REGULAR COUNCIL MEETING

Council Chambers **April 19, 2010**
County-City Building **7:00 P.M.**

Mayor Andrew J. Halverson, presiding

Roll Call: Present: Ald. Mallison, Walther, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore

Also Present: City Attorney Molepske, Clerk Moe, Comptroller-Treasurer Schlice, Directors Schrader, Halverson, Morrissey, Lemke; Adm. Director Morris, Assessor Siebers, Assistant to the Mayor Pazdernik, Kari Yenter, Gene Kemmeter (Portage County Gazette), Nick Paulson (Stevens Point Journal)

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

Mayor Halverson stated the Council can do a great deal this evening to move the City forward and create an atmosphere that will help everything from economic development, to quality of life, to pedestrian safety.

3. Consideration of the minutes of the Common Council meeting of March 15, and the Special Common Council meeting of April 12, 2010.

Ald. R. Stroik **moved**, Ald. Walther seconded, approval of the Common Council meeting of March 15, and the Special Common Council meeting of April 12, 2010.

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.

Katie Kloth, 1718A Plover Street, Stevens Point, WI 54481:
Item #5 – Persons who wish to address Mayor and Council

Reid Rocheleau, 408 Cedar Street W., Whiting, WI:
Item #5 - Persons who wish to address Mayor and Council
Item #8 – Plan Commission meeting of April 5, 2010
Item #17 – Board of Public Works meeting of April 12, 2010
Item #18 – Creation of Outdoor Dining

Erik Schyvinck, 2501 Ellis Street, Stevens Point, WI 54481:
Item #5 - Persons who wish to address Mayor and Council

Cathy Dugan, 615 Sommers Street, Stevens Point, WI 54481:
Item #18 - Creation of Outdoor Dining

John Gardner, 1308 Wisconsin Street, Stevens Point, WI 54481:
Item #5 - Persons who wish to address Mayor and Council

Kent Hall, 200 Pine Bluff Road, Stevens Point, WI 54481:
Item #6 – Resolution-International Migratory Bird Day

Shannon Semmerling of NewPage:
Item #7 – Resolution-Better Trade Laws for the Paper Industry

Jeff Landin, 4575 River Drive, Plover, WI 54467:
Item #7 – Resolution-Better Trade Laws for the Paper Industry

Barb Jacob, 1616 Depot Street, Stevens Point, WI 54481:
Item #10 – Public Hearing-Extend Liquor Premise at 3425 Church Street
Item #12 – Public Protection Committee meeting of April 12, 2010
Item #13 – Ordinance-Operator and Manager's Licenses, Penalties for Failure to Complete Application
Item #17 - Board of Public Works meeting of April 12, 2010

Jami Gebert, 2941 Kozy Street, Stevens Point, WI 54481:
Item #23- Board of Park Commissioners meeting of April 7, 2010

Ald. Slowinski, District 6:
Item #5 - Persons who wish to address Mayor and Council

Ald. Trzebiatowski, District 7:
Item #5 - Persons who wish to address Mayor and Council

Ald. Mallison, District 1:
Item #5 - Persons who wish to address Mayor and Council

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

Katie Kloth, 1718A Plover Street, supports using the Lullaby site as an urban community garden. She stated a number of volunteers have already started progress at this site.

Reid Rocheleau, 408 Cedar Street W., voiced his concerns on developing a transit facility at Bukolt Park.

Erik Schyvinck, 2501 Ellis Street, would like to see the vacant Lullaby site utilized.

Cathy Dugan, 615 Sommers Street, thanked everyone for their efforts in supporting downtown revitalization.

John Gardner, 1308 Wisconsin Street, supports developing dense housing on the Lullaby site.

Ald. Slowinski reminded everyone of the community clean-up this weekend.

Ald. Trzebiatowski would like to know if it is wise to be digging at this site when it is contaminated.

