

**City of Stevens Point
REGULAR COUNCIL MEETING**

Council Chambers
County-City Building
1516 Church St

April 18, 2016
7:00 P.M.

Mayor Mike Wiza, Presiding

ROLL CALL: Ald. Doxtator, Mrozek, Ryan, Oberstadt, Johnson, Slowinski, Kneebone, Patton, McComb, Phillips, Morrow.

OTHERS

PRESENT: City Attorney Beveridge, C/T Ladick, City Clerk Moe; Directors J. Lemke, Ostrowski, Schatschneider; Assessor Shepro; Fire Chief Finn; Police Chief Skibba; H.R. Manager Jakusz; Mayoral Assistant Pazdernik; Nate Enwald, P.C. Gazette; Brandi Makuski, City Times.

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

Mayor Wiza thanked the community for their support for the WWSP Trivia event this past weekend. He asked for a moment of silence in remembrance for George Hansen and his service to the City of Stevens Point.

Mayor Wiza stated if there were no objections, he would like to act upon agenda item #18 immediately after the Mayoral Proclamation. There were no objections.

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 asked citizens to register to speak at this time.

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

David Shorr, 2509 Peck Street, new District #2 Alderperson, introduced himself and thanked voters for their support. He also thanked Ald. Mrozek for her service to the City of Stevens Point.

Lorelei Bassler, UWSP, encouraged the City Council to implement a better lighting code and pass ordinances to preserve starlight.

Dave Cooper, 2125 Oak Street, represents Stevens Point Youth Baseball Association (SPYBA). He stated the Association encourages boys and girls ages 5 through 15 to play baseball and teaches them teamwork and sportsmanship. Mr. Cooper stated the opener is May 7, 2016 and invited all to support SPYBA.

5. Presentation by Kent Hall – Bird City Wisconsin Designation.

Dr. Kent Hall presented Mayor Mike Wiza with the Award for Bird City Wisconsin. He stated this was the sixth consecutive year for the Bird City designation and the fifth year for the "High Flyer" designation. Dr. Hall cited bird statistics and referred to a map which showed the distances migratory birds must endure and sustain.

6. Proclamation – Proclaiming the week of April 24, 2016 as Creative Economy Week.

Mayor Wiza proclaimed the week of April 24 as Creative Economy Week. He outlined various activities occurring in the community. Mayor Wiza stated creative, innovative art enriches the Stevens Point community and the lives of its citizens.

Consideration and Possible Action on the Following:

***18. Resolution – Authorizing and Providing for the Sale and Issuance of \$3,340,000 General Obligation Refunding Bonds, Series 2016B, and All Related Details.**

Greg Johnson, Ehler's, stated with the refinancing effort, the City will borrow less and will receive more than \$120,000 in savings.

Ald. Slowinski **moved**, Ald. Phillips seconded, to approve the Authorizing and Providing for the Sale and Issuance of \$3,305,000 General Obligation Refunding Bonds, series 2016B and all related details.

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

7. Minutes of the Regular Common Council meeting of March 21, 2016.

Ald. Phillips **moved**, Ald. Morrow seconded, to approve the minutes of the Regular Common Council meeting of March 21, 2016.

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

8. Minutes and actions of the City Plan Commission meeting of April 4, 2016.

Ald. Doxtator **moved**, Ald. Kneebone seconded, to approve the minutes and actions of the City Plan Commission meeting of April 4, 2016.

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

9. Resolution – Conditional Use – 3256 Church Street – Permit amendment for the purposes of operating an indoor storage facility.

Dir. Ostrowski recommended the City Council approve the recommendation from the Plan Commission.

Ald. Kneebone **moved**, Ald. Oberstadt seconded, to approve the permit amendment for the purposes of operating an indoor storage facility as originally recommended by the Plan Commission.

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

10. Resolution – Conditional Use – 1748 Water Street and the adjacent unaddressed parcel – Construct a Municipal Service and Operational Facility Garage.

Ald. Slowinski **moved**, Ald. Doxtator seconded, to approve the conditional use request for 1748 Water Street and the adjacent unaddressed parcel to construct a municipal service and operational facility garage.

