

Meeting Minutes

REGULAR COUNCIL MEETING

September 17, 2001 7:00 P.M.

Council Chambers, County-City Building

Mayor Gary W. Wescott, presiding

Roll Call: Present: Ald. Sevenich, Walther, Filipiak, Seiser, Sowieja, Barr, Rackow, Molski, Nealis, Phillips, Moore

Also Present: Comptroller-Treasurer Schlice, City Clerk Zdroik, Directors Van Alstine, Gardner, Schrader, Disher, Police Chief Carpenter, Fire Chief Barnes, Assessor Kuehn, Transit Manager Lemke, Portage County Personnel Director Freiberg, Personnel Specialist Jakusz, Kari Yenter, Paul Chronis (Journal), Gene Kemmeter (Portage County Gazette)

2. Salute to the flag and Mayor s opening remarks.

Mayor Wescott recalled the words of former President John F. Kennedy in calling for residents to resume their normal lives after last week s te attack. This community like every other community is well prepared, organized and well thought out. The citizens of this community need to know they are safe and protected.

Mayor Wescott said one frequently asked question after Tuesday s tragedy is what can we do to help? Please contact a charity or organization your choosing and be generous. Additional information is available on CA 3 and on the City of Stevens Point web page.

On another topic this evening, Mayor Wescott said the Comprehensive Plan for the Community Survey is an important step in the smart growth planning taking place. 30,000 surveys will be mailed this Friday to the residents of Portage County.

3. Approval of minutes of the Regular Common Council meeting of August 20, 2001, and the Joint Plan Commission, Finance Committee, Board of Public Works and Common Council meeting of August 21, 2001.

Ald. Rackow moved, Ald. Molski seconded, for approval of the Regular Common Council minutes of August 20, 2001, and the Joint Plan Commission, Finance Committee, Board of Public Works and Common Council minutes of August 21, 2001.

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.

Amy Heart Item #24 - Resolution supporting a prohibition on the use
2132 McCulloch Street of cyanide in Wisconsin mines
Stevens Point WI 54481

Janet Zander Lincoln Center expansion project
Portage County Department on Aging

5. Resolution - Authorizing Marcus Cable Partners - dba Charter Communications, to Temporarily Operate the Cable Communication system.

Ald. Rackow moved, Ald. Seiser seconded, for adoption of the resolution authorizing Marcus Cable Partners - dba Charter Communications to temporarily operate the cable communication system.

Ald. Rackow explained it had taken longer than expected to get the details fashioned to reach a cohesive proposal. The task was completed just last week. The information was forwarded to Attorney Grogan to review. Attorney Grogan expects to complete his review within ten days. After **Attorney Grogan s review, he will offer the amended package to Charter Communications. Therefore, let us approve this extension again to all the process to continue.**

Roll Call: Ayes: Ald. Sevenich, Walther, Filipiak, Seiser, Sowieja, Barr, Rackow, Molski, Moore.

Nays: Ald. Nealis, Phillips.

Ayes - 9. Nays - 2. Motion carried.

6. Plan Commission meeting of September 4, 2001.

Ald. Seiser moved, Ald. Sowieja seconded, for approval of the Plan Commission minutes of September 4, 2001, with item #6 - Acquisition and Resale of 2116 and 2124 Division Street and item #7 - Conditional Use for Lincoln Center expansion/remodeling - 1519 Water Street pulled for further discussion.

Roll Call: Ayes all.

Nays none. Motion carried.

Item #6 - Acquisition and Resale of 2116 and 2124 Division Street

Ald. Sowieja objects to acquiring the properties on Division Street. The alderman would like to see the private sector handle this matter. Ald. Sowieja plans on voting against this issue.

Ald. Seiser is concerned with the City purchasing the two properties on Division Street with the idea of tearing them down and rebuilding off of Church Street. The alderperson is concerned with the fact that not all options are able to be considered.