City Attorney Molepske noted this is city property and in order to use the property you would need the City's permission.

Mayor Halverson said the City is in the process of doing further environmental testing at this site. He said the City does not have all of the final results yet.

Ald. Trzebiatowski asked if these individuals are exposing themselves to liability by digging in the soil.

Mayor Halverson said he is unaware if the soil is being removed or disturbed.

Ald. Mallison announced the next Downtown Task Force meeting will be held at Kristin's on April 27, 2010 at 6:30 p.m.

6. Consideration of Resolution - International Migratory Bird Day.

Kent Hall, 200 Pine Bluff Road, said there will be a celebration of this day on May 8, 2010 at Iverson Park.

Ald. Slowinski **moved**, Ald. O'Meara seconded, approval of the resolution for International Migratory Bird Day.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Walther, Mallison.
Nays: None. Motion carried.

7. Consideration of Resolution – Supporting Better Trade Laws for the Paper Industry.

Shannon Semmerling of NewPage thanked everyone for considering this resolution. She introduced her fellow representatives.

Jeff Landin of NewPage thanked the City for their support.

Ald. Brooks **moved**, Ald. Mallison seconded, approval of the resolution supporting Better Trade Laws for the Paper Industry.

Ald. O'Meara clarified this is enforcing existing laws.

Roll Call: Ayes: Ald. Mallison, Walther, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

8. Consideration of minutes and actions taken at the Plan Commission meeting of April 5, 2010.

Reid Rocheleau, 408 Cedar Street W., voiced his concerns on how the City treated Jason Gliszynski during his requests.

Ald. Moore **moved**, Ald. R. Stroik seconded, approval of the minutes and actions taken at the Plan Commission meeting.

Roll Call: Ayes all.
Nays none. Motion carried.

9. Ordinance Amendment – Zoning – Rezone lots at Northwest Corner of Songbird Ln and Badger Ave from "R-3" Two Family to "R-4" Multiple Family I.

Mayor Halverson clarified that any multi-family dwelling three units or greater will still require a conditional use within "R-4" zoning.

Ald. Trzebiatowski **moved**, Ald. Molski seconded, to approve the rezoning of the lots at the northwest corner of Songbird Lane and Badger Ave from "R-3" Two Family to "R-4" Multiple Family I.

Ald. R. Stroik asked if any additional attempts were made to contact the owner of lot 2.

Director Morrissey stated she was called twice but she did not return the calls.

Ald. Slowinski asked how much the value of the properties will increase.

Assessor Siebers said the property becomes more valuable as it becomes denser.

Mayor Halverson stated there is not a proposed project for this lot.

Ald. Slowinski asked how many units can be developed.

Mayor Halverson replied as many units as the lot would accommodate and still meet the lot coverage ratios set by ordinance.

Ald. R. Stroik added that the lots are large enough for three-unit triplexes.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Walther, Mallison.
Nays: None. Motion carried.

10. Public Hearing – Conditional Use – 3425 Church St. – Extend Liquor Premise to include outdoor seating area.

The public hearing was declared open by the Mayor.

Reid Rocheleau, 408 Cedar Street W., is concerned with parking and the height of the fence for the deck. He said he supports this request.

Barb Jacob, 1616 Depot Street, voiced her concerns about the height of the fence around the deck. She said the fence is too high and will look ridiculous.

Randy Woyak, owner of 3425 Church Street, would like his deck to have curb appeal. He believes having a shorter fence around the deck will give it a better look.

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

11. Consideration of Resolution on the above.

Ald. Trzebiatowski said he was told that a short fence around a deck was sufficient.

Ald. Trzebiatowski **moved**, Ald. Walther seconded, to approve the resolution with the change relating to condition/restriction #7 which is the fence height around the deck to be a total of 4'10" from the ground.

Ald. O'Meara said the fence should be a minimum of 42" from the floor of the deck.

