

Meeting Minutes

Regular City Council Meeting

October 20, 2008, 7:00 p.m.

Council Chambers, County-City Building

Mayor Andrew Halverson, presiding Roll Call: Ald. Hanson, Wiza, Heart, Slowinski, Trzebiatowski, Molski, Stroik, Brooks, Moore

Excused: Ald. Myers and Walther

Also Present: City Attorney Molepske, City Clerk Moe, Comptroller/Treasurer Schlice, Directors Gardner, Schrader, Euclide, Halverson; Police Chief Morris, Interim Fire Chief Zinda, Transit Manager Lemke, Assessor Siebers, Mayoral Assistant Pazdernik, Kari Yenter, Personnel Manager Jakusz (arrived at 7:10 p.m.), Scott Steuck (Portage County Gazette), Patrick Thornton (Journal)

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2. Salute to the Flag and Mayor's opening remarks.
3. Consideration of the minutes of the Regular Common Council meeting of September 15, 2008.
4. *Persons who wish to address the Mayor and Council on specific agenda items other than a "Public Hearing" must register their request at this time. Those who wish to address the Common Council during a "Public Hearing" are not required to identify themselves until the "Public Hearing" is declared open by the Mayor.
5. Persons who wish to address the Mayor and Council for up to three (3) minutes on a non-agenda item.
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19. Introduction of Resolution - Vacate 209 and 301 Division Street.
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25. Consideration of Resolution - Authorizing the Water Department to Participate in WisWARN Mutual Aid and Assistance Program.
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27. Consideration of minutes and actions taken at the Police and Fire Commission meeting of October 7, 2008.
28. Consideration of Ordinance Amendments - Creation of Administrative Director of the Police and Fire Commission.
29. Consideration of the statutory monthly financial report of the Comptroller-Treasurer for August 2008.
30. Mayoral appointments: Airport Advisory Committee - John Thompson, 2409 (expires 4-30-10); Supplemental Election Workers
31. Adjournment.

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

Mayor Halverson reminded everyone of the importance of the upcoming election.

Clerk Moe explained that voter registration and absentee voting can be completed at the City Clerk's office prior to the election. He noted that precinct counters will be used for this election with the help of funds from a federal grant. The Clerk thanked John Quirk for his work placing election information on the City's website.

Mayor Halverson said the Airport Manager interviews continue to move forward. He stated the League meeting will be held in Stevens Point this year. The Mayor announced that the budget presentation will take place on November 5, 2008. He also noted that the United Way fundraiser is in progress. The Mayor said recently there was a meeting with the railroad of the possibility of Stevens Point being a quiet zone.

3. Consideration of the minutes of the Regular Common Council meeting of September 15, 2008.

Ald. Stroik moved, Ald. Moore seconded, approval of the regular Common Council minutes of September 15, 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.

Rep. Louis Molepske, 1557 Church 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 #6 - Plan Commission meeting of October 6, 2008

Item #17 - Traffic Ordinance - parking around McKinley School

Item #21 - Ordinance amending Alderpersons salary

Mary Ann Laszewski, 1209 Wisconsin Street, Stevens Point, WI 54481:
Item #6 - Plan Commission meeting of October 6, 2008

Jason Mattison, 401 Weir Blvd., Stevens Point, WI 54481:
Item #13 - Public Protection Committee meeting of October 13, 2008

Bill Meyer, 1117 Lindbergh Avenue, Stevens Point, WI 54481:
Item #28 - Ordinance - Creation of Administrative Director of the Police and Fire Commission

Stephen Koback, 1609 Sand Hill, Stevens Point, WI 54481:
Item #28 - Ordinance - Creation of Administrative Director of the Police and Fire Commission

Dave Schliehs, 1026 Smith Street, Stevens Point, WI 54481:
Item #28 - Ordinance - Creation of Administrative Director of the Police and Fire Commission

Mary Taylor, 626 Lindbergh Avenue, Stevens Point, WI 54481:
Item #28 - Ordinance - Creation of Administrative Director of the Police and Fire Commission

Ald. Wiza:
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.

Rep. Louis Molepske said it is an honor to represent this community. He stated it is important for state and local governments to work together.
Rep. Molepske asked for support for the upcoming election.

Reid Rocheleau, 408 Cedar Street, is pleased with the dog park fundraiser, but he is concerned that the City will monitor the funds.