Director Gardner said the homes on Division Street are in poor condition. It is not likely the homes would ever be improved in the private sector. Also the lots for these homes are very small. The proposal is to remove the houses and to take the remaining property and sell to the adjacent property owners if they are interested. This will allow the property owners to expand their lot for additional green space.

Mayor Wescott asked if it is correct that the City is also going to try to partner with Cap Services and Habitat for Humanity?

Director Gardner replied, yes. The likely intent is to partner with Cap Services to put a new house on the property facing Church Street.

Ald. Rackow said economically in the short run this is not a good deal, however, that is not the end of the process. Once the two homes of questionable value are removed and a new home is built on the two lots, it would be an incentive for the neighboring properties to improve their properties. If approved, another important aspect is two driveways would be removed from Division Street.

Ald. Nealis feels the current driveways on Division Street are hazardous. The alderman will vote in favor of purchasing the two properties on Division Street.

If approved, Ald. Seiser would like the City to consider having an oversight on the design of the home being built. The design must be consistent with the neighborhood.

Ald. Nealis moved, Ald. Molski seconded, for approval of the acquisition of 2116 and 2124 Division Street.

Ald. Filipiak noted the comments made by Fred Steffen at the Plan Commission meeting to create a bicycle path on the south side of the City. The alderman agrees with the creation of a bicycle path.

Roll Call: Ayes: Ald. Sevenich, Filipiak, Barr, Rackow, Molski, Nealis, Phillips, Moore.

Nays: Ald. Walther, Seiser, Sowieja.

Ayes - 8. Nays - 3. Motion carried.

Item #7 - Conditional Use for Lincoln Center Expansion/Remodeling at 1519 Water Street

Ald. Seiser is concerned we are so ready to take down houses using the excuse they are in bad condition. Ald. Seiser is supportive of the Lincoln Center expansion but is opposed to removing the houses south of the Lincoln Center.

Mayor Wescott asked how long have those two properties been under consideration?

Director Gardner believes they were under consideration since the first part of the year.

Janet Zander, Department on Aging Director, said the acquisition of the two homes was first proposed in the spring of 1999.

Director Gardner said one of the issues that is driving the acquisition of the property to the south is trying to divide the building into different use functions. The north entrance would be the public/general entrance. The south entrance is going to be a separate entrance primarily for senior day care and staff functions.

Ald. Nealis said the Lincoln Center is considered a good neighbor.

Ald. Sevenich noted other locations were looked into as a possible site for the Lincoln Center. The other sites did not come out as expected that is why the Lincoln Center will remain on its current site.

Ald. Sevenich moved, Ald. Walther seconded, to recommend approval of the conditional use for the Lincoln Center expansion/remodeling at 1519 Water Street.

Roll Call: Ayes: Ald. Moore, Phillips, Nealis, Molski, Rackow, Barr, Sowieja, Filipiak, Walther, Sevenich.

Nays: Ald. Seiser.

Ayes - 10. Nays - 1. Motion carried.

7. Public Hearing - amending portions of Section 23.02 - permitted and conditional uses in M-2 Heavy Industrial, was declared open by the Mayor.

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

8. Ordinance on the above.

Ald. Filipiak moved, Ald. Seiser seconded, for adoption of the ordinance.

Roll Call: Ayes: Ald. Sevenich, Walther, Filipiak, Seiser, Sowieja, Barr, Rackow, Molski, Nealis, Phillips, Moore.

Nays: None. Motion carried.

9. Public Hearing - request of Randall Trzebiatowski, 5398 Highway 10 East, to construct a car wash as a conditional use, was declared open by the Mayor.

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

10. Resolution on the above.

Ald. Phillips moved, Ald. Barr seconded, for adoption of the resolution.

Roll Call: Ayes: Ald. Moore, Phillips, Nealis, Molski, Rackow, Barr, Sowieja, Seiser, Filipiak, Walther, Sevenich.

Nays: None. Motion carried.

11. Public Hearing - request of Lincoln Center, 1519 Water Street, to construct a Senior Meeting Center as a conditional use, was declared open by the Mayor.

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

12. Resolution on the above.

Ald. Walther moved, Ald. Sevenich seconded, for adoption of the resolution.