Roll Call: Ayes: Ald. Mallison, Walther, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

12. Consideration of the minutes and actions taken at the Public Protection Committee meeting of April 12, 2010.

Barb Jacob, 1616 Depot Street, stated the City is setting higher standards for bartenders than their own alderpersons.

Ald. R. Stroik **moved**, Ald. Mallison seconded, approval of minutes and actions.

Roll Call: Ayes all.
Nays none. Motion carried.

13. Consideration of Ordinance Amendment to Sec. 12.14 of the RMC – Operator's License and Manager's License- Penalties for Failure to Complete Applications.

Barb Jacob, 1616 Depot Street, declined her opportunity to speak.

Ald. Trzebiatowski asked the City Attorney or Comptroller/Treasurer to explain the policies.

City Attorney Molepske said the policy has been that the City will try to work with anyone with delinquent taxes that applies for any type of license.

Comptroller/Treasurer Schlice said this has been an ordinance since the late 1980's. He said the Council agreed if there is a written agreement then everything is fine. The Comptroller/Treasurer said if any payments are missed, then any future permits or licenses are withheld until their affairs are in order.

Ald. Trzebiatowski reiterated as long as an individual has a written agreement then the City would not hold their license.

Comptroller/Treasurer Schlice replied that is correct as long as there is a written agreement and they are current on their payments.

Ald. R. Stroik noted that the State of Wisconsin was removed from item #13 and the arrangement for payments was added to this item.

Ald. R. Stroik **moved**, Ald. Molski seconded, approval of the ordinance amendment.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Walther, Mallison.
Nays: None. Motion carried.

14. Consideration of Ordinance Amendment to Sec.12.17 of the RMC – Pawnbrokers – Revision of Pawnbroker's License.

Ald. Slowinski **moved**, Ald. Walther seconded, approval of the ordinance amendment.

Roll Call: Ayes: Ald. Mallison, Walther, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

15. Consideration of the minutes and actions taken at the Personnel Committee meeting of April 12, 2010.

Ald. Molski **moved**, Ald. M. Stroik seconded, approval of the minutes and actions.

Roll Call: Ayes all.
Nays none. Motion carried.

16. Consideration of minutes and actions taken at the Finance Committee meeting of April 12, 2010.

Ald. Moore **moved**, Ald. Mallison seconded, to place the minutes on file and affirm the actions of the Finance Committee.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Walther, Mallison.
Nays: None. Motion carried.

17. Consideration of minutes and actions taken at the Board of Public Works meeting of April 12, 2010.

Barb Jacob, 1616 Depot Street, stated she submitted a petition with 329 signatures from people that use the street and will be impacted by the closure of the street. She reviewed some traffic safety issues with moving the traffic to Park Street.

Reid Rocheleau, 408 Cedar Street W., voiced his concerns on changing Franklin Street to a one-way street, downtown angle parking, and outdoor dining and drinking.

Mayor Halverson clarified what will occur at this intersection by either closing or opening the intersection.

Ald. O'Meara said the motion did not accurately reflect his intent.

Mayor Halverson **moved**, Ald. Trzebiatowski seconded, to place the minutes on file and affirm the actions of the Board of Public Works with items #5, 9 and 10 pulled for further discussion.

Roll Call: Ayes: Ald. Mallison, Walther, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

The following is discussion on item #5 of the Board of Public Works meeting of April 12, 2010:

Ald. Wiza suggested making Franklin Street one-way from Division Street to Vincent Court.

Mayor Halverson said he does not know the status or issues involving a one-way street that ends midblock.

Director Lemke said this was looked at and additional traffic control devices and/or barriers would need to be installed.

Adm. Director Morris felt it would be more confusing ending the one-way at midblock.

Ald. O'Meara said the real problem is with signage.

Mayor Halverson said it is practical to flow the traffic to Prentice Street.

Ald. R. Stroik asked if the University was notified of this proposed change.

Mayor Halverson said they were previously notified.