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

11. Ordinance Amendment – Zoning – Nonconforming Premises – Permit additions, alterations, and modifications to structures where the nonconformity is not affected (Subsection 23.01(17) of the RMC).

Dir. Ostrowski explained this amendment would allow additions to properties as long as those additions meet the ordinance requirements.

Mayor Wiza stated the Plan Commission approved the ordinance amendment.

Ald. Oberstadt **moved**, Ald. Kneebone seconded, to approve the ordinance amendment – zoning – nonconforming premises permit additions, alterations, and modifications to structures where the nonconformity is not affected.

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

12. Ordinance Amendment – Zoning – Clarify garage street front and corner side yard setback requirements for “R-TND” Traditional Neighborhood Development Overlay District (Subsection 23.02(1)(h) of the RMC).

Ald. Kneebone **moved**, Ald. Phillips seconded, to approve the ordinance amendment to clarify garage street front and corner side yard setback requirements for “R-TND” Traditional Neighborhood Development Overlay District.

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

13. Minutes and actions of the Personnel Committee meeting of April 11, 2016.

Clerk Moe stated he agreed with Ald. Kneebone, Patton and Oberstadt with their concerns regarding item #1. He said the way the policy is currently written, it is only those employees who are approved by the Review Committee would come before the Personnel Committee. Clerk Moe believes employees should have the right to come before the Council to make their case and that the Council should decide.

Ald. Phillips **moved**, Ald. Slowinski seconded, to approve the minutes and actions of the Personnel Committee meeting of April 11, 2016 as written.

Ald. Johnson stated she received an email from an employee concerned that an employee could possibly be overlooked and would not have an opportunity for an appeal.

Mayor Wiza believes standing rule 2.05 allows any Alderperson to bring forward a concern to the appropriate committee. He deferred to Attorney Beveridge for further explanation.

Ald. Kneebone stated in the Personnel minutes, the names of both the denied and approved employees would be given to the committee.

Mayor Wiza stated there is a concern that there appears to be no mechanism in place in the Administrative Code to appeal a denial from the Review Committee.

City Attorney Beveridge clarified Ordinance 2.05 is silent as to who can introduce matters to the body. He thinks in the event that the Review Committee reaches a decision that an alderperson disagrees with they can raise a concern to department heads, elected officials or it could be addressed before the Council.

Ald. Morrow said the policy amendment as written does not allow for an employee to appeal.

Mayor Wiza said that if an alderperson disagreed with a decision of the Review Committee they could bring it before the Council. He asked the City Attorney if that is correct.

City Attorney Beveridge agreed but not because it is written in an ordinance or policy but more in the sense politically that an alderperson who wished to raise an issue would be prevented from doing so.

Mayor Wiza said that's typically how we have handled things in the past.

Ald. Patton asked what the process would be if an alderperson wanted the Council to overturn a decision.

Mayor Wiza said that if an alderperson disagreed with a decision the Review Committee made they could ask that it be included on the agenda and that request would be honored.

Ald. Slowinski asked if the actions of the Review Committee come before the Council for approval or does it end at the committee.

Mayor Wiza said it would still come to the Council for approval.

Ald. Slowinski said there would be an opportunity to address it at that point.

Mayor Wiza stated the Personnel Committee would get a complete list from the Review Committee of every individual requesting reclassification and those recommended for approval.

Clerk Moe stated it is what is written in the policy, not what the discussion was in Committee. He asked the City Attorney for clarification that if there was a denial, it would require an Alderperson to bring it before City Council on behalf of the employee.

City Attorney Beveridge said that is correct but it is not written in an ordinance or policy. There is no mechanism for a denial to go automatically to the Personnel Committee. He would expect that if an alderperson wanted to bring a denied request forward that they would not be prevented from doing so. City Attorney Beveridge said alderpersons could create an automatic consideration, whether approval or denial, they could do that.

Mayor Wiza stated an amendment to the policy to include the list of all names being considered for reclassification be sent to the Personnel Committee would be appropriate.

City Attorney Beveridge said there seems to be members interested in having the Review Committee's recommendations presented to the Personnel Committee.