Ald. Wiza announced the first fundraiser for the leashless dog park is scheduled for Sunday, November 2, 2008.

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

Mary Ann Laszewski, 1209 Wisconsin Street, is concerned that the owner of Tony's Landscaping is not complying with the conditions set for his business.

Reid Rocheleau, 408 Cedar Street, voiced his concerns on screening, berms and gates at Tony's Landscaping.

Ald. Stroik moved, Ald. Wiza seconded, approval of the minutes and actions taken at the Plan Commission meeting of October 6, 2008.

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

7. Public Hearing - Conditional Use - 3725 Patch St. - Request to Operate an Auto Body Shop.

The public hearing was declared open by the Mayor.

Mary Ann Laszewski, 1209 Wisconsin Street, voiced her concerns on snow storage, lights, noise and odors for this business. She said this is another case of a commercial business that is next to a residential area.

Reid Rocheleau, 408 Cedar Street, agrees with Ms. Laszewski's concerns. He said there is better land in the City for these uses.

Brian Suchowski, said the property is zoned "M-1". He said the building is designed to direct noise away from the apartments.

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

8. Consideration of Resolution on the above.

Ald. Moore moved, Ald. Slowinski seconded, approval of the conditional use request to operate an Auto Body Shop at 3725 Patch Street.

Ald. Slowinski said he has not received any complaints.

Ald. Heart would like the condition changed that the trees in the 10' setback shall not be removed.

Director Gardner said the current language is from the motion at the Plan Commission meeting. He added that some of the trees may die over time and need to be removed.

Mayor Halverson said the Commission wanted to maintain as many trees as possible to provide a buffer.

Ald. Wiza asked if the storage area will be paved and where the chemicals from the wash bay are drained.

Director Gardner replied it will be paved. He said the chemicals go into the drain and are treated at the Water Department.

Ald. Wiza asked if there is a proposed on-site drainage plan.

Director Gardner replied, no.

Ald. Trzebiatowski said it should be required to have a system to collect debris.

Director Gardner said he is not familiar with the plumbing codes for this type of business.

Director Halverson said the ordinance is clear that no paint or similar substances go into the system.

Ald. Trzebiatowski asked if frame work will be done in the original part of the building.

Director Gardner does not have an answer.

Ald. Stroik said all businesses have to adhere to certain restrictions of what can go down the drain.

Mayor Halverson said if a problem is detected, the Wastewater Department could take action.

Ald. Stroik moved, Ald. Slowinski seconded, to make an amendment to add the condition that any flamed work being conducted in the current wood structure building be approved by the Fire Department.

The following is the vote on the amendment to the motion:

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

Nays: Ald. Brooks, Moore.

Ayes - 7. Nays - 2. Motion carried.

The following is the vote on the main motion:

Roll Call: Ayes majority.

Nays minority. Motion carried.

9. Public Hearing - Conditional Use - 701 Mason St. - Request to Operate a Landscaping Business including Trucking and Excavating.

The public hearing was declared open by the Mayor.

Reid Rocheleau, 408 Cedar Street, is opposed to this request. He asked that this request be denied since the conditions have been violated in the past.

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

10. Consideration of Resolution on the above.

Ald. Stroik asked if there was a timeline on the improvements suggested by the owner.

Mayor Halverson responded, May, 2009.

Ald. Stroik asked what will happen if it is not complied with.

Mayor Halverson said he will get orders to comply. He said if the conditions are still not complied with then the conditional use would be pulled.

City Attorney Molepske said if the timeline is not met, the Inspection Department would give him a time limit to comply. He said if it is still not complied with then it would be put on the agenda for revocation of the conditional use permit.

Ald. Stroik said he did not see the specifics for the berm in the minutes so he is hesitant to grant the conditional use permit.

Director Gardner said the conditions set in the resolution for this request would be looked at to make sure the conditions have been met.

Ald. Hanson said the reason May of 2009 was chosen was to allow time for the plantings to grow. He asked if it was possible to have the boulders in place earlier and plant in the spring.

Mayor Halverson said that is up to the Council to make an additional condition.

Ald. Wiza asked if Tony's Landscaping is currently in compliance with previous conditions set.

Director Gardner replied, no.