Ald. Mallison said the neighboring businesses all seemed to be supportive of the one-way traffic to Prentice Street.

Ald. Moore **moved**, Ald. Brooks seconded, to approve this as presented.

Ald. Moore asked when this is going to be done and how will the public be notified of the change.

Director Lemke replied in approximately 30 days.

Adm. Director Morris said it will be advertised and the YMCA and University will be notified. He said orange flags and paint will be used to mark the area.

Ald. O'Meara suggested the change be made when school is not in session.

Ald. M. Stroik asked if the City could still paint the lines.

Director Lemke believes the painting will still take place.

Ald. Mallison asked that the YMCA be notified.

Roll Call: Ayes majority.
Nays minority. Motion carried.

The following is discussion on item #9 of the Board of Public Works meeting of April 12, 2010:

Mayor Halverson said the costs are minimal to keep Depot Street open.

Ald. Trzebiatowski is concerned that traffic will go around the barrier.

Mayor Halverson said it is not the concern of the City if traffic is able to go around the gate.

Ald. Trzebiatowski said the original motion included a barrier.

Mayor Halverson said he is hoping that this decision would be changed to either open or close the street.

Ald. Trzebiatowski **moved**, Ald. Slowinski seconded, to move forward with the project without the center barrier and leave Depot Street open.

Roll Call: Ayes all.
Nays none. Motion carried.

The following is discussion on item #10 of the Board of Public Works meeting of April 12, 2010:

Ald. Wiza asked if the Council is approving drive-in or reverse angle parking.

Mayor Halverson said drive-in angle parking would be approved on the left side of the street. He said the information would be brought back to the Board of Public Works in June to decide whether to proceed with back-in angle parking.

Ald. Wiza **moved**, Ald. Mallison seconded, to approve drive-in angle parking on the left side with a reduced speed of 10 miles per hour between Strongs Avenue and the square.

Ald. Trzebiatowski asked if there will be a sunset clause for review.

Ald. Wiza said the City can review it at any time.

Roll Call: Ayes all.
Nays none. Motion carried.

18. Consideration of Ordinance Amendment - Sec. 16.12 of the RMC – Creation of Outdoor Dining and Right-of-Way Occupation within the Central Business District.

Reid Rocheleau, 408 Cedar Street W., questioned why the City does not allow all the establishments to have outdoor dining.

Cathy Dugan, 615 Sommers Street, supports the outdoor dining and right-of-way occupation.

Ald. Wiza **moved**, Ald. Walther seconded, to adopt the ordinance amendment.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Walther, Mallison.
Nays: None. Motion carried.

19. Consideration of Ordinance Amendment to Sec. 9.05 of the RMC – Amend No Parking and Two-hour Parking on Cleveland Ave. by McKinley School.

Ald. Brooks **moved**, Ald. R. Stroik seconded, approval of the ordinance amendment.

Roll Call: Ayes: Ald. Mallison, Walther, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

20. Public Hearing – Replacement of Clay Sanitary Sewer Laterals and/or Galvanized Water Services - Water St. from Whiting Ave. to Wisconsin St.

The public hearing was declared open by the Mayor.

Marilyn Miloch, 1926 Water Street, said she does not understand what she owes because she already replaced the water services.

Director Halverson clarified it is not a bill. She said it is a notice that all the Water Street residents received.

Reid Rocheleau, 408 Cedar Street W., said he would like to see the City beautify the town by planting trees in the boulevard.

Doug Curwen asked if the electrical wires will be buried underground.

Mayor Halverson said he highly doubts it will be considered by Wisconsin Public Service.

Director Lemke said they coordinate the construction projects with the utilities. He said it is their decision if they want to bury the utility.

Jennifer Breseman, 1943 Water Street, asked when the project will start.

Mayor Halverson replied in mid-May.

Ms. Breseman asked if the assessment is due at one time or if there are payment plans available.