Ald. McComb asked if an employee's reclassification request was denied, the defacto way for an employee to appeal the denial would be to contact an Alderperson and ask that it be brought before the Council.

Mayor Wiza stated yes, this would be very appropriate, this would also be true for department heads or members of the Review Committee. He added ultimately it would come down to listening to the request and trusting the recommendations of the Directors who manage those positions.

Ald. Slowinski reviewed a scenario where requests were approved and denied. He believes that all requests would go before the Council. He doesn't understand all the conversation about an employee who was denied having to go to an alderperson to get his appeal heard. Ald. Slowinski said he thought it would be on the agenda as a whole when the Council hears the review process.

Mayor Wiza said it will, yes. The list will be presented to the alderpersons of employees asking for a reclassification as well as what the Review Committee recommended. If someone objects then they can bring it up whenever that action is considered.

Ald. Doxtator said he would like to see an amendment to send all approvals and denials to the Personnel Committee from the Review Committee so employees do not fall through the cracks.

City Attorney Beveridge explained that as the policy is currently written, the Personnel Committee would only get the list of those employees getting potentially reclassified. He said the only way alderpersons would know which requests were denied is by comparing the list of those who asked for a reclassification to the list of those recommended for reclassification by the Review Committee. City Attorney Beveridge said what Ald. Doxtator is asking for is something different in where all the approvals and denials are sent to the Personnel Committee.

Ald. Patton asked why not eliminate the subcommittee and have the Personnel Committee approve or deny the requests and it simply ends at that point. He said it would eliminate another step of bureaucracy.

Mayor Wiza stated that could certainly be done; however, the expertise that lies with the Personnel Committee differs greatly from the department head, the Comptroller/Treasurer and the people listed on the subcommittee. He said that is why the subcommittee was discussed because the alderpersons, while they are very well versed in what occurs through most of the

City, would find it very difficult for someone to know what a specific employee does. Mayor Wiza stated he would hope that would be left to the experts who supervise that employee, who knows what that employee does, the C/T who would know what the fiscal impacts would be with a reclassification, the Personnel Manager who would know what the ramifications would be to Personnel and the ripple effect that it could cause to other employees in a different department. He stated that is why the Review Committee was created.

Ald. Patton stated information about agenda items are usually shared by the department heads or discussed at the time of the council meeting.

Mayor Wiza replied yes. He said the Review Committee would be charged with reviewing all of the considerations and making a recommendation to the Personnel Committee and subsequently to the Council for those who would be approved for reclassification.

Ald. Patton stated at the Personnel Committee meeting, they would just stand up and state the reasons why.

Mayor Wiza replied yes. He stated he expected this information to be provided to the alderpersons for the reclassification. Mayor Wiza said this would be the same as is currently done, recommendations on projects come from the department heads. He said alderpersons get a list of recommendations and it is up to the Council to determine whether or not you are going to trust the individuals making those decisions and providing that information or not.

Ald. Patton asked what the difference was between having a subcommittee or just a Monday morning or staff meeting.

City Attorney Beveridge stated the difference is consistency in the process. He said he would anticipate the Personnel Committee would have questions and would seek input from appropriate staff members on the requests. City Attorney Beveridge stated that having a specified group of people who can vote on it and put forward a written recommendation based on that vote ahead of time, first of all gives the Committee some insight prior to actually talking about it at the meeting in order to look at what the recommendation is. He added it also insures that each one is going to be addressed in the same manner so that there is no appearance or occurrence of "ad hoc" recommendations being made that affect employees' salaries.

Mayor Wiza stated, there is an entire city staff at your disposal who make recommendations at every single meeting. He added it is up to this body to determine whether or not the Council is going to put your trust in these people, the experts who are making these recommendations to you. He added it is up to Council whether or not to accept those recommendations.

Ald. Mrozek stated she would be opposed to having the reclassifications come before the Personnel Committee and City Council as a first step. She added she would not be in favor of that level of micromanagement by City Council.

Ald. Kneebone asked for clarification of the process. She believes the process is: a request for reclassification is made by an employee to the Department Head, which in turn submits the request to the Review Committee for approval or denial, which is then submitted to the Personnel Committee and ultimately the City Council. She added an objection could be made at the Personnel Committee level as well as the full City Council.

