

Meeting Minutes

Regular City Council Meeting

March 17, 2008, 7:00 p.m.

Council Chambers, County-City Building

Mayor Andrew Halverson, presiding

Roll Call: Ald. Myers, Walther, Hanson, Wiza, Heart, Slowinski, Trzebiatowski, Molski, Stroik, Brooks, Moore

Also Present: City Attorney Molepske, City Clerk Moe, Comptroller/Treasurer Schlice, Directors Gardner, Schrader, Euclide; Police Captain Ruder, Fire Chief Barnes, Transit Manager Lemke, Assessor Siebers, Personnel Specialist Jakusz, Joel Lemke, Supt. Laidlaw, Bruce Peplinski, Kelley Pazardnik, Kari Yenter, Gene Kemmeter (Portage County Gazette), Jason Zencka (Stevens Point Journal)

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5. Persons who wish to address the Mayor and Council for up to three (3) minutes on a non-agenda item.
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20. Consideration of the minutes and actions taken at the Transportation Commission meeting of March 6, 2008.
21. Consideration of the statutory monthly financial report of the Comptroller-Treasurer.
22. Adjournment.

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

Mayor Halverson noted that only the request for the conditional use to construct the multiple family complexes is on tonight's agenda. He stated the funding and TIF will not be determined this evening.

3. Consideration of the minutes of the Regular Common Council meeting of February 18, 2008.

Ald. Walther moved, Ald. Stroik seconded, to accept the minutes and affirm the actions of the regular Common Council meeting of February 18, 2008.

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.

Reid Rocheleau

408 Cedar Street

Whiting, WI

Item #5 - Persons who wish to address the Mayor and Council

Item #6 - Plan Commission meeting of March 3, 2008

Amber Garbe

218 Wilshire Blvd.

Stevens Point, WI 54481

Item #6 - Plan Commission meeting of March 3, 2008

Rich Sommer

4224 Janick Circle N.

Stevens Point, WI 54481

Item #6 - Plan Commission meeting of March 3, 2008

Henry Korger

3200 Water Street

Stevens Point, WI 54481

Item#6 - Plan Commission meeting of March 3, 2008

Mildred Neville

1409 Franklin Street  
Stevens Point, WI 54481  
Item #5 - Persons who wish to address Mayor and Council

Dallas Pankowski  
2331 Aspen Lane  
Plover, WI 54467  
Item #6 - Plan Commission meeting of March 3, 2008

Bob Woehr  
727 Second Street  
Stevens Point, WI 54481  
Item #5 - Persons who wish to address Mayor and Council  
Item #6 - Plan Commission meeting of March 3, 2008  
Item #13 - Board of Public Works meeting of March 10, 2008 Item  
Item #20 - Transportation Commission meeting of March 6, 2008

Ald. Trzebiatowski  
District #7  
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.

Reid Rocheleau, 408 Cedar Street, questioned some of the advice given by the City advisors. Mr. Rocheleau said the department heads are simply advisors and the alderpersons should responsibly make the decisions.

Mildred Neville, 1409 Franklin Street, said the Comprehensive Plan outlines nine areas for redevelopment as Tax Increment Districts. She said the possible TIF districts that are being talked about are not within the outlined areas.

Bob Woehr, 727 Second Street, voiced his concerns on some of the recent actions taken by the Council. He said some of the decisions could have been a violation of open meeting law and state statutes.

Ald. Trzebiatowski reminded everyone that the election is in two weeks. He questions what the County provides to the City for the money that is collected in sales tax. The alderman also noted that the County was the only segment of taxing bodies that raised their taxes.

6. Consideration of minutes and actions taken at the Plan Commission meeting of March 3, 2008.

Amber Garbe, 218 Wilshire Blvd., said the City needs to slow down with the TIF district development for this project and in the future. She is concerned with the economic impact this will have on the schools.

Reid Rocheleau, 408 Cedar Street, urged the Council members to reconsider this project. He is concerned that the Mayor has sole authority to deal with the developers. Mr. Rocheleau is also concerned with the fact that the City promised a tunnel to AIG.

Rich Sommer, 4224 Janick Circle N., is opposed to creating a TIF district for AIG.

Henry Korger, 3200 Water Street, is concerned about the TIF district and how many more districts will be created.

Bob Woehr, 727 Second Street, said creating this TIF district will set a precedent. He said priorities need to be established stating the reasons for the creation of a TIF district.

