

Meeting Minutes

Regular City Council Meeting

July 16, 2007, 7:00 P.M.

Council Chambers, County-City Building

Mayor Andrew Halverson, presiding
Roll Call: Present: Ald. Myers, Walther, Hanson, Wiza, Heart, Slowinski, Trzebiatowski, Molski, Stroik, Moore
Also Present: City Attorney Molepske, City Clerk Moe, Comptroller/Treasurer Schlice, Directors Gardner, Schrader, Euclide, Halverson; Police Chief Morris, Fire Chief Barnes, Transit Manager Lemke, Personnel Specialist Jakusz, Kari Yenter, Gene Kemmeter (Portage County Gazette), Jason Zencka (Stevens Point Journal)

Index to these minutes:

2. Salute to the Flag and Mayor's opening remarks.
3. Approval of the minutes of the Regular Common Council meeting of June 18, 2007.
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.
6. Public hearing on amendments to Chapter 23 Zoning Ordinance concerning the following: Interpretations, Greater Restrictions and Abrogation; Exceptions to Yard and Setback Requirements; Application Completeness and Amendments; Conditional Use Standards; & Definition of "setback".
7. Adoption of Ordinance on the above.
8. Consideration of minutes and actions taken at the Public Protection Committee meeting of July 9, 2007.
9. Consideration and adoption of Ordinance Section 20.19 Abatement of Graffiti.
10. Consideration and adoption of Amendment to Ordinance Section 21.03(18) relating to storage of vehicles, machinery or trailers on private property.
11. Consideration of minutes and actions taken at the Special Public Protection Committee meeting of July 16, 2007.
12. Consideration of minutes and actions taken at the Board of Public Works meeting of July 9, 2007.
13. Consideration of minutes and actions taken at the Finance Committee meeting of July 9, 2007.
14. A Resolution Authorizing and Providing for the Sale and Issuance of \$1,300,000 General Obligation Promissory Notes, Series 2007A, and All Related Details.
15. Consideration of minutes and actions taken at the Personnel Committee meeting of July 9, 2007.
16. Ratification of the 2007-2008 Tentative Labor Agreement with AFSCME Local 309 (Streets & Parks).
17. Consideration of minutes and actions taken at the Special Personnel Committee meeting of July 16, 2007.
18. Consideration of minutes and actions taken at the Board of Water and Sewage Commissioners meeting of July 9, 2007.
19. Adoption of procedure for election and election of Tenth District Alderperson, 5 minute presentation by each candidate: A. Mary McComb; B. Mike Phillips; C. Ryan Check; D. Brian Brooks
20. Consideration of minutes and actions taken at the: Police and Fire Commission meeting of July 10, 2007; Statutory monthly financial report of the Comptroller-Treasurer; Transportation Commission meeting of July 12, 2007.
21. Mayoral Appointment: Board of Review - Alternate #1, Appoint Greg Disher (unexpired term Nash - expires 05-01-09).
22. Adjournment.

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

Mayor Halverson led the salute to the flag.

3. Approval of the minutes of the Regular Common Council meeting of June 18, 2007.

Ald. Walther moved, Ald. Stroik seconded, for approval of the regular Common Council minutes of June 18, 2007.

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.

Tom Mallison Item #9 - Ordinance Section 20.19 Abatement of Graffiti

1301 Franklin Street

Stevens Point, WI 54481

Bernice Sevenich Item #9 - Ordinance Section 20.19 Abatement of Graffiti

1324 Fourth Avenue

Stevens Point, WI 54481

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

No one registered to speak.

6. Public hearing on amendments to Chapter 23 Zoning Ordinance concerning the following: Interpretations, Greater Restrictions and Abrogation; Exceptions to Yard and Setback Requirements; Application Completeness and Amendments; Conditional Use Standards; & Definition of "setback".

The public hearing was declared open by the Mayor.

Director Gardner stated the first part of the ordinance deals with exceptions to yard and setback requirements. He reviewed the allowable uses within the required setback. He referred to Wisconsin Supreme Court Decision, Weber vs. Town of Saukville, stating their zoning ordinance did not allow for amendments to be made after the submittal of the request. The Director noted that the City of Stevens Point's ordinance does not allow for amendments. He said the suggested language that the Plan Commission adopted allows for the submission of amendments to the

application at any time. Director Gardner stated the last amendments to the ordinance clarify the conditional use standards and definitions of setback.

Mayor Halverson asked that all questions be directed through him to maintain order of the meeting.

