

Meeting Minutes

Regular City Council Meeting

October 15, 2007, 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, Director Gardner, Director Schrader, City Surveyor Hild, Police Chief Morris, Fire Chief Barnes, Transit Manager Lemke, Assessor Siebers, Personnel Specialist Jakusz, Kari Yenter, Gene Kemmeter (Portage County Gazette), Jason Zencka (Stevens Point Journal)

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3. Approval of the minutes of the Regular Common Council meeting of September 17, and the minutes of the Special Common Council meeting of October 8, 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.
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9. Public Hearing - Ordinance Amendment - Zoning - Rezone the following properties from "B-4" Commercial to "R-2" Single Family - 600, 612 and 624 Second Street North.
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17. Resolution - Extension of Franchise Agreement between the City of Stevens Point and Charter Cable Partners, L.L.C.
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24. Consideration of minutes and actions taken at the Board of Water and Sewage Commissioners meeting of October 8, 2007.
25. Consideration of minutes and actions taken at the Smongeski Health Fund meeting of September 18, 2007.
26. Consideration of minutes and actions taken at the: Police and Fire Commission meeting of August 28, and October 9, 2007; Transportation Commission meeting of October 4, 2007.
27. Statutory monthly financial report of the Comptroller-Treasurer.
28. Adjournment.

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

Mayor Halverson commended Tom Mallison for organizing a First District clean up.

Mayor Halverson announced a Fifth District Listening Session will be held at Jefferson School tomorrow evening at 6:00 p.m. He said the budget presentation will be changed to November 6, 2007 at 6:00 p.m. and the introduction to the non-rep pay plan will be introduced at the November Personnel Committee meeting on November 12, 2007. The Mayor said there will be a Special Common Council meeting on Monday, October 22, 2007. He also noted an Eco-Municipality Task Force meeting will be held on Wednesday, October 17, 2007.

Mayor Halverson said the city street projects are progressing well.

Mayor Halverson said he along with Director Gardner and C/T Schlice will attend a convention in Chicago next week on recruiting developers to our area. He attended the Annual Conference of the League of Wisconsin Municipalities. The Mayor said he learned of an interesting partnership developed with the Mayors of Wausau, Mosinee and Merrill. He said this is something the City of Stevens Point and its regional neighbors need to engage in.

Mayor Halverson stated the City of Stevens Point continues to be engaged in the AIG development process.

3. Approval of the minutes of the Regular Common Council meeting of September 17, and the minutes of the Special Common Council meeting of October 8, 2007.

Ald. Walther moved, Ald. Stroik seconded, to approve the minutes and affirm the actions of the Regular Common Council meeting of September 17, 2007 and the Special Common Council meeting of October 8, 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.

Bob Larson Item #14 - Board of Public Works meeting of October 8, 2007
3283 Lindbergh Avenue

Stevens Point, WI 54481

Tom Mallison Item #5 - Persons who wish to address Mayor and Council
1301 Franklin Street
Stevens Point, WI 54481

Mike Phillips Item #5 - Persons who wish to address Mayor and Council
3225 Mary Street
Stevens Point, WI 54481

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

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

Tom Mallison, 1301 Franklin Street, thanked everyone who helped yesterday with the First District clean up. He said the elements were against them but some people still showed up.

Mike Phillips, 3225 Mary Street, said only the mandated programs for the new Justice Center need to be put together and not a huge wish list. Mr. Phillips said a second floor should be added to the present jail and remodel the courthouse to meet the needs and safety requirements. He said by following this plan, it would save the County taxpayers between \$50 and \$75 million over the next 20 years.

Ald. Trzebiatowski announced there will be a Seventh District Listening Session at Oakridge Apartments this Thursday at 4:00 p.m. The alderman also had the opportunity to ride along with the Police Department on Homecoming Saturday. The Police Department was very busy but the dispatchers and officers handled it well.

6. Consideration of minutes and actions taken at the Plan Commission meeting of October 1, 2007.

Ald. Moore moved, Ald. Wiza seconded, to approve the minutes and actions taken at the Plan Commission meeting of October 1, 2007.

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

7. Public Hearing - Conditional Use - Request of Isaac Walton League, 5297 Highway 66, to construct a new Club House.

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. Trzebiatowski seconded, approval of the request of Isaac Walton League to construct a new Club House.

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

9. Public Hearing - Ordinance Amendment - Zoning - Rezone the following properties from "B-4" Commercial to "R-2" Single Family - 600, 612 and 624 Second Street North.