Ald. Moore moved, Ald. Heart seconded, to accept the minutes and affirm the actions taken at the Plan Commission meeting of March 3, 2008.

Ald. Heart moved, Ald. Wiza seconded, to pull item #1 for further consideration.

The following is the vote on the motion to pull item #1:

Roll Call: Ayes all.

Nays none. Motion carried.

The following is the vote on the original motion:

Roll Call: Ayes all.

Nays none. Motion carried.

Ald. Heart is not sure what changes are being forwarded to the public hearing for the TIF district.

Mayor Halverson said there were some concerns for AIG employee safety so the issue of a tunnel was addressed. He said the tunnel has since been removed from the conversation because AIG would like that conversation kept among the City of Stevens Point, Village of Plover and the businesses in Crossroad Commons.

Ald. Heart is uncomfortable moving forward because the Council does not have all the terms or price.

City Attorney Molepske said the Council will have the final draft of the agreement well in advance of the meeting. He noted the tunnel has been taken out of the agreement.

Mayor Halverson said the TIF district must include mixed uses. He said the Aspirus Clinic is included to define the TIF district as a mixed use.

Ald. Wiza said this area is not blighted land in need of redevelopment. He said the City bought some land from Ministry Health Care, traded land and also give them an additional \$100,000. The alderman then stated on top of everything else, the City is giving AIG \$1 million. He noted that the Aspirus Clinic was added to the TIF district just to make it work for AIG.

Director Gardner said TIF districts are created for redevelopment of blighted property and green sites to create jobs. He said the \$1 million incentive is a site incentive for constructing the project.

Ald. Slowinski asked what Aspirus Clinic's portion of the increment will be used for.

Director Gardner replied that would be a decision for the Council to make.

Mayor Halverson said anything borrowed for AIG/Told Development would be used for that particular portion of the development. He said any increment for Aspirus will be separate.

Ald. Heart wants to see and study the details. She said usually when a TIF is paid, it would close but with this TIF it would stay open. The alderperson stressed that the public also needs to see the developers' agreements before the public hearing.

Ald. Trzebiatowski said the TIF can be used to provide services that will benefit the TIF district.

Ald. Myers asked how many of the AIG employees live within the City.

Ald. Molski asked if the excess funds will go to AIG or Told Development.

Mayor Halverson said it will go to AIG/Travel Guard Limited LLC.

Ald. Molski asked if the excess funds from Aspirus will go to AIG.

Mayor Halverson replied, no.

City Attorney Molepske said it will go into a separate fund.

Mayor Halverson added it will be segregated for the duration of the TIF. He said if there is a balance remaining after the district is closed, it is the Council's choice to determine where the funds will be distributed.

Ald. Molski asked if the term must be for 20 years.

Director Gardner said it will end when the debts are paid or the end of the term, whichever comes first.

Mayor Halverson explained that the City can only keep our portion of the taxes.

Ald. Stroik clarified that the Council is only approving the minutes tonight. He said a public hearing will be held on March 31, 2008. The alderman would like to see an explanation of how each of the entities will be affected throughout the term of the TIF.

Mayor Halverson said they will not receive any tax revenue from that property for the duration of the TIF including the City.

Ald. Wiza is concerned that the City is giving AIG \$1 million that is not going back into infrastructure.

Mayor Halverson sees a bright future for AIG. He said further expansion will be needed at some point if the company continues to grow.

Ald. Walther said this is a great example of what the City can do to help it grow and create more jobs.

Ald. Heart wants to make sure the Council and public receive all the information and details for this district prior to the public hearing.

Director Gardner said the financial information was provided at the Plan Commission meeting.

Mayor Halverson said the correspondence will be provided before final action with plenty of time for dialog.

Ald. Slowinski asked if the excess funds can only be used for future expansion.

Mayor Halverson said the excess funds go to AIG for their use. He said it is set up to allow them for a large expansion but it does not have to be used for this.

Ald. Trzebiatowski explained this distribution of funds is similar to a reverse annuity. He added the City could divert the funds to the creation of services that enhance the district.

Mayor Halverson said it could be looked at it that way. He said the funds could be used for this if the holder of the agreement agrees to the services.

Ald. Wiza noted that the Council is not approving the creation of the TIF district this evening.

Mayor Halverson added the Council is only approving to start the creation process.

Ald. Wiza moved, Ald. Moore seconded, approval to acquire and sell land, vacate K B Willett Drive and a portion of Vern Homes Drive, and accepting a cul-de-sac on Vern Holmes Drive.

