

**City of Stevens Point
REGULAR COUNCIL MEETING**

Council Chambers
County-City Building
1516 Church St

October 19, 2015
7:00 P.M.

Mayor Mike Wiza Presiding

ROLL CALL: Ald. Mrozek, Ryan, Oberstadt, Van Stippen, Slowinski, Kneebone, Patton, McComb, Phillips, Morrow.

EXCUSED: Ald. Doxtator.

ALSO

PRESENT: City Attorney Beveridge, C/T Ladick, City Clerk Moe; Directors Ostrowski, Schatschneider, Lemke, Schrader; Fire Chief Finn, Interim Police Chief Skibba, City Assessor Shepro, Human Resources Manager Jakusz, Mayoral Assistant Pazdernik,

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

Mayor Wiza stated the operational budget presentation is scheduled for Tuesday, October 27, 2015, 6:00 p.m. at the library.

3. *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.

Mayor Wiza reminded everyone to register at this time for a specific agenda item.

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

Andrew Nitzke, 929 Clark Street, stated in the alley way between his apartment and the Water Street Grille, there are two malfunctioning exhaust fans which create a noise disturbance for himself and Father Fat's restaurant. He stated he has reported this numerous times to his landlord and the Water Street Grille as well as to the City with no response and is here tonight as a last option to notify City Council of this potential violation.

Roger Trzebiatowski, 3309 McCulloch Street, thanked the City Council for approving the loan for Edgewater. He also asked the City Council to take advantage of a business that is voluntarily requesting annexation into the City of Stevens Point.

Bob Fisch, 1033 Smith Street, thanked the Common Council for adopting the Bicycling and Pedestrian Plan. He stated this will promote additional interest in recreational bicycling as well as an increase in bicycling transportation.

Mayor Wiza reported this Saturday at SPASH is the Empty Bowls Fundraiser. He encouraged everyone to come out and support this worthwhile event.

5. Recognition by the Daughters of the American Revolution (Beverly West) to the Stevens Point Police Dept.

Beverly West and Michelle Adler, Representatives of the Daughters of the American Revolution Stevens Point Chapter, presented Interim Chief Skibba and Mayor Wiza with Certificates and Notes of Appreciation for service to the Stevens Point community. Ms. West added this is the 125th Anniversary of the Stevens Point Chapter of the Daughter's of the American Revolution.

Consideration and Possible Action on the Following:

6. Minutes of the Regular Common Council meeting of September 21, 2015.

Ald. Phillips **moved**, Ald. Slowinski seconded, to approve the minutes of the Regular Common Council meeting of September 21, 2015.

Call for the Vote: Ayes: All.
Nays: None. Motion adopted.

7. Minutes and actions of the Plan Commission meeting of October 5, 2015.

Ald. Morrow **moved**, Ald. Mrozek seconded, to approve the minutes and actions of the Plan Commission meeting of October 5, 2015.

Call for the Vote: Ayes: All.
Nays: None. Motion adopted.

8. Resolution – Conditional Use Permit – 1200 Crosby Avenue (Pfiiffner Pioneer Park) – activities relating to open space leisure, instructional, or recreational activities requiring disruption of natural conditions, specifically relating to the construction of Cultural Commons.

Kathy Dugan, 615 Sommers Street, stated she objected to this project for two reasons: 1) the public was not involved in any of the planning and discussions and, 2) the natural conditions will be disrupted and it should be left as is.

Aaron Kadoch, 718 Linwood Avenue, spoke in favor of the conditional use permit. He stated a diverse group of citizens developed the plans and the project is meant to be inclusive for everyone to enjoy the gardens and beauty of the park.

Mayor Wiza stated that many private entities have worked with the City to provide enhancements which benefit the community. He cited examples such as the dog park, the skate park and the KASH playground.

Ald. Patton asked who would be responsible for the landscaping and maintenance of the property.

Mayor Wiza stated there was a Memorandum of Understanding that was included in the packet that provides for all of the upkeep in perpetuity.

Ald. Phillips **moved**, Ald. Oberstadt seconded, to approve the conditional use permit at 1200 Crosby Avenue.

Call for the Vote: Ayes: Ald. Morrow, Phillips, McComb, Patton, Kneebone, Slowinski, Van Stippen, Oberstadt, Ryan, Mrozek.
Nays: None. Motion adopted.

9. Ordinance Amendment – City of Stevens Point Comprehensive Plan Extraterritorial Land Use Map – for the purposes of classifying a future land use designation, Commercial / Office, for 1230 Second Street.

