**City of Stevens Point
COMMON COUNCIL MEETING**

**Council Chambers
County-City Building
1516 Church St**

**May 19, 2014
7:00 P.M.**

Mayor Andrew J. Halverson, presiding

Roll Call: Ald. Doxtator, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Patton, R. Stroik, Philips, 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 did not have any opening remarks.

3. Consideration and possible action of the minutes of the Regular Common Council meeting of April 21, 2014.

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

Bob Fisch, 1033 Smith Street, Chief Bikeman Officer of Pokey Peddling Stevens Point gave an update on his organization. He explained that Pokey Peddling uses rides through key points of the City of Stevens Point to instill pride and build community spirit. He believes bike riding creates a better city. He asked the City to consider bicyclers in the decisions they make and go on at least one Pokey Peddle ride this year to experience bicycling in the city.

Elizabeth Wellso, 1140 Ridge Road, invited the City Council members to join her for a special tour of the Stevens Point Sculpture Park on Monday, June 16th at 6 pm.

6. Presentation by Poppy Princess Anna Rathe.

Mayor Halverson spoke about the tradition of using poppies to recognize the efforts of our veterans. He read a proclamation declaring May 24th the official American Veterans Poppy Day in Stevens Point.

Anna Rathe, Poppy Princess 2014, explained the tradition of wearing red poppies to honor soldier and provide funds for veterans. She read the poem, "In Flanders Fields" by John McCrae.

Consideration and Possible Action on the Following:

7. Minutes and actions of the Plan Commission meeting of May 5, 2014.

Cathy Dugan, 615 Sommers, listed the parking lots affected by the constrained site exemption as Sentry, Ministry, Shopko, Mid-state and Lot 16. She explained her concern with the lack of reduction of green space this change causes.

Ald. Moore **moved**, Ald. Phillips seconded, to approve the minutes of the Plan Commission meeting of May 5, 2014.

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

8. Resolution – Final Subdivision Plat – Request from Jim Jakusz for a seven lot subdivision, Hunter Oaks Second Addition, for the property located at 1901 Brilowski Road (Parcel ID 2408-36-3202-01).

Ald. Slowinski **moved**, Ald. Moore seconded, to approve the resolution for the final subdivision plat for a seven lot subdivision for Hunter Oaks Second Addition.

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

9. Public Hearing – Conditional Use Permit Amendment – Request from Todd Reilly for the purposes of splitting the property at 1717 Riverview Avenue (Parcel IDs: 2308-05-4400-13 through 2308-05-4400-22).

Mayor Halverson declared the public hearing open.

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

10. Resolution on the above.

Ald. Phillips **moved**, Ald. Doxtator seconded, to approve the Conditional Use Permit Amendment request from Todd Reilly for the purposes of splitting the property at 1717 Riverview Avenue.

Ald. R. Stroik asked if the remaining lot would fit a duplex or four-plex.

Dir. Ostrowski said they could still place a duplex or single family home on the remaining lot.

Ald. R. Stroik asked if the amendment to the conditional use permit will decrease the number of duplex they will build by one.

Dir. Ostrowski answered yes.

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

11. Public Hearing – Amend the Revised Municipal Code to allow alternative parking and landscape standards for additions to existing parking facilities that provide consistency with the existing conditions (Section 23.01(14)(g) of the RMC).

Cathy Dugan, 615 Sommers, explained the City didn't have any landscape requirements in the past. She believes landscape requirements are needed for environmental as well as aesthetic reasons, including trees and swales for storm water control.

12. Ordinance Amendment on the above.

Ald. R. Stroik **moved**, Ald. Slowinski seconded, to approve the Ordinance Amendment.

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

13. Ordinance Amendment – Zoning – Define Vapor Bars and Place Vapor Bars as a Conditional Use (Sections 23.04(2) and 23.02(2)(a) of the RMC).

Barb Jacob, 1616 Depot Street Apt. #A, said the current definition used for the zoning amendment is vague and could lead to misunderstandings. She said the Council should postpone the ordinance amendment until a better definition is in place.

Ald. Wiza asked if the City Attorney could find a more understandable definition to address the concerns raised.

City Att. Beverage stated there is a range of interpretation, however with a typical example of an establishment of this type would be very clear. If the Council wishes, language can be added stating a business must also sell the product in addition to having 25% of their area set aside for the use of vapor devices.

