

Meeting Minutes

Special City Council Meeting

January 4, 2007, 6:00 P.M.

City Conference Room, 1515 Strongs Ave.

Mayor Gary W. Wescott, presiding

Roll Call: Ald. Sevenich, Walther, Hanson, Wiza, Robinson, Slowinski, Trzebiatowski, Molski, Stroik, Barber, Moore

Also Present: City Clerk Moe, City Attorney Molepske, Comptroller/Treasurer Schlice

2. Consideration and Action on Resolution Directing a Spring Primary Election for the Office of Mayor.

Mayor Wescott noted the last time the City of Stevens Point had five candidates was in January, 1975 when a primary was ordered. In 1987 a primary was also held when there were three candidates who qualified for the ballot. He believes there is strong historical precedent for holding a primary. The Clerk has reported that we have five candidates who have qualified to be placed on the ballot.

Two frequently asked questions he receives is whether the Council will call for a primary, which he believes there are strong historic reasons to do. The other half of that question is how many people advance from the primary, which the answer is two. The second question is whether Mr. Wiza and Mr. Walther, who have both qualified to be on the ballot, vote tonight on this question. He then asked the City Attorney to share his comments on this matter.

City Attorney Molepske stated that he does not normally give ethics opinions at a public forum.

In this case he has not received a request from an alderperson about whether or not they should or should not vote based on the following statute. He cites Wis. Stats. 19.59(1)(a) and states that a violation of this statutes could lead to a fine of up to \$1,000.

Therefore, he suggested to any alderperson who is also a Mayoral candidate to consider for himself whether or not the declaration of a primary would result in anything of substantial value for the private benefit of himself. If you find that this action may result in obtaining something of substantial value for your private benefit, in this case your candidacy, then a prudent person would abstain.

Since no letter was sent requesting an opinion in writing, the statute that provides that anyone who does contact him and requests an opinion would have a prima facie defense to any claim of violation of statute. That does not exist here. Therefore, his generic opinion given tonight is not a defense in case there is a question. He reminded alderpersons that the action before the Council only needs a simple majority.

Ald. Wiza stated the reason that a request was not made was because the Mayor stated at the last set of committee meetings that he had discussed this with Mr. Molepske and that we (the mayoral candidates on the Council) could vote.

Mayor Wescott stated that is correct. At that time the City Attorney reported to him that he did not have an issue with it and was comfortable with the alderpersons who had qualified for the ballot voting. Within a day or two of the discussion and the committee meetings, the City Attorney came back to him and said he had changed his mind. He asked the City Attorney if that was fair to say.

City Attorney Molepske replied, yes.

Ald. Moore moved, seconded by Ald. Stroik, approval of the Resolution Directing a Spring Primary Election for the Office of Mayor to be held on February 20, 2007.

Ald. Wiza asked what, if any, additional cost to the City for a Primary.

Clerk Moe stated that due to the fact that there will already be an election, the additional cost will be around \$500.00.

Roll Call: Ayes: Sevenich, Hanson, Robinson, Slowinski, Trzebiatowski, Molski, Stroik, Barber, Moore.

Nays: None.

Abstains: Walther, Wiza. Motion Carried.

3. Adoption of Boundary Adjustment Ordinance between the City of Stevens Point and the Town of Plover - Phase 1.

Mayor Wescott explained that this was a formality required by the law. A formality that was required after the boundary adjustment was signed and approved between the City of Stevens Point and the Town of Plover. Over the years since it was approved, the first in the state, it has had eleven or twelve amendments or minor modifications to it. And this is one of them. This is something that we have been discussing for some time as to whether or not this applies to the City because it was not a part of the boundary adjustment law at that time. It is in the administration's view a formality under the law to file this with the Register of Deeds.

The City Attorney added that every time we have an annexation we are required to file with the Secretary of State a map and the new boundary. This just directs the Clerk to file all the paper work and formally indicates that as of January 1, 2007 the territory in Phase One is in the City.

The Mayor recapped the key points that the boundary adjustment between the City and the Town of Plover has been executed. The Common Council authorized the agreement and the Town of Plover executed the agreement. All we are doing tonight is simply directing that the appropriate documents be formally placed with the Register of Deeds office which is required under the law, but was not a part of the agreement when it was originally put into effect.

The City Attorney read to the Council the Resolution adopted by the City back in 1995. The State has already approved this and all we are doing is adopting an ordinance referring to the agreement and to have it filed with the Secretary of State and the Register of Deeds office.

Ald. Stroik moved, seconded by Ald. Robinson, adoption of Boundary Adjustment Ordinance between the City of Stevens Point and the Town of Plover - Phase 1.

Roll Call: Ayes: Sevenich, Walther, Hanson, Wiza, Robinson, Slowinski, Trzebiatowski, Molski, Stroik, Barber, Moore.

Nays: None. Motion Carried.

Adjourn 6:18 p.m.

The meeting minutes reproduced on this website are derived from the computer files used to produce the official minutes for the City of Stevens Point, but are unofficial. The minutes on this web site cannot be certified under s. 889.08, Wis. Stats., and cannot be considered prima facie

evidence under s. 889.04, Wis. Stats. Certain tables, maps, and other documents that are a part of the official minutes are not included in the files reproduced on this website. Please consult the printed minutes, available in the City Clerk's Office, for the official text. The decisions made by City of Stevens Point boards, committees, and commissions (other than the Police & Fire Commission) are advisory only and are not binding on the City until affirmed at a meeting of the Common Council. Some of the minutes on this web site might not be approved by the Common Council as of today.

Bottom of Form