Roger Trzebiatowski, 3309 McCulloch Street, stated he was in favor of this Comprehensive Plan and asked the City Council to please consider adopting the ordinance amendment. He stated the City should accept an individual who would voluntarily seek annexation.

Mark Erwin, 533 Second Street North, stated he would like to have all his business and property in one municipality. He stated the City of Stevens Point has been very fair and he would like to annex this property into the City.

John Holdridge, 710 Hofmeister Drive, Chairman of the Town of Hull, stated he would be in favor of a boundary agreement between the Town of Hull and the City of Stevens Point. He stated a boundary agreement would eliminate conflict between the two municipalities.

Ald. McComb asked Mr. Holdridge if Mr. Erwin's request was approved, would it resolve the legal problems.

Mr. Holdridge stated he was not able to comment on that matter.

Jerry Moore, 317 Division Street North, stated this is a straight forward vote just on a map change. This is not a vote to annex any property at this time.

Bob Enright, 5253 Algoma Street, stated he would encourage an intergovernmental agreement which would foster cooperation between the Town of Hull and the City of Stevens Point.

Ald. Kneebone stated she was opposed to this as presented at the Plan Commission meeting.

Ald. Morrow asked how an area can be rezoned if it is not part of the City.

Director Ostrowski stated the first step in this process is for a Comprehensive Plan which would be used to identify land use and straighten out the boundaries.

Mr. Schuler, Portage County Planning and Zoning, stated there needs to be a shared vision with the Portage County Plan Commission in working with the Town of Hull and the City of Stevens Point to develop the land use potential.

Ald. McComb asked if the ordinance would not be approved, would it prevent the Erwin's from building on the property.

Mayor Wiza stated there is currently a building on the property which meets the equal zoning requirements of the City, but it would need to meet City storm water and setback requirements.

Ald. Morrow **moved**, Ald. Mrozek seconded, to approve the City of Stevens Point Comprehensive Plan Extraterritorial Land Use map.

Call for the Vote: Ayes: Ald. Mrozek, Ryan, Oberstadt, Van Stippen, Slowinski, Patton, Phillips, Morrow.
Nays: Ald. Kneebone, McComb. Motion adopted.

10. Minutes and actions of the Public Protection Committee meeting of October 12, 2015.

Ald. Mrozek **moved**, Ald. Van Stippen seconded, to approve the minutes and actions of the Public Protection Committee meeting of October 12, 2015.

Call for the Vote: Ayes: All.
Nays: None. Motion adopted.

11. Minutes and actions of the Board of Public Works meeting of October 12, 2015.

Ald. Ryan **moved**, Ald. McComb seconded, to approve the minutes and actions of the Board of Public Works meeting of October 12, 2015.

Call for the Vote: Ayes: All.
Nays: None. Motion adopted.

12. Ordinance Amendment – Traffic – Parking restrictions on sections of Isadore Street.

Ald. Ryan **moved**, Ald. Mrozek seconded, to approve the ordinance amendment on sections of Isadore Street.

Call for the Vote: Ayes: Ald. Morrow, Phillips, McComb, Patton, Kneebone, Slowinski, Van Stippen, Oberstadt, Ryan, Mrozek.
Nays: None. Motion adopted.

13. Minutes and actions of the Personnel Committee meeting of October 12, 2015.

Mayor Wiza questioned item #5 and asked Director Lemke to clarify the request to move the utility management employees to the Central States Health Plan.

Director Lemke stated item #5 included utility, transit and airport employees and is a health care change. He stated it would eliminate an employee fulfilling two different deductible requirements when a promotion occurred.

Ald. Phillips questioned if this involved union certification.

Director Lemke stated no, this was simply a health care plan.

H.R. Manager Lisa Jakusz stated that the Teamsters require the City to pay a premium for the employee whether the employee takes the insurance or not. The City does require the employee to take single coverage and contribute 10% for the employee portion of the premium.

Mayor Wiza stated after discussion with the City Attorney, this item was listed inappropriately, as utility management employees and action on this item would be restricted to the water department employees only. He stated no action can be taken for the airport or transit employees.

Ald. Phillips **moved**, Ald. Morrow seconded, to approve the minutes and actions of the Personnel Committee meeting of October 12, 2015 which would include only the utility management employees.

Call for the Vote: Ayes: All.
Nays: None. Motion adopted.

14. Ordinance Amendment – Alderperson position salary adjustment.

Roger Trzebiatowski, 3309 McCulluoch Street, stated the last time Alderpersons received a pay adjustment was in 2003-04 and would encourage approval of this ordinance amendment. He stated this pay change would occur for the 2016-17 elected alderpersons.