Roll Call: Ayes: Ald. Sevenich, Walther, Filipiak, Seiser, Sowieja, Barr, Rackow, Molski, Nealis, Phillips, Moore.
Nays: None. Motion carried.

13. Resolution - variance to subdivision ordinance - Bonnie Bay at First Street.

Ald. Rackow moved, Ald. Sowieja seconded, to recommend the approval of the resolution with the following additional conditions 1) the existing access between School Street and proposed Lot 1 be vacated, 2) the existing pathway between School Street and the Landerman property and the proposed Certified Survey Map be eliminated, 3) a 20 ft. x 20 ft. easement to turn around vehicles be created east of School Street if School Street extends onto the proposed certified survey.

Ald. Phillips asked will the easement allow access to the pond?

Director Gardner does not know the answer to that question. The Village of Whiting President indicated the earlier plat that shows School Street extending all the way to the pond, however, he is not sure that plat is the dominant recorded article. The Village of Whiting President will continue further research. The Director stated this turnaround will not provide that access.

Roll Call: Ayes: Ald. Moore, Phillips, Nealis, Molski, Rackow, Barr, Sowieja, Seiser, Filipiak, Walther, Sevenich.
Nays: None. Motion carried.

14. Public Protection Committee meeting of September 10, 2001.

Ald. Seiser moved, Ald. Sowieja seconded, for approval of the Public Protection Committee minutes of September 10, 2001.

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

15. Board of Public Works meeting of September 10, 2001.

Ald. Molski moved, Ald. Seiser seconded, for approval of the Board of Public Works minutes of September 10, 2001.

Roll Call: Ayes: Ald. Sevenich, Walther, Filipiak, Seiser, Sowieja, Barr, Rackow, Molski, Nealis, Phillips, Moore.
Nays: None. Motion carried.

16. Ordinance - Traffic Studies:

9.05(g) 276. Create "No Parking Zone" on the south and north side of Wojcik Memorial Drive from Torun Road west to the city limits.

9.05(k) 32. Create "School Buses Only During School Hours Loading Zone" on the south side of Oak Street 100 feet east of Wyatt Avenue to 326 feet east of Wyatt Avenue.

Ald. Filipiak moved, Ald. Seiser seconded, for adoption of the ordinance.

Roll Call: Ayes: Ald. Moore, Phillips, Nealis, Molski, Rackow, Barr, Sowieja, Seiser, Filipiak, Walther, Sevenich.
Nays: None. Motion carried.

17. Special Board of Public Works meeting of September 17, 2001.

Clerk Zdroik read the minutes of the Special Board of Public Works meeting of September 17, 2001.

Ald. Barr moved, Ald. Molski seconded, for approval of the Special Board of Public Works minutes of September 17, 2001.

Ald. Sowieja asked how many residents will be affected by the Bukolt Park sewer project update?

Director Van Alstine replied one residence and three park buildings.

Roll Call: Ayes: Ald. Sevenich, Walther, Filipiak, Seiser, Sowieja, Barr, Rackow, Molski, Nealis, Phillips, Moore.
Nays: None. Motion carried.

18. Finance Committee meeting of September 10, 2001.

Ald. Barr moved, Ald. Sowieja seconded, for approval of the Finance Committee minutes of September 10, 2001, with item #8A pulled for further discussion.

Ald. Sowieja realizes there are community development grants. Are there any programs for landlords that own rental properties to upgrade?

Director Gardner replied, yes.

Ald. Sowieja asked if there are grants or a low interest loan for the rental properties?

Director Gardner said for a homeowner it is a loan. The loan is made to the homeowner as long as he or she lives in the house. When they move they must pay the loan back. For landlords they are given loan that must be repaid during a ten year term at a low interest rate. The landlord must agree for the first five years of the loan to keep the rental rates at HUD declared affordable rates.

Roll Call: Ayes: Ald. Moore, Phillips, Nealis, Molski, Rackow, Barr, Seiser, Filipiak, Walther, Sevenich.
Nays: Ald. Sowieja.
Ayes - 10. Nays - 1. Motion carried.