Roll Call: Ayes: Majority.

Nays: Ald. Heart. Motion carried.

7. Public Hearing - Vacating Portage Court and a Portion of Stanley Street, between Phillips Street and Portage Street.

The public hearing was declared open by the Mayor.

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

8. Resolution on the above.

Ald. Molski moved, Ald. Hanson seconded, approval of the resolution vacating Portage Court and a portion of Stanley Street between Phillips Street and Portage Street.

Roll Call: Ayes: Ald. Moore, Brooks, Stroik, Molski, Trzebiatowski, Slowinski, Heart, Wiza, Hanson, Walther, Myers.  
Nays: None. Motion carried.

9. Public Hearing - Conditional Use - Request of S.C. Swiderski LLC, 5001 Carol's Ln. to Mary's Dr. (a.k.a. 2301 Country Club Drive), to Construct Multiple Family Development.

The public hearing was declared open by the Mayor.

Mayor Halverson called for a brief recess at 8:25 p.m. until 8:30 p.m.

Reid Rocheleau, 408 Cedar Street, said the apartment complexes are the wrong fit for this property.

Ald. Stroik said the Council is not discussing the duplexes on Carol's Lane.

Mayor Halverson said it is the City's intention to downzone the property on Carol's Lane to two-family but it is not on the agenda this evening.

Ald. Wiza asked if the amended Council agenda is legal.

City Attorney Molepske said the agenda is just fine.

Mayor Halverson said the only reason the agenda was changed was to make it clearer for the public.

Bob Woehr, 727 Second Street, voiced his concerns on the comments made at the Plan Commission that the project will not happen without a TIF and the process for setting and meeting conditions. He recommended the Council deny this request.

Carol Wollock, 1708 Roberts Drive, opposes the project. She stated there are already a large number of apartment vacancies. She has concerns with no green space for a park area and no jobs will be created with this project.

Dallas Pankowski, 2331 Aspen Lane, is the owner of apartment complexes. He has never requested or received any special economic assistance. Mr. Pankowski is against the development of the apartment complexes.

Bob Gifford, 517 Fieldcrest, said the land should be preserved. He urged the Council to vote against this development.

Daryl Kurtenbach, 5282 Airport Road, questioned the policy of constructing large scale housing in an area zoned heavy industrial, creating a TIF district for this development and mixed housing. He recommended denying this request.

Shane Swiderski, 321 Main Street, Mosinee, is the developer for the proposed project. He owns other apartment complexes so he has a feel for the market. Mr. Swiderski is asking for approval for this development.

Henry Korger, 3200 Water Street, said some possible problems with developing apartments in an industrial area are traffic noise, odors and railroads. He favors denying or postponing the request.

Robert Kirschling, 1818 Mary's Drive, does not agree with or support this development.

Dave Wilz, 1909 Mary's Drive, supports the principal that any development inside the Spectra Print property would stay inside that property and not exit into the subdivision.

Laurel Hoeth, 1929 Mary's Drive, would like the guarantee that for no reason will any development be allowed to break through to their subdivision. She opposes the development of the apartment complexes.

Mayor Halverson said there will be no guarantee.

Rich Sommer, 4224 Janick Circle N., respectfully asked the Council to vote against this development.

Mayor Halverson said this TIF district would have a pay back term of 10 years.

Seth Cratsenberg, 1716 Ellis Street, said there is no room for more apartments.

Paul Wachowiak, 1620 Meadowview Lane, asked the Council to use common sense and deny this development.

Mildred Neville, 1409 Franklin Street, said it is not good to mix residential with industrial use. She said industrial land should be used for the appropriate use.

Cindy Stewart, 1904 Roberts Drive, urged the Council to vote no.

Tom Haulfmann, 5316 Carol's Lane, suggested including some green space with this development. He questioned if this is the best use for this land.

Joshua Garbe, 218 Wilshire Blvd., opposes the project.

Bob Wierzba, Hwy. Q, Nelsonville, stated there are already enough apartments.

Kathy Glennon, 930 Highland Drive, does not view this land as blighted and disagrees with the development.

Mary Ann Laszewski, 1209 Wisconsin Street, reviewed some of the history on mixed uses. She said this proposal is not acceptable because it is a zoning issue rather than a conditional use.

Jeff May, 21 Oakcrest, said this development should have the same standards as other developments.

Dave Eschenbauch, 10353 Krogwald Rd, said this area has potential for industrial use which would create jobs. He said once the apartments are developed, the opportunity for industrial use is gone.