Ald. Kneebone stated this would be for the April 2016 elected officials.

City Attorney Beveridge stated elected officials cannot vote on pay raises for themselves.

Ald. Patton **moved**, Ald. McComb seconded, to approve the ordinance amendment for an Alderperson position salary adjustment.

Call for the Vote: Ayes: Ald. Ryan, Oberstadt, Van Stippen, Slowinski, Kneebone,
Patton, McComb, Phillips, Morrow.
Nays: Ald. Mrozek. Motion adopted.

15. Resolution – Municipal Court Judge salary adjustment.

Mayor Wiza stated this would be effective with the next judicial term.

Ald. Phillips **moved**, Ald. Ryan seconded, to approve the resolution for Municipal Court Judge salary adjustment.

Call for theVote: Ayes: Ald. Morrow, Phillips, McComb, Patton, Kneebone,
Van Stippen, Oberstadt, Ryan, Mrozek.
Nays: None. Motion adopted.

16. Review of Administrative Policy 2.11 for disciplinary language clarification (Discussion only).

Mayor Wiza stated this item is for discussion only for possible language clarification to the disciplinary policy. He stated the current policy and proposed language have been enclosed for the discussion. Mayor Wiza stated this was done to provide a clearer outline for disciplinary action and objections to those actions. He stated appointments for Department Heads are now permanent unless there was a violation of administrative policy. Mayor Wiza stated this put all employees on the same level.

Ald. Kneebone stated it is a good idea for everyone to know the conditions of their employment as it promotes job security, stability and it protects both the City and the employees.

Ald. Patton asked if Department Heads are no longer appointed as a condition for employment, how do we know if they are or are not being pressured.

Mayor Wiza stated that the Department Heads are professionals, take their responsibilities seriously and good, open communication is essential. He said it is important to provide clarification to these guidelines for every employee.

Ald. Van Stippen stated he believes 'just cause' language is important for all employees of the City of Stevens Point.

Ald. McComb stated the proposed amended language strengthens the policy, brings additional clarity and she supports it.

Ald. Oberstadt stated she is in favor of the changes because it adds protection for the employees. She asked if there were any ongoing situations with the City concerning any employee that would necessitate the proposed changes.

Mayor Wiza stated there are no current situations within the City.

Ald. Phillips stated he is against this change as it will muddy the water. He stated the current policy works and there is no reason to change. Ald. Phillips stated the proposed changes would prolong the process.

Ald. Ryan asked if the proposed changes would provide protection to the City should a disciplinary action go to court.

City Attorney Beveridge stated there are 6 steps of appeal and it would be very difficult to advance a complaint to a circuit court unless state statutes were violated. He added it would have to be shown that due process was not provided.

Ald. Slowinski agreed with Ald. Phillips and asked who determines what is or isn't reasonable.

Mayor Wiza asked if anyone has a better word than "reasonable," please speak up.

Ald. Mrozek asked if other municipalities' policies have been reviewed for adaptation and consideration to Stevens Point's administrative policy.

Mayor Wiza stated several other cities, such as River Falls and Milwaukee had the exact language or very similar language to what is being proposed.

Ald. Van Stippen asked if municipalities have just been given the authority to make these changes within their ordinances.

City Attorney Beveridge stated Act 10 altered what the statutes defined as mandatory subjects of bargaining for all employees. He added that Act 10 did not include bus drivers, police officers and fire staff. City Attorney Beveridge stated the word "reasonable" has been widely recognized and utilized by the courts and cautioned totally eliminating it from the disciplinary policy.

Mayor Wiza stated that this item was for discussion only and noted there was interest among several Alderpersons that would warrant bringing this before City Council next month. He called upon HR Manager Jakusz to offer insight into the proposed changes.

H.R. Manager Jakusz provided everyone with a brief history of some of the administrative and disciplinary policies. She stated decisions concerning employee discipline or termination is never easy, done in haste or taken lightly. HR Manager Jakusz stated before an employee is terminated, both the Department Head and the City Attorney must sign off on the termination.

H.R. Manager Jakusz stated she surveyed area communities and 33 responded, of which 23 stated they have an 'at will' policy, which is less restrictive than the City of Stevens Point, and five maintain a 'just cause' standard.

Ald. Phillips asked if H.R. Manager Jakusz would recommend the City Attorney and Mayor review the proposed language to see if it coincides with the current language.

H.R. Manager Jakusz stated the proposed language is not the same as the City currently has, it is a higher standard.

Ald. Phillips asked how the new language would affect the Directors when confronted with a disciplinary case, i.e., would the process take longer.