19. Personnel Committee meeting of September 10, 2001.

Ald. Rackow moved, Ald. Filipiak seconded, for approval of the Personnel Committee minutes of September 10, 2001.

Roll Call: Ayes: Ald. Moore, Nealis, Molski, Rackow, Barr, Seiser, Filipiak, Sevenich.

Nays: Ald. Phillips, Sowieja, Walther.

Ayes - 8. Nays - 3. Motion carried.

20. Ratification of the 2001-2002 labor agreement with the International Association of Fire Fighters, Local 484, AFL-CIO.

Ald. Rackow moved, Ald. Barr seconded, to ratify the 2001-2002 labor agreement with the International Association of Fire Fighters, Local 484, AFL-CIO.

Ald. Phillips is amazed with all the meetings that have taken place and he has not heard a thing about the sick day donation program. The alderman feels it could cost the city thousands of dollars. How can the Personnel Committee make an educated decision within two minutes of receiving information about the issue? You have to be sick to use your sick time. Ald. Phillips also questioned the 3.4 percent wage increase. As of last Friday, 2.7 percent was the CPI index.

Portage County Personnel Director Freiberg apologized for not updating the council members on the specific item that Ald. Phillips referred to throughout the process. The sick day donation program was an item the City agreed to place in the police labor agreement, therefore, it was not an item of contention that they were focused on. The City is asking as part of this package which the union has agreed to some changes to the health insurance plan. The City does recognize the 3.4 percent wage increase is over and above the normal but the increase was agreed on due to the fact the union accepted the changes to the health insurance. The Police and the Water and Sewage labor agreements also had a wage increase of 3.4 percent.

Mayor Wescott asked if the 3.4 percent wage increase is within the parameters that you were given by the personnel committee?

Portage County Personnel Director Freiberg said, yes. The Director added with regards to the sick day donation program, the Fire Chief makes the ultimate decision to grant approval of the sick day donations. The Council should keep in mind this process has been going on since November, 2000.

Mayor Wescott emphasized the sick leave donation is at the discretion of the Fire Chief. It is not an automatic granting.

Ald. Nealis feels some employees will be reluctant to give up their sick days.

Portage County Personnel Director Freiberg agrees with Ald. Nealis. This language has been in the Police labor agreement for one cycle and no one has presented a request.

Ald. Walther said in the past, vacation days have been donated to people that have run out of sick days. With the sick leave donation program in the contract, there is no incentive for the union members to donate their vacation time.

Ald. Phillips asked how can you make an educated decision that this provision is going to be okay?

Ald. Molski said when the donation program was approved for the police two years ago, they opened the doors for the firefighters. The two unions are used as comparables.

Ald. Barr said he does not like to see the sick leave donation granted but if the police have it and deserve it so do the firefighters.

Portage County Personnel Director Freiberg clarified the employee submitting the request must have exhausted all other time he/she had.

Mayor Wescott said sometimes accidentally we convey the impression that these things occur quickly and there is only two or three minutes of analysis. That is absolutely the wrong impression to convey to the community. The negotiating team have been negotiating with the fire union for almost one year. They have been updating the Police and Fire Commission and the Mayor's office frequently. The contract has been analyzed the Mayor's office. The fiscal impact has been calculated. The City has granted this benefit to the police and the firefighters deserve the same privilege.

Roll Call: Ayes: Ald. Sevenich, Filipiak, Seiser, Sowieja, Barr, Rackow, Molski, Nealis, Moore.

Nays: Ald. Walther, Phillips.

Ayes - 9. Nays - 2. Motion carried.

21. Board of Park Commissioners meeting of September 5, 2001.

Ald. Nealis moved, Ald. Molski seconded, for approval of the Board of Park Commissioners minutes of September 5, 2001.

Roll Call: Ayes: Ald. Moore, Phillips, Nealis, Molski, Rackow, Barr, Sowieja, Filipiak, Walther, Sevenich.