Ald. Wiza asked if adding in language "for purposefully accommodating" would make the definition clearer.

City Att. Beverage said that language would refer to the intent of the owner, which is up to interpretation. It may be better to include a clause about the sale of items in the definition if the Council would like to distinguish between a tavern and a vapor bar.

Ald. Wiza **moved**, Ald. M. Stroik seconded, to postpone the Zoning Ordinance Amendment to define vapor bars and place vapor bars as a Conditional Use until next month's round of meetings.

Ald. Moore questioned the need for addressing this issue.

Mayor Halverson explained that the City is facing an accelerating market for opening vapor bars for the consumption of vapor liquids. The City's zoning code has no reference for vapor bars and in the absence of any zoning codes, the establishments are not allowed.

Dir. Ostrowski reaffirmed Mayor Halverson's statement that vapor bars would not be allowed in the absence of zoning codes. If they are allowed and the City starts having problems with them, it is very difficult to go back. The City is trying to be proactive.

Ald. Moore asked why Stevens Point has vapor bars if they are not allowed.

Dir. Ostrowski explained the businesses are retail sales outlets, not vapor bars.

Mayor Halverson commented the retail sales are a legal action. There is nothing stopping these establishments from setting up a lounge area for consumption of the product, which may create traffic or noise problems. He explained placing a vapor bar within a tavern would be great as a tavern is more regulated due to the city licensing and conditional use permit than a straight vapor bar.

Ald. O'Meara asked if the City will be forcing all taverns that have smoking areas currently to obtain an additional license.

Dir. Ostrowski replied no.

Ald. R. Stroik questioned if a convenience store could be considered a vapor bar because a person could use the vapor canisters within the store.

Dir. Ostrowski explained that businesses need to have a specific area carved out for the use of the product to be considered a vapor bar.

Ald. Slowinski asked if several people came into a retail establishment that sold vapor items and started using them in 25% of the space within the store, would that be a vapor bar by definition.

Mayor Halverson agreed there are many underlying issues to discuss, but a vote should be placed on the motion on the floor.

City Att. Beverage answered Ald. Slowinski's question by explaining the City would not consider a retail establishment a vapor bar unless the owner took steps toward making one, such as putting in some couches or coffee tables.

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

14. Minutes and actions of the Personnel Committee meeting of May 12, 2014 and the actions of the Special Personnel Committee meeting of May 19, 2014.

Clerk Moe read the minutes for the Special Personnel Committee meeting of May 19, 2014.

Ald. Phillips **moved**, Ald. Moore seconded, to approve the minutes and actions of the Personnel Committee meeting of May 12, 2014 and the actions of the Special Personnel Committee meeting of May 19, 2014.

Ald. O'Meara **moved**, Ald. Wiza seconded, to **amend** the Personnel Committee meeting minutes of May 12th to include, "Mayor Halverson indicated that was his intent", directly after Ald. O'Meara's statement about including a written record of approvals and denials of the appeals.

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

Ald. Wiza asked when the appeals will be forwarded to the Council.

Mayor Halverson said one week would be given to employees for updates, additions, or removals from the current appeals on file. He and Ald. Phillips will take one week to review and then make the decisions on the appeals.

Ald. O'Meara requested that employees be given until May 30th to change appeals.

Mayor Halverson accepted the request and changed the date to May 30th.

Ald. Moore would like the department heads involved in the appeals process.

Mayor Halverson said he and Ald. Phillips will use their discretion as to the department head use in the appeals process.

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

15. Minutes and actions of the Finance Committee meeting of May 12, 2014.

Ald. Patton **moved**, Ald. Moore seconded, to approve the minutes and actions of the Finance Committee meeting of May 12, 2014.

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

16. Minutes and actions of the Public Protection Committee meeting of May 12, 2014.

Ald. Slowinski **moved**, Ald. Wiza seconded, to approve the minutes and actions of the Public Protection Committee meeting of May 12, 2014, with items 5c and 5d pulled for more discussion.

City Att. Beverage will provide a memo with comments to the Council related to conditional use zoning of vapor bars for discussion at the next Public Protection meeting.

Roll Call: Ayes: All
Nays: None. Motion carried.
Abstained: Ald. Moore

Aaron Lewis, 448 W. Clark Street, requested permission to raise five chickens at his property for the purpose of laying eggs.