Ald. Wiza asked if any citations have been issued.

Director Gardner replied, no.

Mayor Halverson said there has since been an ordinance change or setback requirement to allow for storage in the front yard which would need to be bermed.

Director Gardner reviewed the history of Tony's Landscaping at this site.

Ald. Wiza would like to know the length of the berm and the lot measurements.

Director Gardner said the berm is already there from the concrete wall to the entrance.

Ald. Wiza said he is concerned because it does not specify that the berm has to be from the concrete wall to the front entrance.

Director Gardner said amendments can be made to the resolution.

Ald. Wiza asked if it matters if the top layer is mulch or stone.

Director Gardner said he uses mulch and stone interchangeably. He said it will be a display of different types of coverings.

Ald. Brooks asked how much of the original screening requirements are not completed.

Director Gardner said he could ask for an extension.

Ald. Brooks encouraged the storing of concrete in the back of the business.

Ald. Stroik moved, Ald. Hanson seconded, approval of the resolution with the amendment that evergreens planted on the top of the berm as well as a sunset clause of May 1, 2010 and a two step process for the berm work, the major berm work being the shelves, boulders and soil minus the plantings to be completed by November 15, 2008 and the entire project completed by May 1, 2009.

Ald. Stroik said it would be hard to store products to sell if there are trees at the top tier of the berm.

Director Gardner said the trees are already there.

Ald. Wiza asked if the sunset clause is redundant in this case.

City Attorney Molepske replied, no, the sunset clause will end it.

Ald. Wiza said even if he is in compliance, his business is still done as of May 1, 2010 because of the sunset clause.

City Attorney Molepske said that is correct.

Roll Call: Ayes majority.

Nays minority. Motion carried.

11. Consideration of Resolution - Accepting Right-Of-Way in Phase 2 of the Whitetail Subdivision.

Ald. Molski moved, Ald. Trzebiatowski seconded, approval of the resolution accepting the right-of-way in Phase 2 of the Whitetail subdivision.

Ald. Wiza noted the disk golfers are not happy with this.

Roll Call: Ayes all.

Nays none. Motion carried.

12. Consideration of Resolution - Accepting Restrictive Covenants for Phase 2 of the Whitetail Subdivision.

Ald. Heart asked how the amount of fertilizers will be limited.

Director Gardner asked if the alderperson would like to add an amount of fertilizer.

Ald. Heart would like no fertilizers.

Ald. Heart moved, approval of the covenants with the amendment that no fertilizer with phosphates and nitrates are allowed.

Motion failed due to a lack of a second.

Ald. Brooks asked who creates and writes the restrictive covenants.

Director Gardner said it is created by the subdivider and property owner and is written up by staff.

Ald. Brooks does not feel some of the conditions are necessary.

Ald. Stroik would like to direct staff to look at the fertilizer usage.

City Attorney Molepske said the City has limited interest so the residents would have to amend their covenants.

Ald. Stroik asked if there were any issues in this well recharge area.

Director Halverson said it is hard to determine where things come from. She said agriculture is the biggest contributor to nitrates.

Ald. Moore believes the covenants already limit the use of fertilizers.

Ald. Molski moved, Ald. Moore seconded, to accept the resolution accepting restrictive covenants for Phase 2 of the Whitetail Subdivision.

Roll Call: Ayes majority.

Nays minority. Motion carried.

13. Consideration of the minutes and actions taken at the Public Protection Committee meeting of October 13, 2008.

Jason Mattison, 401 Weir Blvd., is available for any questions.

Ald. Wiza asked approximately how many rides were provided on homecoming weekend.

Jason Mattison replied approximately 40 rides.

Ald. Wiza noted that Mr. Mattison was providing rides before his license was issued.

Jason Mattison said when he originally filled out the application he inquired about that. She told him that the paperwork was filed and he should not have a problem with it. He found out a couple of weeks later that he should not have been operating.

Ald. Wiza moved, Ald. Slowinski seconded, approval of the minutes and actions taken at the Public Protection Committee meeting of October 13, 2008, with item #1D pulled for further discussion.

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

Ald. Wiza moved, Ald. Brooks seconded, to deny the Taxicab Company license for Stevens Point Cab Company.

Ald. Brooks said it is unfortunate because there is a need for this service.

Ald. Heart said there have been situations in the past where developers have started work before Council approval.

