

**City of Stevens Point
REGULAR COUNCIL MEETING**

**Council Chambers
County-City Building**

**September 19, 2011
7:00 P.M.**

Mayor Andrew J. Halverson, presiding

Roll Call: Present: Ald. Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.

Also Present: City Attorney Molepske, Clerk Moe, Comptroller/Treasurer Schlice, Directors Schrader, Ostrowski, Halverson, Assessor Siebers, Human Resources Manager Jakusz, Police Chief Ruder, Emergency Management Director McGinty, Superintendent Laidlaw, Assistant to the Mayor Pazdernik, B.C. Kowalski-Stevens Point Journal, Matt Brown-Portage County Gazette

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

Mayor Halverson stated due to the length of the agenda, he would not have any remarks.

3. Consideration and possible action of the minutes of the Common Council meeting of August 15, and the Special Common Council meeting of September 12, 2011.

Ald. O'Meara **moved**, seconded by Ald. R. Stroik, to approve the action of the minutes of the Common Council meeting of August 15, and the Special Common Council meeting of September 12, 2011.

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.

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

Ralph Banke, 315 Maple Bluff Rd., has worked with the City Assessor's Office for over fifty years in real estate and felt eliminating the office cuts the heart of the revenue core for the City of Stevens Point.

Jim Siebers, 464 West Wilson St., Stevens Point Assessor, thanked the community for their support. He stated he has been an Assessor for the past twenty-eight years. He said the Assessor's Office is currently responsible for the fair and equitable portfolio of properties in excess of \$1.5 billion. He questioned if members would trust someone who is not familiar with Stevens Point with their investments.

Steve Lane, 5424 Hwy 10 East, First Weber Group Realtors, has been in real estate since 1987. He discussed his positive working relationship with the Assessor's Office and

offered to be on a committee to determine the varying functions of the Assessor's Office. He agreed someone unfamiliar with Stevens Point would not be able to properly determine value of City properties.

David Van Alstine, 1957 Graham Lane, Mosinee, real estate appraiser, said he has had the opportunity work with other municipalities that have contracted Assessor services and he stated they are not near the level of the City Assessor's Office. He urged reconsideration of closing the Assessor's Office.

Rich Sommer, 4224 Janick Circle, North, said the City Assessor's Office has been responsive, accessible, and has complete information. He acknowledged the budget crisis, but felt to totally eliminate this office does not seem reasonable. He recommended budget adjustments across the board to avoid elimination of the Assessor's Office.

Reid Rocheleau, 408 Cedar St., W., Whiting, felt Administration was not being impartial with the City budget. He also expressed his displeasure with the Plan Commission decisions.

Mary Ann Laszewski, 1209 Wisconsin Street, discussed the Plan Commission's decision to exempt Pisarski Funeral Home's landscaping requirements and questioned the Plan Commission's authority. She requested legal counsel regarding ignoring the enforcement of an ordinance and if the City is legally allowed to do so.

Armin Nebel, 1100 Phillips St., representing the Old Main Neighborhood Association, thanked the Stevens Point Police Dept. for the effective presence in the campus neighborhood the past few weeks. He discussed continued issues with students in the area and is attempting to collaborate with the City Community Development Office to gain better enforcement of ordinance violations of multiple student housing and rental properties.

Bob Woehr, 727 Second St., stated the last total revaluation of the City was performed in 2003 and the Assessor's Office had six employees in the office at that time. He questioned how the next revaluation can be accomplished for \$80,000 to \$90,000 a year. He stated the additional functions of mapping, tracking sales, and statistical aspects are performed by the office and questioned to whom these duties will be assigned.

Chris Northwood, 1316 Okray Ave, Plover, said he has been in the real estate business for 36 years and in working around the central Wisconsin area, Stevens Point has the best Assessor's office. He praised their professionalism and knowledge. He was concerned about a large loss of money in the event the office closes.

Henry Korger, 3200 Water St., said he was in the rental business and would have been lost without the Assessor's Office. He urged the alderperson's to keep the office in Stevens Point.

Ald. Suomi announced she is hosting a town hall meeting, Thursday, September 22, from 6:00 to 7:30 p.m. at the Park and Rec. Department with special guest, Mayor Halverson.

6. Public Hearing – Request to Rezone the property located at 1600 Michigan Avenue

from "R-2" Single Family Residence District to "R-3" Single and Two Family Residence District.

Mayor Halverson stated the City Attorney drafted a memo which was distributed to each Alderperson that provides information on a law that revolves around spot zoning.

Mayor Halverson declared the public hearing open.