Mayor Halverson said payment plans are available.

Cass Reynolds, owner of 1967 Water, questioned why the City charges the property owners for these services when other municipalities provide the service at no charge.

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

21. Final Resolution on the above.

Ald. Brooks **moved**, Ald. Moore seconded, to approve the final resolution.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Walther, Mallison.
Nays: None. Motion carried.

22. Relocation Order - Koerten Gallery, 2501 Church St.

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

Roll Call: Ayes: Ald. Mallison, Walther, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

23. Consideration of minutes and actions taken at the Board of Park Commissioners meeting of April 7, 2010.

Jami Gebert, 2941 Kozy Street, is available for questions on the skate park.

Ald. Wiza **moved**, Ald. M. Stroik seconded, approval of the minutes and actions of the Board of Park Commissioners meeting of April 7, 2010.

Ald. Slowinski **moved**, Ald. Wiza seconded, to amend the park plan under Section 7.2 C. 5. Reestablish channels through the park and work towards silt traps in a maintenance plan for the channels.

Ald. O'Meara would like the amendment to go back to the Board of Park Commissioners.

Ald. R. Stroik asked if there is a rush to approve the park plan.

Ald. Trzebiatowski said he recalls that this has been done in the past and it was a maintenance nightmare.

Mayor Halverson said it is difficult and costly to maintain silt traps.

Ald. R. Stroik said it does not make sense to send this back to the Park Commission.

Roll Call: Ayes minority.
Nays majority. Motion failed.

Ald. O'Meara **moved**, Ald. Mallison seconded, to amend the original motion to send the channel portion of the document back to the Parks Commission for their consideration.

Ald. O'Meara said he is confident that the staff members have the ability to draft a plan.

Ald. Moore said he is not sure this is an area that the City needs to be involved in. He said the DNR should study this for a solution.

Roll Call: Ayes minority.
Nays majority. Motion failed.

The following is the vote on the original motion:

Roll Call: Ayes majority.
Nays minority. Motion carried.

24. Consideration of minutes and actions taken at the Board of Water & Sewage Commissioners meeting of April 12, 2010.

Ald. Walther **moved**, Ald. Mallison seconded, approval of the minutes and affirm the actions of the Board of Water & Sewage Commissioners meeting of April 12, 2010.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Walther, Mallison.
Nays: None. Motion carried.

25. Consideration of Ordinance Amendment – Sec. 13.08 – Opening of Fire Hydrants.

Ald. Trzebiatowski **moved**, Ald. R. Stroik seconded, to adopt the ordinance amendment to Section 13.08.

Roll Call: Ayes: Ald. Mallison, Walther, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

26. Consideration of minutes and actions taken at the Police and Fire Commission meeting of April 6, 2010.

Ald. R. Stroik **moved**, Ald. Moore seconded, approval of the minutes and actions.

Roll Call: Ayes all.
Nays none. Motion carried.

27. Consideration of minutes and actions taken at the Transportation Commission meeting of April 7, 2010.

Ald. Walther **moved**, Ald. M. Stroik seconded, to approve the minutes and affirm the actions of the Transportation Commission meeting of April 7, 2010.

Roll Call: Ayes all.
Nays none. Motion carried.

28. Consideration of the Statutory Monthly Financial Report of the Comptroller-Treasurer.

Ald. Moore **moved**, Ald. Wiza seconded, to accept the Report and place it on file.

Roll Call: Ayes all.
Nays none. Motion carried.

29. Recognition of and Remarks by Ald. Walther.

Mayor Halverson thanked Ald. Walther for his dedication especially with the transit system. The Mayor presented Ald. Walther with a plaque.

Ald. Walther reviewed some of his accomplishments including only missing two Council meetings since 1995, developing the Transit Development Plan, establishing the U-pass program and late night bus service. He thanked everyone for their cooperation.

30. Adjournment.

Adjournment at 9:12 p.m.