Mayor Halverson noted the individual was warned not operate the business before he had approval.

Ald. Stroik asked the Clerk about the miscommunication.

Clerk Moe said he did not speak with Mr. Mattison when he first applied for the license and cannot say what conversation Mr. Mattison had with his staff. Clerk Moe said he spoke with Mr. Mattison before the request came before the Committee. Mr. Mattison asked if he could be operating without a license and Clerk Moe told him that he could not give him approval to do that.

Ald. Wiza said at the Public Protection Committee meeting, the individual was informed that it was illegal to operate without the license.

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

14. Consideration of minutes and actions taken at the Finance Committee meeting of October 13, 2008.

Ald. Molski moved, Ald. Hanson seconded, approval of the minutes and actions taken at the Finance Committee meeting of October 13, 2008.

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

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

Ald. Heart moved, Ald. Brooks seconded, approval of the minutes and actions taken at the Board of Public Works meeting of October 13, 2008.

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

16. Consideration of Ordinance Amendment - Traffic - Amend the Thirty Minute Parking and Bus Stop Ordinances by the YMCA.

Ald. Slowinski moved, Ald. Wiza seconded, approval of the Ordinance Amendment - Traffic - amend the thirty minute parking and bus stop ordinances by the YMCA.

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

17. Consideration of Ordinance Amendment - Traffic - Amend, Create and Repeal Sections of Ordinances Dealing with the Parking Around McKinley School.

Reid Rocheleau, 408 Cedar Street, is concerned with the safety of the children because the teachers are parking there.

Ald. Stroik moved, Ald. Molski seconded, to adopt this ordinance and continue to work with the school district to enhance the safety.

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

18. Consideration of Cooperative Agreement Between WISDOT and the City of Stevens Point.

Ald. Moore moved, Ald. Wiza seconded, approval of the Cooperative Agreement between WISDOT and the City of Stevens Point.

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

19. Introduction of Resolution - Vacate 209 and 301 Division Street.

Ald. Stroik moved, Ald. Moore seconded, to introduce the resolution vacating 209 and 301 Division Street.

20. Consideration of minutes and actions taken at the Personnel Committee meeting of October 13, 2008.

Ald. Hanson moved, Ald. Molski seconded, approval of the minutes and actions taken at the Personnel Committee meeting of October 13, 2008.

Roll Call: Ayes all.

Nays none. Motion carried.

21. Consideration of Ordinance Amendment - Alderpersons Salary.

Reid Rocheleau, 408 Cedar Street, said this is not a good time for raises. He reviewed how surrounding communities are paid and when they meet. Mr. Rocheleau suggested that the alderpersons only get paid when they show up for meetings. He asked that this be postponed until next month.

Ald. Wiza clarified the increase to the alderpersons' salaries will make it easier to perform their jobs.

Ald. Stroik moved, Ald. Molski seconded, to amend the Alderpersons salary as indicated.

Ald. Stroik said the agendas are longer and an increase in pay will encourage others to run for alderperson.

Ald. Heart does not feel it is necessary to increase the salary in these economic times.

Ald. Slowinski agrees during these times they should not ask for raises.

Roll Call: Ayes: Ald. Wiza, Trzebiatowski, Molski, Stroik, Moore.

Nays: Ald. Hanson, Heart, Slowinski, Brooks.

Ayes - 5. Nays - 4. Motion failed.

City Attorney Molepske said the amendment to the alderpersons salary needs a vote of ¾ of all members in order to pass.

22. Consideration of minutes and actions taken at the Transportation Commission meeting of September 18, 2008.

Ald. Heart moved, Ald. Wiza seconded, approval of the minutes and actions taken at the Transportation Commission meeting of September 18, 2008.

Roll Call: Ayes all.

Nays none. Motion carried.

23. Consideration of minutes and actions taken at the Board of Parks Commissioners meeting of October 1, 2008.

Ald. Wiza moved, Ald. Hanson seconded, approval of the minutes and actions taken at the Board of Parks Commissioners meeting of October 1, 2008.

Roll Call: Ayes all.

Nays none. Motion carried.

24. Consideration of minutes and actions taken at the Board of Water & Sewage Commissioners meeting of October 13, 2008.

Ald. Slowinski moved, Ald. Hanson seconded, approval of the minutes and actions taken at the Board of Water and Sewage Commissioners meeting of October 13, 2008.