Travis Haines, Amherst, opposes the development of apartment complexes on industrial zoned land and the creation of a TIF.

Ald. Myers is concerned about having too many apartments.

Ald. Wiza read a letter from the Hofmeister family in regards to this request. The letter was placed on file.

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

10. Resolution on the above.

Ald. Trzebiatowski moved, Ald. Myers seconded, to deny the conditional use.

Ald. Trzebiatowski said if a small subdivision is created, the City would require the developer to include green space with a park. He feels more conditions should be required with this development.

Ald. Wiza said this land is zoned heavy industrial. He said the City will not create any additional heavy industrial zoning. The alderman noted if the apartments are developed on this land, the heavy industrial zoning is gone forever.

Ald. Walther said when a decision is made it is based on fact. He said the reason to deny must be based on a legal reason to deny.

Ald. Stroik would like to know if multi-family zoning was a result of allowing commercial in heavy industrial zoning.

Director Gardner replied multi-family was considered at that time.

Ald. Stroik asked what kind of business could be developed on this land.

Director Gardner said the groundwater protection ordinance limits the types of businesses that use hazardous chemicals.

Ald. Trzebiatowski is concerned about the groundwater being contaminated from fluids leaking from vehicles at the complexes. He said the City would have more control to monitor a business so contamination would be less likely to occur.

Ald. Slowinski noted the conditions state that adequate utilities, access roads, drainage and necessary facilities have been or are being provided. He said these are not being provided.

Director Gardner said one of the conditions is that they provide them.

Ald. Brooks agrees that this area is a good area for a TIF but not for this development. He said the City needs to use industrial zoned land wisely, but at the same time, the neighbors must also consider what could be developed on industrial zoned property.

Ald. Myers asked if snow removal and run-off concerns were addressed for this development.

Mayor Halverson said this is definitely a blighted area. He said this project will produce a guaranteed increment of approximately \$9.1 million. The Mayor stated there are still four available lots that can also be developed creating additional increments. He said if the conditional use for these apartments is denied tonight, they cannot be built. The Mayor stated it is clear that a TIF is needed to redevelop the entire site although the uses can still be determined.

Ald. Brooks is not completely against the development but more conditions need to be added such as requiring a park and green space.

Ald. Stroik asked if this is denied tonight, is it a dead issue.

Mayor Halverson said if it is denied, an alderperson who voted against it could vote to reconsider it. He said the Council can add additional conditions.

Ald. Myers asked if this is denied, can it go back to the Plan Commission.

Mayor Halverson said it would require a new application with a new plan.

Ald. Trzebiatowski said a new plan could create green space.

Ald. Stroik said the same plan with a playground added would not be significant enough to qualify as a new plan.

Mayor Halverson said that would not be materially different.

Roll Call: Ayes: Ald. Myers, Hanson, Wiza, Heart, Slowinski, Trzebiatowski, Molski, Brooks.

Nays: Ald. Walther, Stroik, Moore.

Ayes - 8. Nays - 3. Motion carried.

11. Consideration of minutes and actions taken at the Public Protection Committee meeting of March 10, 2008.

Ald. Slowinski moved, Ald. Wiza seconded, approval of the minutes and actions taken at the Public Protection Committee meeting of March 10, 2008.

Roll Call: Ayes all.

Nays none. Motion carried.

12. Consideration of Ordinance Amendments to subsections (a),(b), and (c) of Section 12.14(11) - Closing Hours - Fermented Malt Beverage Sales.

Ald. Moore moved, Ald. Trzebiatowski seconded, approval of the ordinance amendments.

Roll Call: Ayes: Ald. Moore, Brooks, Stroik, Molski, Trzebiatowski, Slowinski, Heart, Wiza, Hanson, Walther, Myers.

Nays: None. Motion carried.

13. Consideration of minutes and actions taken at the Board of Public Works meeting of March 10, 2008.

Bob Woehr, 727 Second Street, noted Ford offers the Escape which is a hybrid.

Ald. Heart moved, Ald. Walther seconded, to accept with item #6 pulled for further discussion.

Roll Call: Ayes all.

Nays none. Motion carried.

Ald. Heart said the funds cannot be used for different projects. She said if the City applies for all three projects, we should be prepared to complete all the projects. The alderperson asked during construction of the tunnel, does the cost include a temporary roadway or would it go down to one lane of traffic?

Director Euclide said he is not sure because a consultant is working on the project.