Heidi Slowinski, 440 W. Clark Street expressed concerns with bacteria, smells blowing onto her property from the chickens and a reduction of resale value of her house.

Mike Barlow, 1090 Wilshire Drive, spoke in favor of the cleanliness and care of animals by Aaron and Jennifer.

Ald. Wiza asked if the permits are renewable annually.

Clerk Moe explained they are permanent unless concerns are raised from complaints. The owners are contacted first to see if they can fix the problem, if there is no way to correct it, the permit would be brought before Public Protection again.

Ald. Wiza asked if any of the approved permits to raise chickens have ever come back before the Public Protection Committee for review due to complaints.

Clerk Moe replied that he is not aware of any that have been brought before the Committee for permit removal due to complaints.

Ald. Wiza stated he would like to give the owners a chance to prove they can raise chickens without any complaints from the neighbors.

Ald. Wiza **moved**, Ald. O'Meara seconded, to approve raising five chickens for egg-laying purposes, no roosters, subject to Humane Society inspection, at 448 W. Clark Street.

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

Daniel Weisbrot, requested permission to raise seven chickens for egg-laying purposes at 449 W. Harding Ave. He brought in additional signatures and the layout of the coop and run on his property.

Mayor Halverson said he has the signatures for 464 W. Cornell Ave. and 432 W. Cornell Ave.

Ald. Wiza noted that the Council had received an email with the signatures of the neighbors at 465 W. Harding Ave., 433 W. Harding Ave., and 456 W. Harding Ave. He also said he had contacted the Humane Society concerning Mr. Weisbrot's dog incident and the officer he had spoken with did not have any pressing concerns about this location.

Ald. Wiza **moved**, Ald. O'Meara seconded, to approve raising seven hens for egg-laying purposes, no roosters, subject to Humane Society inspection, at 449 W. Harding Ave.

Mayor Halverson stated he had not received a copy of the layout of the coop within the property.

Mr. Weisbrot said he brought layout pictures and pictures of the coop with him for distribution.

Mayor Halverson said since the layout is exactly what the City is looking for; he did not see any problems with Mr. Weisbrot having chickens.

Ald. Suomi will be supporting the motion on the floor, but remarked the City needs to address the fact that people are getting chickens prior to their approval by the Council.

Ald. Slowinski said he supported the motion as all the adjoining neighbors have signed stating they approve of chickens at 449 W. Harding Ave.

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

17. Ordinance Amendment – Public Peace and Offenses – Arrow discharge exceptions (Section 24.14(8) of the RMC).

Ald. Wiza **moved**, Ald. Moore seconded, to approve an ordinance amendment.

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

18. Ordinance Amendment – Municipal Court – Municipal Court procedures (Section 33.06 of the RMC).

Ald. Slowinski **moved**, Ald. M. Stroik seconded, to approve an ordinance amendment.

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

19. Minutes and actions of the Board of Public Works meeting of May 12, 2014.

Cathy Dugan, 615 Sommers Street, spoke about the importance of bicycle lanes within the city and encourages City Council members to consider the two lane bicycle option for the reconstruction of Business 51. Historic preservation and safety would be maintained with this option and lead to a better quality of life. For this same reason, she asked that the City require sidewalks in new development and existing areas without them now. She pointed out that the urban living experience involves walking and biking to work.

Bob Fisch, 1033 Smith Street, expressed concerns that the City will not pay the \$300,000 for the environmental assessment that is needed for the Business 51 Project. If the

assessment is not done the \$450,000 already spent will have been wasted. He believes the study should be completed. He also states that bike and pedestrians should be considered when the new plan is chosen, rather than a car-centric model.

Ald. Doxtator **moved**, Ald. Phillips seconded, to approve the minutes and actions of the Board of Public Works meeting of May 12, 2014.

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

20. Changing the City's infrastructure focus from the Business 51 Project to the Hoover Road/Country Club Drive Grade Separation Project.

Cathy Dugan, 651 Sommers Street, supported shifting the funding from Business 51 now, but requested the Business 51 Project be returned to as soon as possible.

Ald. Slowinski **moved**, Ald. Doxtator seconded, to approve changing the City's infrastructure focus from the Business 51 Project to the Hoover Road/Country Club Drive Grade Separation Project.

Ald. Wiza asked if the City focuses on the Hoover Project, when could the City revisit the Business 51 Project.