Roll Call: Ayes all.

Nays none. Motion carried.

25. Consideration of Resolution - Authorizing the Water Department to Participate in WisWARN Mutual Aid and Assistance Program.

Ald. Wiza asked if there is any circumstance that may put the City of Stevens Point Water and Wastewater Departments in jeopardy.

Director Halverson said it is her option to send employees. She said if there is a situation here then she would not send anyone.

Ald. Wiza moved, Ald. Brooks seconded, approval of the resolution authorizing the Water Department to participate in WisWARN Mutual Aid and Assistance Program.

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

Nays: None. Motion carried.

26. Consideration of Resolution - Authorizing the Wastewater Department to Participate in WisWARN Mutual Aid and Assistance Program.

Ald. Wiza moved, Ald. Brooks seconded, approval of the resolution authorizing the Wastewater Department to participate in WisWARN Mutual Aid and Assistance Program.

Ald. Wiza asked if there are any costs involved.

Mayor Halverson replied only if resources are sent to help.

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

Nays: None. Motion carried.

27. Consideration of minutes and actions taken at the Police and Fire Commission meeting of October 7, 2008.

Ald. Stroik moved, Ald. Hanson seconded, approval of the minutes and actions taken at the Police and Fire Commission meeting of October 7, 2008.

Roll Call: Ayes all.

Nays none. Motion carried.

28. Consideration of Ordinance Amendments - Creation of Administrative Director of the Police and Fire Commission.

Commissioner Bill Meyer is available for any questions.

Stephen Koback, 1609 Sand Hill Lane, voiced his concerns on the salary for this position and removing positions from the Police and Fire Departments. He questions what the true savings really are.

Commissioner Dave Schliehs is available for any questions.

Commissioner Mary Taylor said this ordinance creates an opportunity during severe financial constraints. She said this will allow the City to reduce costs and save line staff. The Commissioner said it will save positions through reorganization.

Ald. Stroik moved, Ald. Molski seconded, approval of ordinance amendment creating an Administrative Director for the Police and Fire Commission.

Ald. Wiza asked at what point this position could be appealed if needed and who could do it.

City Attorney Molepske said this position was created to assist the Police and Fire Commission. He said if the City decides to eliminate the position, the City can do so by the same procedure that it was created.

Ald. Wiza is not confident that this will work but based on all the information received he believes it is likely this will be successful without hurting the current level of service.

Ald. Heart asked what will happen if the retirements do not occur as projected.

Mayor Halverson said the people in the positions would be free to retire or they will be eliminated as of January 1. He said if retirements do not happen voluntarily, they will have the ability to slide down the ranks. The Mayor stated that 2010 is shaping up to be a financial disaster.

Ald. Trzebiatowski asked how it will affect the City's rating if we use mutual aid. He said the response times will be delayed.

Mayor Halverson said this already happens quite frequently.

Fire Chief Zinda said it will have some impact. He said the City has always had a good response time with career firefighters. The Chief said this will definitely effect the response times.

Police Chief Morris said no one is 100 percent sure that this will work but if everyone puts forward their best efforts, it has a great chance of working.

Commissioner Bill Meyer said there is still some uncertainty with this. He said there is still some homework that needs to be completed.

Commissioner Mary Taylor said we can move forward and make this work.

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

Nays: None. Motion carried.

29. Consideration of the statutory monthly financial report of the Comptroller-Treasurer for August 2008.

Ald. Molski moved, Ald. Moore seconded, to accept the monthly financial report of the Comptroller-Treasurer for August 2008 and place it on file.

Roll Call: Ayes all.

Nays none. Motion carried.

30. Mayoral appointments:

Airport Advisory Committee - John Thompson, 2409 Stanley Street (expires 4-30-10).

Supplemental Election Workers

Mayor Halverson said Mr. Thompson is the owner of Am I High Aviation but is not a member of the Stevens Point Pilot's Association.

Ald. Slowinski moved, Ald. Trzebiatowski seconded, approval of the Mayoral appointments of John Thompson to the Airport Advisory Committee and supplemental election workers.

Roll Call: Ayes all.

Nays none. Motion carried.

31. Adjournment.

Adjournment at 9:50 p.m.

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