The public hearing was declared open by the Mayor.

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

10. Ordinance Amendment on the above.

Ald. Wiza moved, Ald. Moore seconded, approval of the request for rezoning from "B-4" Commercial zoning to "R-2" Single Family for 600, 612 and 624 Second Street North.

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

11. Public Hearing - Ordinance Amendment - Zoning - amend section 23.01(16) Conditional Uses (b)1 - Define complete application.

The public hearing was declared open by the Mayor.

Dan Menzel, 901 Union Street, stated the proposed amendment takes away the right of the citizens to make informed decisions. Mr. Menzel said the amendment will allow changes to be made to the conditional use application up to and including at the public hearing. He read a paragraph from a State Supreme Court ruling in regards to this issue. He feels the spirit of it is an informed public. Mr. Menzel said an informed public happens when they have a complete application to digest. He said there are a lot of variables with this amendment.

Mildred Neville, 1409 Franklin Street, said there are four reasons to deny this request; 1) the language is not clear, 2) usurps the planning process, 3) removes the citizens' rights to be heard and 4) places unrealistic expectations on the alderpersons. She said the Plan Commission needs a complete application to make a decision and the Council relies on the Plan Commission's recommendation. Ms. Neville stressed the public has the right to be heard on a conditional use request. She said the amendment will allow a developer to make changes after the public input at the public hearing.

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

12. Ordinance Amendment on the above.

Director Gardner said we certainly want public input. He said the problem with the current language is if there are any changes it would have to be sent back to the Plan Commission, republished and wait another 30 days. The Director said the reason for the proposed amendment is to keep it the way the Council has always handled it and let the Council decide if there is a substantial change or not.

City Attorney Molepske said if there is a substantial change then it would go back to the Plan Commission. He said to determine if the change is substantial, the individual facts of the application are reviewed.

Ald. Stroik asked what is included in the public hearing notice.

Director Gardner said it is a simple notice including the legal description.

Ald. Stroik is concerned that different plans could be handed out at different times if the developers are allowed to make last minute changes. The alderman said at some point, the plan has to be firm.

Ald. Walther supports the amendment to the ordinance.

Ald. Walther moved, Ald. Moore seconded, to approve the ordinance amendment - zoning section 23.01(16) conditional uses (b) 1 - define complete applications.

Ald. Wiza said what is substantial for one person may not be substantial for another. The alderman asked what is the difference between amendments to a plan and a conditional use.

City Attorney Molepske said if a plan provides for a fence that is the application for a conditional use.

Mayor Halverson explained the amendment would allow more flexibility.

Ald. Heart asked if the Council would be allowed to place any conditions.

City Attorney Molepske said the Council can place additional conditions to the conditions already in place.

Ald. Heart is against the amendment to the ordinance.

Ald. Brooks asked that the public be allowed an additional two minutes of comments if a change is made to a plan at the public hearing.

Ald. Myers is concerned that the main idea is to allow the contractor to build immediately.

Director Gardner said the reason is to allow the Council the flexibility to make changes.

Mayor Halverson stated the Council still has the option to return it to the Plan Commission.

Ald. Trzebiatowski believes the Council could make a motion to allow additional time for public input.

City Attorney Molepske said it is a motion to suspend the rules.

Ald. Walther urged the Council to approve this amendment.

Ald. Moore said there are certain circumstances that could be addressed without sending it back to the Plan Commission.

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

Nays: Ald. Heart, Myers.

Ayes - 9. Nays - 2. Motion carried.

13. Ordinance Amendment - Building Code - Creation of section 30.04(3) - Fence Construction Standards.

Ald. Wiza moved, Ald. Hanson seconded, approval of the creation of section 30.04(3) - fence construction standards.

Ald. Trzebiatowski said there are fences with a narrow board then wide board design.

Director Gardner said this ordinance would not disallow a fence like that as long as it is uniform in character.

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

Nays: None. Motion carried.

14. Consideration of minutes and actions taken at the Board of Public Works meeting of October 8, 2007.

Bob Larson, 3283 Lindbergh Avenue, asked how many jobs would be eliminated with the implementation of the automated garbage collection system. He also asked what one employee makes including wages and benefits.

Mayor Halverson said that information will be part of the budget presentation on November 6, 2007. He said the salary with benefits would be approximately \$60,000 annually.