Mayor Wiza replied yes.

H.R. Manager Jakusz stated part of the Review Committee process is to remove the politics out of a request for reclassification. She stated it is important to stay focused on the requirements of the position as well as the overall pay study.

Mayor Wiza stated the Review Committee will submit a list of all reclassification requests to the Personnel Committee as well as those recommended for approval. He added that by default those that are not recommended for approval are denied.

Call for the Vote: Ayes: Majority.
Nays: Minority. Motion adopted.

14. Minutes and actions of the Public Protection Committee meeting of April 11, 2016.

Ald. Slowinski **moved**, Ald. Phillips seconded, to approve the minutes and actions of the Public Protection Committee meeting of April 11, 2016 and to pull item #3 for further discussion.

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

DISCUSSION OF ITEM #3: Appeal of service charge for property maintenance violation
2400 Nebel Street.

Ald. Slowinski stated he was concerned that upholding the appeal would be similar to opening a Pandora's Box. Ald. Ryan and Kneebone agreed with Ald. Slowinski.

Dir. Ostrowski stated the purpose of the citation is to achieve compliance and not generate income. He also agreed with Ald. Slowinski and added that reversing the citation requires more paperwork for the Treasurer's office. Dir. Ostrowski stated exceptions can be allowed for extenuating circumstances.

Ald. Phillips **moved**, Ald. Slowinski seconded, to reverse the decision made at the Public Protection Committee meeting and uphold the service charge assessed to 2400 Nebel Street.

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

15. Ordinance Amendment – Public Peace and Offenses – Reauthorization and amendment of the Chronic Nuisance Premises ordinance (Section 24.51 of the RMC).

Ald. Doxtator **moved**, Ald. Ryan seconded, to approve the ordinance amendment – public peace and offenses – reauthorization and amendment of the chronic nuisance premises ordinance.

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

16. Ordinance Amendment – Licenses and Permits – Creating section related to alcohol sales at small grocery stores (Section 12.14(h) of the RMC).

Ald. Slowinski **moved**, Ald. Morrow seconded, to approve the licenses and permits creating a section related to alcohol sales at small grocery stores.

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

17. Minutes and actions of the Finance Committee meeting of April 11, 2016 and the Special Finance Committee meeting of April 1, 2016.

Dir. Ostrowski stated the contract was approved with the staff recommended changes at the Finance Committee. He stated the total cost for the generator repair was \$9,700 and asked that to be included as part of the Edgewater project.

Ald. Slowinski **moved**, Ald. Johnson seconded, to approve the minutes and actions of the Finance Committee meeting of April 11, 2016 and the meeting of April 1, 2016 and to include the \$9,700.

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

19. Development Agreement with Cobblestone Hotel Development LLC, to construct a hotel within Tax Incremental Financing District #6.

Mayor Wiza stated there were emails in support of the project that arrived late and were forwarded to the Alderpersons.

Mary Ann Laszewski, 1209 Wisconsin Street, stated this was an inappropriate use of TIF incentives, which should be used for aging, blighted areas and job creation. She added the Cobblestone Development does not fit any of these stipulations for TIF incentives.

Reid Rocheleau, 408 Cedar Street, stated if TIF money is used, then require the developer to use local tradesmen such as electricians and plumbers to complete the project.

Liz McDonald, 1760 Strongs Avenue, stated she thinks with all the amenities in the community, it is a wonderful idea to have a downtown hotel. She urged the City Council to follow the recommendations of the Finance Committee and approve this development agreement.

Todd Kuckkahn, 5501 Vern Holmes Drive, stated Cobblestone is a family owned business whose reputation has grown throughout the state, region and nation. He stated he is in support of this project.

Sara Brish, 340 Divison Street North, stated Stevens Point has 1215 guest rooms and the downtown has not offered hotel accommodations since 1986. She added it is one of the few cities in the State with a thriving downtown that does not offer hotel accommodations.

David Shorr, 2509 Peck St., stated he is in favor of this development project and Alder-elect Cathy Dugan asked that he convey her support for this project also.