Mildred Neville, 1409 Franklin Street, said the Plan Commission did not see the wording of this ordinance. Ms. Neville stated the worst part of the ordinance is the wording that the application may be supplemented or amended at any time prior to or at the public hearing. She said this change will do away with the planning process. Ms. Neville suggested changing the wording to: "the application may be supplemented or amended anytime prior to or at the Plan Commission meeting".

Dave Schleih, 1026 Smith Street, is concerned that applications can be supplemented or amended up to or at the public hearing. Mr. Schleih said the process should be reasonable. He said if an issue is discussed and voted on at the Plan Commission then that plan should be forwarded to the Council. Mr. Schleih stated last minute changes that could be detrimental should not be introduced.

Bernice Sevenich, 1324 Fourth Avenue, agrees with the two previous speakers. Mrs. Sevenich said it is important to keep what was done at a meeting before the public. She said changes should not be made behind the scenes.

Dan Menzel, 901 Union Street, strongly agrees with the previous speakers.

Cathy Dugan, 615 Sommers Street, supports the previous speakers' comments.

Mayor Halverson noted he is torn on this matter. The Mayor said if the ordinance amendments are turned down in its entirety, no changes would be allowed in the future. He said we should be as flexible as possible with developers before and during the Plan Commission meeting. The Mayor said once the Plan Commission approves a plan, it should be considered complete.

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

7. Adoption of Ordinance on the above.

Ald. Wiza does not like to have to make decisions on last minutes changes. The alderman said he likes to do his homework and it does not give him enough time to look at the situation.

Ald. Wiza moved, Ald. Slowinski seconded, to approve the proposed ordinances, striking section 23.01(16)(b).

Director Gardner stated by eliminating this section, the current language will remain the same which means even the Plan Commission cannot make amendments.

City Attorney Molepske said a better solution can be addressed. The City Attorney suggested returning this section of the ordinance to the Plan Commission for further review.

Ald. Trzebiatowski said the Council can set stricter conditions upon a development.

City Attorney Molepske said the Council can set stricter guidelines than the Plan Commission for a development with or without this section in the ordinance.

Director Gardner asked what will happen if a less restrictive recommendation is made.

City Attorney Molepske said only small changes can be made.

Ald. Myers suggested taking the City Attorney's advice and return this to the Plan Commission.

Ald. Wiza said a motion is not needed to refer this back to the Plan Commission. The alderman said the Commission can bring it up themselves.

Ald. Stroik does not want to leave it status quo. The alderman would like the motion to include sending it back to the Commission for further debate so it does not fall by the wayside.

Ald. Wiza agreed to the friendly amendment to include referring this back to the Plan Commission.

The amended motion is as follows:

Ald. Wiza moved, Ald. Slowinski seconded, to approve the ordinance as stated with the exception of referring section 23.01(16)(b)1 back to the Plan Commission for further recommendations.

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

Nays: Ald. Moore, Myers.

Ayes - 8. Nays - 2. Motion carried.

8. Consideration of minutes and actions taken at the Public Protection Committee meeting of July 9, 2007.

Ald. Stroik moved, Ald. Heart seconded, approval of the minutes and actions taken at the Public Protection Committee meeting of July 9, 2007.

Roll Call: Ayes all.

Nays none. Motion carried.

9. Consideration and adoption of Ordinance Section 20.19 Abatement of Graffiti.

Tom Mallison, 1301 Franklin Street, said the house across the street from his home was vandalized with graffiti. Mr. Mallison suggested a committee of citizens being organized to help with clean up.

Bernice Sevenich, 1324 Fourth Avenue, was surprised to see graffiti on a residential home. Mrs. Sevenich is in favor of this ordinance.

Ald. Myers moved, Ald. Stroik seconded, to adopt Ordinance Section 20.19 - Abatement of Graffiti.

Ald. Heart asked that the Police Department use fair judgment when enforcing this ordinance.

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

Nays: None. Motion carried.

10. Consideration and adoption of Amendment to Ordinance Section 21.03(18) relating to storage of vehicles, machinery or trailers on private property.

Ald. Molski moved, Ald. Wiza seconded, to adopt the amendment to Ordinance Section 21.03(18) relating to storage of vehicles, machinery or trailers on private property.

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

Nays: None. Motion carried.

11. Consideration of minutes and actions taken at the Special Public Protection Committee meeting of July 16, 2007.

Clerk Moe read the minutes of the Special Public Protection Committee meeting of July 16, 2007.