Bob Larson said one of the newspapers reported three people would be eliminated. He said that is \$180,000 annually and it would take **approximately 10 ½ years before recouping any savings. Mr. Larson asked what are the sizes of the charts.**

Mayor Halverson said the charts that the City would use are the same size of charts that are used in the county. He said a larger chart would be used for cardboard and plastics.

Bob Larson asked if anyone rode along with the garbage crew to see what is happening. Mr. Larson asked if a time study was conducted. He said the automated system is not as fast as a garbage crew. Mr. Larson is concerned where to store the garbage bins and elderly people having difficulty using the bins. He said the sanitary crews are hard workers.

Ald. Wiza said the Council is only approving to look into this further.

Mayor Halverson said there are some issues that still need to be worked out.

Ald. Trzebiatowski noted the current garbage trucks are getting old.

Ald. Moore moved, Ald. Heart seconded, to affirm the actions of the Board of Public Works and place the minutes on file.

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 October 8, 2007.

Ald. Molski moved, Ald. Stroik seconded, to affirm the action taken by the Finance Committee at the October 8, 2007 meeting.

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

16. Resolution - Application for State Trust Fund Loan.

Ald. Molski moved, Ald. Hanson seconded, approval of the resolution - application applying for State Trust Fund Loan.

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

17. Resolution - Extension of Franchise Agreement between the City of Stevens Point and Charter Cable Partners, L.L.C.

Mayor Halverson said the resolution allows for an extension of the current contract keeping the same services.

Ald. Myers moved, Ald. Slowinski seconded, to accept the resolution extending the Franchise Agreement between the City of Stevens Point and Charter Cable Partners, LLC.

Ald. Wiza asked why the language on pending state legislation impacting local cable franchise, Charter, has pursuant to a letter, informed the City that Charter is not interested in pursuing renewal negotiations with the City was removed from the resolution.

Mayor Halverson sent a letter to Charter approximately four months ago indicating his intent to renegotiate the existing contract. The Mayor noted pending state legislation, Charter responded that they are not interested in negotiating at this time. He said time has since passed and the legal advice from Moss and Barnett was to take that language out upon the wishes of Charter.

Ald. Wiza asked what other cable companies has the City been in contact with to bring in some competition.

Mayor Halverson replied there have been no negotiations with anyone else.

Ald. Wiza asked if any of the other cable companies have been asked to negotiate.

Mayor Halverson replied they will be contacted once the Franchise Agreement is extended and Charter allows it to lapse. He said the City will then have to go with someone else.

Ald. Wiza stated the Franchise is set to expire on October 23, 2007, the other cable companies should have been contacted months ago.

John Quirk said the Franchise with Charter is not exclusive.

Ald. Trzebiatowski asked if the resolution is adopted, what guarantees Charter will continue to pay the City.

Mayor Halverson said if Charter does not want to act, the City would find another company that is willing. He said if the State passes the legislation, our local control could be stripped away and taken over by the State.

Ald. Trzebiatowski said it appears that Charter has control by changing the channels as they want and blocking out a Packer football game.

City Attorney Molepske said the City does not have the right to tell the cable company what stations they are going to furnish. He said this is the best the City can do until the State makes a decision.

Ald. Trzebiatowski asked if Charter will continue to pay the City between October 23, 2007 and February 15, 2008 for their occupation of the City's right-of-way.

Mayor Halverson said the reason for the extension is to make sure Charter continues to pay.

Ald. Walther understands the need to pass this resolution. The alderman strongly suggested a meeting of the Telecommunications Commission be called in the near future.

Ald. Wiza asked when the last Telecommunications meeting was held and who is the Chair of the Commission.

Mayor Halverson replied two to three years ago.

Ald. Stroik said the Chair is Elbert Rackow.

Ald. Wiza stressed there are only months to renegotiate a contract and it will not give other cable companies an opportunity to put in a decent offer.

Mayor Halverson said Mr. Grogan from Moss and Barnett advised him to wait and see where the state legislation will take this.

Ald. Stroik asked who owns the cable in the City's right-of-way. He also asked if a new cable company would have to run new cable.

City Attorney Molepske said they would either make an arrangement with Charter who owns the cable, string their own cable or go wireless.

Ald. Wiza asked how much the City is paying the consultant with Moss and Barnett.

Mayor Halverson replied about \$300 per hour.