Mayor Halverson said it is proposed to be an open cut. He said the 20% local share would probably be split in several different ways.

Ald. Wiza moved, approval of the application for transportation enhancement funding for projects #1 and #2, and eliminating project #3.

Motion failed due to the lack of a second.

Ald. Walther asked how much of the land is owned by the railroad. He asked if it is possible to develop the bike path without using railroad land.

Director Euclide said it is not possible.

Ald. Walther asked if any progress has been made on obtaining a license with the railroad.

City Attorney Molepske said the City's insurance consultant came up with something entirely different in which the City would be responsible for its acts.

Ald. Trzebiatowski would like the bicycle and pedestrian plan distributed to the alderpersons.

Ald. Trzebiatowski moved, Ald. Molski seconded, to approve sending in the applications for the transportation enhancement funding listing projects 1, 2 and 3.

Roll Call: Ayes majority.

Nays minority.

It is the opinion of the Chair that the Ayes are the majority. Motion carried.

14. Consideration of Ordinance Amendment to repeal Section 9.05(p)(9)(c) - Parking Meter Zones and Controls in Municipal Lot 7, and creation of paragraph 28 of Section 9.05(c)(28) - One hour Parking in Municipal Lot 7.

Ald. Moore moved, Ald. Hanson seconded, to approve the ordinance amendments.

Ald. Stroik noticed that the meters were already removed.

Mayor Halverson said they must have been removed before the actual change to the ordinance. He said this is something that should be reviewed.

City Attorney Molepske said it was a directorship problem.

Roll Call: Ayes: Ald. Moore, Brooks, Stroik, Molski, Trzebiatowski, Slowinski, Heart, Wiza, Hanson, Walther, Myers.

Nays: None. Motion carried.

15. Consideration of minutes and actions taken at the Finance Committee meeting of March 10, 2008.

Ald. Molski moved, Ald. Moore seconded, approval of the Finance Committee minutes of March 10, 2008.

Ald. Wiza stressed that the railroad should not get a dime.

Roll Call: Ayes: Ald. Myers, Walther, Hanson, Wiza, Heart, Slowinski, Trzebiatowski, Molski, Stroik, Brooks, Moore.

Nays: None. Motion carried.

16. Consideration of minutes and actions taken at the Personnel Committee meeting of March 10, 2008.

Ald. Hanson moved, Ald. Moore seconded, to approve the minutes and actions taken at the Personnel Committee meeting on March 10, 2008.

Roll Call: Ayes all.

Nays none. Motion carried.

17. Consideration of minutes and actions taken at the Board of Parks Commissioners meeting of March 5, 2008.

Ald. Wiza moved, Ald. Brooks seconded, approval of the minutes and actions taken at the Board of Parks Commissioners meeting on March 5, 2008.

Roll Call: Ayes: Ald. Moore, Brooks, Stroik, Molski, Trzebiatowski, Slowinski, Heart, Wiza, Hanson, Walther, Myers.

Nays: None. Motion carried.

18. Consideration of minutes and actions taken at the Board of Water & Sewage Commission at its March 10, 2008 meeting.

Ald. Slowinski moved, Ald. Moore seconded, approval of the minutes and actions taken at the Board of Water and Sewage Commission meeting of March 10, 2008.

Roll Call: Ayes all.

Nays none. Motion carried.

19. Consideration of minutes and actions taken at the Police and Fire Commission meeting of March 11, 2008.

Ald. Stroik moved, Ald. Brooks seconded, approval of the minutes and actions taken at the Police and Fire Commission meeting of March 11, 2008.

Roll Call: Ayes all.

Nays none. Motion carried.

20. Consideration of the minutes and actions taken at the Transportation Commission meeting of March 6, 2008.

Mayor Halverson thanked Mr. Kanter for his years of service.

Ald. Walther moved, Ald. Myers seconded, to accept the minutes and affirm the actions taken at the Transportation Commission meeting of March 6, 2008.

Ald. Walther pointed out the ridership increased by approximately 16,000. He noted the increase was not only from the university riders.

Roll Call: Ayes all.

Nays none. Motion carried.

21. Consideration of the statutory monthly financial report of the Comptroller-Treasurer.

Ald. Moore moved, Ald. Stroik seconded, to accept the statutory monthly financial report of the Comptroller-Treasurer and place it on file.

Roll Call: Ayes all.

Nays none. Motion carried.

22. Adjournment.

Adjournment - 10:40 P.M.

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