Ald. Stroik moved, Ald. Trzebiatowski seconded, to approve the minutes and actions taken at the Special Public Protection Committee of July 16, 2007.

Roll Call: Ayes all.

Nays none. Motion carried.

12. Consideration of minutes and actions taken at the Board of Public Works meeting of July 9, 2007.

Ald. Slowinski moved, Ald. Wiza seconded, approval of the minutes and action taken at the Board of Public Works meeting of July 9, 2007.

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

Nays: None. Motion carried.

13. Consideration of minutes and actions taken at the Finance Committee meeting of July 9, 2007.

Ald. Molski moved, Ald. Hanson seconded, approval of the minutes and actions taken at the Finance Committee meeting of July 9, 2007.

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

Nays: None. Motion carried.

14. A Resolution Authorizing and Providing for the Sale and Issuance of \$1,300,000 General Obligation Promissory Notes, Series 2007A, and All Related Details.

Ald. Moore moved, Ald. Hanson seconded, to approve the resolution authorizing and providing for the sale and issuance of \$1,300,000 General Obligation Promissory Notes, Series 2007A, and all related details.

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

Nays: None. Motion carried.

15. Consideration of minutes and actions taken at the Personnel Committee meeting of July 9, 2007.

Ald. Hanson moved, Ald. Molski seconded, approval of the minutes and actions taken at the Personnel Committee meeting of July 9, 2007.

Roll Call: Ayes all.

Nays none. Motion carried.

16. Ratification of the 2007-2008 Tentative Labor Agreement with AFSCME Local 309 (Streets & Parks).

Ald. Hanson moved, Ald. Moore seconded, to ratify the 2007-2008 Tentative Labor Agreement with AFSCME Local 309 (Streets and Parks).

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

Nays: None. Motion carried.

17. Consideration of minutes and actions taken at the Special Personnel Committee meeting of July 16, 2007.

Clerk Moe read the minutes of the Special Personnel Committee meeting of July 16, 2007.

Ald. Hanson moved, Ald. Walther seconded, approval of the minutes and actions taken at the Special Personnel Committee meeting of July 16, 2007.

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

Nays: None. Motion carried.

18. Consideration of minutes and actions taken at the Board of Water and Sewage Commissioners meeting of July 9, 2007.

Ald. Slowinski moved, Ald. Moore seconded, approval of the actions taken and place the minutes on file from the Board of Water and Sewage

Commissioners meeting of July 9, 2007.

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

19. Adoption of procedure for election and election of Tenth District Alderperson, 5 minute presentation by each candidate:

- A. Mary McComb
- B. Mike Phillips
- C. Ryan Check
- D. Brian Brooks

Mayor Halverson said the person elected as Tenth District Alderperson will need a minimum of six votes of the governing body. The Mayor explained once the presentations are heard from each candidate, the Council will move forward with a paper ballot vote for a first round of voting. He said the ballots will need to be signed by the alderpersons. The Mayor said if there is a split vote, then a second round of voting will take place. Mayor Halverson said a motion will be needed to approve the guidelines as to how the alderperson will be elected.

Ald. Trzebiatowski asked if there will be an opportunity for discussion or comments from the Council members.

Mayor Halverson replied that can be adopted as part of the procedure.

Ald. Stroik asked why the ballots need to be signed.

Mayor Halverson replied this is a vote for a member of the governing body.

City Attorney Molepske concurred with Mayor Halverson.

Ald. Myers did not appreciate having a memo on his desk favoring one of the candidates when the other candidates did not have that opportunity.

Ald. Slowinski moved, Ald. Molski seconded, to adopt a first round of voting, if a majority vote is achieved at this point, that person will be the new alderperson. If not, the Council would move forward with the top two candidates with the most votes, to the second round of voting. If it is a five to five vote on the first round, the Mayor would not exercise his authority to change that vote. The Council would proceed to an additional round, if it is a tie, the Mayor would exercise his right to break the tie. Paper ballots will be used and signed by the alderpersons. One question per alderperson to the candidate will be allowed.

Ald. Trzebiatowski thinks there should be an opportunity for aldermanic input.

Mayor Halverson stated that could be added as a friendly amendment to the motion.

Ald. Slowinski declined the amendment to the motion.

Roll Call: Ayes: Ald. Myers, Walther, Hanson, Wiza, Heart, Slowinski, Molski, Stroik, Moore.
Nays: Ald. Trzebiatowski.
Ayes - 9. Nays - 1. Motion carried.