C/T Ladick said the plan is 10 years and that is realistic since the project occurs over phases, but the grant funding available in 10 years would determine that for sure. The City needs to stay focused on containing capital spending and debt reduction.

Ald. Wiza verified with C/T Ladick that the grade separation could be done and in 10 years the City would be able to afford to do the Business 51 Project if grant funding stayed the same.

C/T Ladick replied yes.

Ald. Wiza questioned the City's ability to pay for unexpected projects during the next 10 years if the grade separation would be done now.

C/T Ladick explained there can always be unexpected costs, but it is difficult to look that far into the future because most of the borrowing done now will be paid back within 10 years.

Mayor Halverson stated that debt capacity is the most important element for the community moving forward. In order to maintain the City's current bond rating, we can only use 60% of our statutory debt capacity. The City will no longer be doing complete street reconstructs, which will help our debt capacity grow. There will still be capital needs, but as C/T Ladick stated, that is where discipline will be needed.

Ald. Wiza asked if Business 51 could be safely repaired for the next 10 years.

Dir. Schatschneider replied yes, and that the City has been researching what other cities have done in the same situation.

Mayor Halverson asked what the cost of maintenance from the southern city limits to the CN underpass, with all four lanes repaved with 2.5 inches of asphalt, would be.

Dir. Schatschneider said \$1 million, but that it could be done in phases.

Ald. Slowinski asked if the city streets around town will be safe without reconstructs for the next 10 years.

Dir. Schatschneider said it would be a challenge and it will be important to be creative with road maintenance.

Ald. Suomi asked if the \$1 million pavement estimate included fixing the intersections at Division and Maria as well as Division and Fourth.

Dir. Schatschneider replied no.

Mayor Halverson explained the maintenance dollars quoted would only be from the southern city limits to the CN underpass.

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

21. Selecting an overpass with earthen slopes as the Preferred Alternative for the Hoover Road/Country Club Drive Grade Separation Project.

Ald. R. Stroik asked if the affected businesses in the business park were notified and supported the proposed plan.

Mayor Halverson said the businesses are aware of the impact and there will be continued conversations with them. He said they have been very supportive thus far.

Ald. Moore complimented the Council on the choice of an overpass as the two underpasses in the City have flooding problems.

Mayor Halverson explained the \$12.3 million layout has very little disruption even with the sloped sides. This plan would not be possible without the \$500,000 earmark by former Congressman David Obey.

Ald. Slowinski **moved**, Ald. Doxtator seconded, to approve the selection of an overpass with earthen slopes as the preferred alternative for the Hoover Road/Country Club Drive Grade Separation Project.

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

22. Minutes and actions of the Board of Water & Sewerage Commissioners meeting of May 12, 2014.

Ald. Doxtator **moved**, Ald. M. Stroik seconded, to approve minutes and actions of the Board of Water & Sewerage Commissioners meeting of May 12, 2014.

Ald. Doxtator complimented the Water & Sewerage Commissioners on the great job they have been doing.

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

23. Minutes and actions of the Police and Fire Commission meetings of April 8, and May 6, and the Special Police and Fire Commission meeting of April 22, 2014.

Ald. Patton **moved**, Ald. Moore seconded, to approve the minutes and actions of the Police and Fire Commission meetings of April 8, and May 6, and the Special Police and Fire Commission meeting of April 22, 2014.

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

24. Minutes and actions of the Board of Park Commissioners meeting of May 6, 2014.

Ald. O'Meara **moved**, Ald. Phillips seconded, to approve the minutes and actions of the Board of Park Commissioners meeting of May 6, 2014.

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

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

Ald. Moore **moved**, Ald. R. Stroik seconded, to approve the Statutory Monthly Financial Report of the Comptroller-Treasurer.

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

26. Motion to enter into closed session (approximately 8:15 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. Phillips **moved**, Ald. R. Stroik seconded, to enter into closed session.

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

27. Motion to reconvene into open session.

- 28. Motion to enter into closed session (approximately 8:30 p.m.) pursuant to section 19.85(1)(g) Wis. Stats., for conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or likely to become involved, relating to the contract with Carlson Dettmann Consulting regarding pay plan study services.**

Ald. R. Stroik **moved**, Ald. Slowinski seconded, to enter into closed session.

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

- 29. Adjournment.**

Adjourned at 9:04 p.m.