Nays: None.

Ald. Seiser abstained. Motion carried.

22. Board of Water and Sewage Commissioners meeting of September 10, 2001.

Ald. Molski moved, Ald. Seiser seconded, for approval of the Board of Water and Sewage Commissioners minutes of September 10, 2001.

Ald. Phillips would like to know if it is normal for the Water Department to have approximately \$1,000,000 in the bank?

Director Disher said the water account has \$1.3 million in which some of those funds are restrictive funds because of Well #4. The sewage department has created a fund to replace the machinery to run the plant.

Ald. Phillips asked what the total is for the Water and Sewage Department?

Director Disher stated the balance for the Water Department after the bills have been paid is \$675,000. The Sewage balance on hand after the bills have been paid is \$210,000. \$743,000

is restricted cash.

Roll Call: Ayes: Ald. Sevenich, Walther, Filipiak, Seiser, Sowieja, Barr, Rackow, Molski, Nealis, Phillips, Moore.
Nays: None. Motion carried.

23. Reports -

Comptroller-Treasurer s report - July 2001.

Police and Fire Commission meeting of September 11, 2001.

Ald. Barr moved, Ald. Sowieja seconded, to accept the reports and place them on file.

Roll Call: Ayes all.

Nays none. Motion carried.

24. Resolution - supporting a prohibition on the use of cyanide in Wisconsin mines.

Mayor Wescott made one editorial modification. The alderman did not introduce that legislation, it was introduced in Madison in the assembly. Ald. Filipiak introduced the resolution before you tonight.

Amy Heart, 2132 McCulloch Street, stated this is a resolution that would support a law that is coming up before the senate and assembly to ban cyanide. This is not a political issue. It is a public protection issue for the state. The full senate will be considering this law in early October. Approving this resolution will help send a strong message to the state officials.

Ald. Filipiak said this is the opportunity to protect the future of our land and water.

Ald. Filipiak moved, Ald. Seiser seconded, for adoption of the resolution.

Ald. Seiser feels this is a serious concern as the product travels through the county as well as at the mining sites.

Ald. Moore said this is not an issue of public protection or environmental protection. This is an issue against mining.

Ald. Rackow supports protecting our environment. The information about the mines that do not use cyanide indicates its use may not be cost effective to the mining company. Its lack of use may mostly be a business decision. The resolution states that more than 20 local governments have passed resolutions which is impressive until one considers Portage County alone has 27 local governments. The alderman does not think it is advisable to take on this additional task.

Ald. Barr can not support the resolution at this time. The alderman feels he is only hearing one side of the story and would like to hear from someone in authority why this product should or should not be used. This is a state issue, let them handle it.

Ald. Nealis would like to hear the information from both sides of the argument.

Roll Call: Ayes: Ald. Seiser, Filipiak.

Nays: Ald. Moore, Phillips, Nealis, Molski, Rackow, Barr, Sowieja, Walther, Sevenich.

Ayes - 2. Nays - 9. Motion failed.

25. Mayor s appointments.

TELECOMMUNICATIONS COMMISSION - 2-year term expires 10-01-03

Reappoint Jack Curtis 717 Green Avenue
Reappoint Nichole N. Lysne 1825 Gilkay Avenue
Reappoint Tony Patton 3917 Jordan Lane

BOARD OF WATER AND SEWAGE COMMISSIONERS - 5-year term expires 10-01-06

Reappoint Edward M. Bancker, Jr. 3241 Yosemite Drive

SMONGESKI HEALTH FUND COMMITTEE - 1 year term expires 09-01-02

Reappoint Anne Klesmith 1633 W. River Drive
Reappoint Cherrie Pavelec-Marti 900 Illinois Avenue

Ald. Phillips moved, Ald. Barr seconded, for confirmation of the appointments.

Roll Call: Ayes all.

Nays none. Motion carried.

26. Persons who wish to address the mayor and council for up to three (3) minutes on non-agenda item, and time strictly enforced.

None.

27. Adjournment - 8:10 P.M.

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