Mary McComb, 2100 Elk Street, was born and raised in Stevens Point. Ms. McComb said during her media and college teaching careers, she lived in different cities. She said the more she saw of different communities, the more she understood what a great community Stevens Point is. Ms. McComb has historic knowledge to offer. She has a background in research and believes in thorough consideration of issues and listening to everyone that is concerned. Ms. McComb would like to increase the amount of public input. She plans to open a downtown stationery shop. Ms. McComb is concerned about the noise and maintenance of yards in her neighborhood.

Mike Phillips, 3225 Mary Street, said the task of the Council is to find a qualified person to serve the remainder of the unexpired term of Ald. Barber. Mr. Phillips is well qualified having been the Tenth District Alderperson for nine years. He served as a member on many committees, chaired the Public Protection Committee and Council President for one year. Mr. Phillips is diligent in reviewing the City's budget to protect the interest of the taxpayers and ensuring city services are delivered. He lived in the Tenth District for the past 25 years. Mr. Phillips has the time, energy and experience to do the job.

Ald. Trzebiatowski asked why two former aldermen and former Mayor Wescott put so much faith in Mr. Phillips.

Mike Phillips said they all respected each other and worked well together. He said the former Mayor and aldermen would want someone with experience to fill the Tenth District Aldermanic position.

Ald. Myers asked why the tenth district constituents had failed to elect him in the past two elections.

Mike Phillips said there were special interest groups fighting against his election for the wrong reasons. He said during the last election, he received 49% of the votes.

Ald. Stroik asked what the vote count was last year for the tenth district.

Mike Phillips said the vote was 166 to 174.

Ryan Check, 3200 Water Street, likes to volunteer in the community. Mr. Check lived in the community for over 30 years. He is interested in helping and listening to the citizens of Stevens Point. Mr. Check is concerned with increasing taxes from the development of a new Justice Center and noise and safety of the trains. He commended the Downtown Manager for the hard work done to the downtown area. Mr. Check said he is easy to talk to and he is a good listener who cares.

Brian Brooks, 3248 Lindbergh Avenue, said the best candidate should have a sincere love of this city which he has. Mr. Brooks said the candidate must be a leader who uses their experience, business skills and concerns to make an improvement to the quality of life in Stevens Point. He said the candidate must be open to listen to the voices of their constituents. Mr. Brooks stated the best candidate must make decisions that

will best serve the community. He wishes to become the Tenth District Alderman because he loves this city. Mr. Brooks is eager and enthusiastic to become part of Stevens Point's growth. He noted that each alderperson received a packet of information including over 200 signatures from the residents of the tenth district stating they support Mr. Brooks as Tenth District Alderman.

Voting ballots for the election of the Tenth District alderperson were distributed by Comptroller/Treasurer Schlice.

Mayor Halverson announced the Tenth District alderperson candidate receiving six or more votes will be elected the Tenth District Alderperson. The Mayor noted the election ballots are public record and need to be signed by the alderpersons.

Comptroller/Treasurer read the votes.

Brian Brooks received six votes.

Mike Phillips received four votes.

Mr. Brooks was elected Tenth District Alderperson.

Clerk Moe administered the oath of office to Ald. Brooks.

Ald. Wiza commended all the candidates for stepping forward to run for alderperson.

20. Consideration of minutes and actions taken at the:

- Police and Fire Commission meeting of July 10, 2007.
- Statutory monthly financial report of the Comptroller-Treasurer.
- Transportation Commission meeting of July 12, 2007.

Mayor Halverson stated that the Transportation Commission minutes are excluded from the agenda item and they will be approved next month.

Ald. Molski moved, Ald. Hanson seconded, to approve the minutes and actions taken at the Police and Fire Commission meeting of July 10, 2007 and place on file the statutory monthly financial report of the Comptroller-Treasurer.

Roll Call: Ayes all.

Nays none. Motion carried.

21. Mayoral Appointment:

Board of Review - Alternate #1

Appoint Greg Disher (unexpired term Nash - expires 05-01-09).

Ald. Moore moved, Ald. Heart seconded, appointing Greg Disher as First Alternate to fulfill the unexpired term of Mr. Nash, expiring May 1, 2009.

Ald. Wiza asked if more information could be provided on the qualifications of the Mayoral appointments.

Mayor Halverson will take that into consideration.

Roll Call: Ayes all.

Nays none. Motion carried.

22. Adjournment - 8:30 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