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

18. Ordinance Amendment - Maintenance and Occupancy - 21.03(16) Keeping Animals - Repeal of limit.

Ald. Slowinski moved, Ald. Heart seconded, approval of the ordinance amendment for Maintenance and Occupancy - 21.03(16) Keeping Animals - repeal of limit.

Roll Call: Ayes: Ald. Brooks, Stroik, Molski, Trzebiatowski, Slowinski, Heart, Wiza, Hanson, Walther, Myers.
Nays: Ald. Moore.
Ayes - 10. Nays - 1. Motion carried.

19. Boundary Adjustment Ordinance between the City of Stevens Point and the Town of Plover - Phase II.

Ald. Molski moved, Ald. Trzebiatowski seconded, approval of Boundary Adjustment Ordinance between the City of Stevens Point and the Town of Plover - Phase II.

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

20. Ordinance - Creation of new municipal wards.

Ald. Heart asked if the map handed out this evening is different from the map previously received.

Mayor Halverson replied it is a new map.

Ald. Stroik asked what changes were made.

City Attorney Molepske said the map outlines the newly created wards for the areas that have been annexed to the City. He said the only real clarification is the residents annexed from the Town of Hull will remain in the 70th Assembly District.

Ald. Stroik moved, Ald. Slowinski seconded, approval of the ordinance creating new municipal wards.

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

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

Ald. Stroik moved, Ald. Brooks seconded, approval of the minutes and actions taken at the Public Protection Committee meeting on October 8, 2007.

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

22. Consideration of minutes and actions taken at the Personnel Committee meeting of October 8, 2007.

Ald. Hanson moved, Ald. Wiza seconded, to affirm the minutes and actions taken at the Personnel Committee meeting on October 8, 2007, with item #2 pulled for further discussion.

Ald. Hanson said there should have been a statement including the health insurance plan for retirees on the City health insurance plan. He said this needs to be approved tonight so they have the ability to receive health insurance if they desire. The alderman noted the enrollment date is November 1, 2007.

Personnel Specialist Jakusz stated the deadline is not November 1, 2007 for retirees. The Personnel Specialist said she is in the process of putting together the packets and if this would have waited until the November meetings, it would have put them behind.

Ald. Wiza moved, Ald. Myers seconded, approval of the minutes and actions as amended to the Personnel Committee meeting of October 8, 2007.

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

23. Consideration of minutes and actions taken at the Board of Park Commissioners meeting of October 3, 2007.

Ald. Wiza moved, Ald. Moore seconded, approval of the actions and minutes of the Board of Park Commissioners meeting of October 3, 2007.

Roll Call: Ayes all.

Nays none. Motion carried.

24. Consideration of minutes and actions taken at the Board of Water and Sewage Commissioners meeting of October 8, 2007.

Ald. Slowinski moved, Ald. Molski seconded, approval of the minutes and actions taken at the Board of Water and Sewage Commissioners meeting of October 8, 2007.

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

Nays: None. Motion carried.

25. Consideration of minutes and actions taken at the Smongeski Health Fund meeting of September 18, 2007.

Ald. Wiza moved, Ald. Slowinski seconded, approval of the minutes and actions taken at the Smongeski Health Fund meeting on September 18, 2007.

Roll Call: Ayes all.

Nays none. Motion carried.

26. Consideration of minutes and actions taken at the:
Police and Fire Commission meeting of August 28, and October 9, 2007.

Transportation Commission meeting of October 4, 2007.

Ald. Walther moved, Ald. Stroik seconded, approval of the minutes and affirm the actions taken at the Police and Fire Commission meetings on August 28, and October 9, 2007 and the Transportation Commission meeting on October 4, 2007.

Ald. Walther pointed out the actual local share for the costs to repair and update the trolley is \$392.74. He said a good portion of this amount was to bring the trolley up to public transportation standards. The alderperson noted the first time the trolley was operated under the control of the City was on September 27, 2007.

Ald. Wiza asked if the amount included labor.

Ald. Walther replied no, it does not.

Ald. Wiza asked how many hours were put into making the upgrades and repairs.

Transit Manager Lemke replied it is just part of the general routine duties.

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

Nays: None. Motion carried.

27. Statutory monthly financial report of the Comptroller-Treasurer.

Ald. Stroik moved, Ald. Molski seconded, approval of the statutory monthly financial report of the Comptroller/Treasurer and place it on file.

Roll Call: Ayes all.

Nays none. Motion carried.

28. Adjournment.

Adjournment at 8:50 P.M.

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