H.R. Manager Jakusz replied that she believes the process would take longer.

Ald. Phillips asked if any Directors or Managers were in favor of the new language.

H.R. Manager Jakusz stated to the best of her knowledge, no one was in favor of the changes.

Mayor Wiza stated the intent of the policy and language changes was to foster discussions among management staff and to clarify vague language in the current administrative policy.

Ald. Ryan stated he would have a difficult time supporting these changes in light of the fact that Managers and Directors do not support these changes.

Director Lemke stated in order to make language changes for the future, it would be best to look at the problems experienced with the current language.

Ald. Mrozek asked Director Lemke if the words 'at will' had been in place, would it have made his decision of employee termination any easier. She asked if it would be possible to obtain copies of 'at will' policies to review.

Director Lemke stated there seems to be confusion with the proposed language and rather than incorporate that into a policy, consider what problems occurred with the existing policy and move forward with problem solving. He added he would discuss with any Alderperson his experience with the process of employee termination and disciplinary action.

Mayor Wiza stated no 'at will' language is being considered. He added the goal is to do the best good for the most people.

17. Minutes and actions of the Finance Committee meeting of October 12, and the minutes of the Special Finance Committee meeting of September 21, 2015.

City Attorney Beveridge advised a motion to approve the Finance Committee minutes exclude agenda item #5 as these were ordinance amendments that had not been listed separately.

Ald. Slowinski **moved**, Ald. Oberstadt seconded, to approve the minutes and actions of the Finance Committee meeting of October 12 and the Special Finance Committee meeting of September 21, 2015 and postpone agenda item #5 of the October 12, 2015 meeting until next month.

Call for the Vote: Ayes: Ald. Mrozek, Ryan, Oberstadt, Van Stippen, Slowinski, Kneebone, Patton, McComb, Phillips, Morrow.
Nays: None. Motion adopted.

18. Withdrawal from the Local Government Property Insurance Fund.

C/T Ladick stated the new insurance would be cheaper for the City.

Ald. Slowinski **moved**, Ald. Phillips seconded, to approve the withdrawal from the Local Government Property Insurance Fund.

Call for the Vote: Ayes: Ald. Morrow, Phillips, McComb, Patton, Kneebone, Slowinski, Van Stippen, Oberstadt, Ryan, Mrozek.
Nays: None. Motion adopted.

19. Minutes and actions of the Board of Water and Sewerage Commissioners meeting of October 12, 2015.

Ald. Mrozek **moved**, Ald. Kneebone seconded, to approve the minutes and actions of the Board of Water and Sewerage Commissioners meeting of October 12, 2015.

Call for the Vote: Ayes: Ald. Mrozek, Ryan, Oberstadt, Van Stippen, Slowinski, Kneebone, Patton, McComb, Phillips, Morrow.
Nays: None. Motion adopted.

20. Minutes and actions of the Board of Park Commissioners meeting of October 5, 2015.

Ald. Phillips **moved**, Ald. Morrow seconded, to approve the minutes and actions of the Board of Park Commissioners of October 5, 2015.

Call for the Vote: Ayes: All.
Nays: None. Motion adopted.

21. Minutes and actions of the Police and Fire Commission meeting of September 1, 2015 and the Special Police and Fire Commission meetings of September 15, 21, 23, and 30, 2015.

Ald. Phillips **moved**, Ald. Ryan seconded, to approve the minutes and actions of the Police and Fire Commission meeting of September 1, 2015 and the Special Police and Fire Commission meetings of September 15, 21, 23 and 30, 2015.

Call for the Vote: Ayes: All.
Nays: None. Motion adopted.

22. Minutes and actions of the Airport Commissioners meeting of October 12, 2015.

Ald. Mrozek **moved**, Ald. Phillips seconded, to approve the minutes and actions of the Airport Commissioners meeting of October 12, 2015.

Call for the Vote: Ayes: All.
Nays: None. Motion adopted.

23. Minutes and actions of the Smongeski Health Fund meeting of October 12, 2015.

Ald. McComb **moved**, Ald. Slowinski seconded, to approve the minutes and actions of the Smongeski Health Fund meeting of October 12, 2015.

Call for the Vote: Ayes: All.
Nays: None. Motion adopted.

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

Ald. Phillips **moved**, Ald. Kneebone seconded, to approve and place on file the monthly Financial Report of the Comptroller-Treasurer.

Call for the Vote: Ayes: All.
Nays: None. Motion adopted.

25. Adjournment.

The meeting was adjourned at 8:50 p.m.