Ald. Slowinski **moved**, Ald. Doxtator seconded, to approve the Development Agreement with Cobblestone Hotel Development, LLC to construct a hotel within TIF #6.

Ald. Mrozek asked why TIF money needed to be used. She stated if this is such a good project, why there were no investors. Ald. Mrozek stated the vacancy rates should have been included in the Council packets for the alderpersons to review.

Ald. Morrow asked if there was an amendment that could be put in the agreement stipulating the use of local contractors whenever possible.

Mayor Wiza stated forcing a developer to use specific local contractors might not work but suggesting a developer employ local workers might be more advantageous.

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

20. Minutes and actions of the Board of Public Works meeting of April 11, 2016.

Ald. McComb **moved**, Ald. Oberstadt seconded, to approve the minutes and actions of the Board of Public Works meeting of April 11, 2016.

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

21. Preliminary Resolution – Special Assessment for replacement of non-standard water services, non-standard sanitary sewer laterals and for installation of storm sewer laterals and replacement of existing non-standard storm sewer laterals on Sixth Avenue from its intersection with Front Street to its intersection with Second Street.

Ald. Oberstadt **moved**, Ald. Ryan seconded, to approve the preliminary resolution for the installation and replacement of water services, sewer laterals and storm laterals.

Ald. Morrow stated this was a great thing to do now and to not postpone the project.

Dir. Schatschneider stated state statute protocol requires approval of the preliminary resolution. He added bids and costs would be compiled and a final resolution would be submitted for approval with the exact costs notifying residents.

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

22. E.M. Capps Drive and CTH R Intersection Improvement Project to Musson Brothers, Inc. in the amount not to exceed \$427,070.61.

Ald. Slowinski **moved**, Ald. Kneebone seconded, to approve the E.M. Capps Drive and CTH R Intersection improvement project to Musson Brothers, Inc., in the amount not to exceed \$427,070.61.

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

23. **Change Order #1 for the E.M. Copps and CTH R Intersection Design and Construction Administration Contract for the amount of \$25,900.00 and for the total contract amount not to exceed \$95,300.00.**

Ald. Morrow **moved**, Ald. Phillips seconded, to approve the change order for the E.M. Copps and CTH R intersection design and construction administration contract for the amount of \$25,900.00 and for the total contract amount not to exceed \$95,300.

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

24. **Change Order #1 for the Coye Drive and Hoover Road Intersection Design and Construction Administration Contract for the amount of \$44,650.00 and for the total contract amount not to exceed \$122,800.**

Ald. Slowinski **moved**, Ald. Oberstadt seconded, to approve the change order for the Coye Drive and Hoover Road intersection design and construction administration contract for the amount of \$44,650.00 and for the total contract amount not to exceed \$122,800.

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

25. **Minutes and actions of the Police and Fire Commission meeting of March 1, 2016.**

Ald. Patton **moved**, Ald. McComb seconded, to approve the minutes and actions of the Police and Fire Commission meeting of March 1, 2016.

Ald. Doxtator stated the fire danger is very high. Fire Chief Finn stated no burning permits are being issued.

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

26. **Minutes and actions of the Board of Park Commissioners meeting of April 6, 2016.**

Ald. McComb **moved**, Ald. Kneebone seconded, to approve the Board of Park Commissioners meeting of April 6, 2016.

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

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

Ald. Slowinski **moved**, Ald. Johnson seconded, to approve the statutory monthly Financial Report of the Comptroller/Treasurer and place it on file.

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

28. **Recognition of and Remarks by Alderpersons Mrozek and Patton.**

Mayor Wiza recognized the dedication and contribution of Alderpersons Patton and Mrozek. He stated Ald. Patton served from April 2012 through the present and Ald. Mrozek served April 2015 through the present. Mayor Wiza conveyed the gratitude and appreciation of the citizens of Stevens Point for their service.

Ald. Patton thanked the voters of the 8th District. He extended his appreciation for all the assistance from the various Department Heads and staff while serving as alderperson.

Ald. Mrozek stated it was a good year learning about government and serving the City. She extended her best wishes to all involved in moving the City of Stevens Point forward.

29. Adjournment.

The meeting was adjourned at 9:10 p.m.