Jay Wolf, 1600 Michigan Ave., owns and lives at 1600 Michigan Ave. He said the residence is a former bank foreclosed property and he has the support of his neighbors and asked for the same from the Council. He felt rezoning would be a contributing factor to making the most out of the property. He stated his neighborhood is already diverse with other two-family, commercial, and multi-family dwellings. He said his property fits in with the City's comprehensive plan for future land use to be zoned R-3 and not multi-family. He questioned the grounds that the Council has to deny his request and the type of message that would be sent if the City turned down taxed base revenue while taking jobs away from people in the community.

Dave O'Keefe, 2140 Center Street, is in support of Mr. Wolf's request as he owns a rental home near Mr. Wolf. He noted there is a lack of quality of homes in the area and said Mr. Wolf has improved the house considerably and has heard numerous positive comments from other neighbors about the beautification of the property. He noted Mr. Wolf's lot is over 10,000 square feet compared to other lots in the area that average between 5,000 and 9,000 feet. He stated on his block, the ratio of homes is nine zoned two-family and six zoned single-family and there are duplexes across the street. He feels the city needs more people like Mr. Wolf who are willing to invest in the community.

Kay West, 3789 CTH A, Rosholt, is in support of the rezoning of 1600 Michigan Ave. and feels the property meets the requirements to rezone and stated neighbors are in support of the remodeling project. She stated there are many residences that are not taken care of properly and feels Mr. Wolf should be encouraged for his strong work ethic and the revitalization of his home.

Cathy Dugan, 616 Sommer St., is in agreement with the Mayor for denial of the rezoning. She stated student housing has not been allowed in the area for several years and the only people who could reside in the rezoned duplex would be a family and one unrelated person. She stated Mr. Wolf was only interested in making money on the property.

Armin Nebel, 1100 Phillips St., Old Main Neighborhood Association, (OMNA) questioned some of the 'new' information that was presented earlier for this request. He and OMNA are against spot zoning in the area. He was concerned about excessive parking at the residence and the possibility of it becoming student housing.

Ald. Wiza read letters from the following individuals who reside in the area of 1600 Michigan Ave. but could not attend the Council meeting:

- Renee and Duane Peters, 2317 Algoma St., are in support of the rezoning.
- Darlene Todd, 1533 Michigan Ave., wrote in favor of the rezoning classifications.
- Ben Holy, (no address), was very impressed with the remodel and supports rezoning of the property.

- Chris and Tamara Vigas, 1424 Michigan Ave., were in favor of the rezoning.
- Charys Hess, 1610 Michigan Ave., also supported the rezoning and felt it would bring diversity to the area.
- Courtney Piotrowski, 1424-26 Illinois Ave., felt Mr. Wolf was very responsible and was in favor of the rezone.

Ald. Wiza asked City Atty. Molepske if two unrelated individuals could reside in the residence.

Atty. Molepske stated yes.

Ald. Wiza questioned if students were prohibited from residing at 1600 Michigan Ave.

Atty. Molepske stated no, the city does not discriminate against students.

Jack Earnest, 2717 Stanley St., discussed student housing and issues he has had with them. He felt students should stay in student housing.

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

7. Consideration and possible action on the Ordinance Amendment on the above.

Ald. Beveridge stated he had recommended reopening the rezoning issue. He spoke with Mr. Wolf and was able to review a map of the area where over 50% of the residences are R-3 zoned. He felt the rezone is in the public's interest and the repair of the residence will increase assessments in the area. He felt this was a unique situation not likely to be repeated and he is in favor of the rezoning.

Ald. Wiza requested clarification of the legality of spot zoning.

City Atty. Molepske said the entire block side of Mr. Wolf's property facing Michigan Ave. is zoned single-family. He reviewed several Wisconsin cases and found that the law provides that spot zoning is not *per se* illegal, but there are several factors that must be weighed in to consider the validity and reasonableness of rezoning. Those factors are:

- Is the rezoning consistent with long range planning and based upon considerations which affect the community as a whole?
- The nature and character of the parcel, the use of the surrounding land and the overall scheme or zoning plan are also relevant.
- Interests of the public health, morals and safety must also be considered, as well as the promotion of public welfare, convenience and general prosperity.

Atty. Molepske went on to say the principle issue in this case is not whether one more house is being provided, but that the owner of the property wishes to get the best use out of the property by turning it into a rental and duplex as single family rentals aren't as profitable. He said the courts state spot zoning which is to be accomplished through rezoning should only be indulged in where it is the public interest and not the sole benefit of the property owner. He stated refusal to rezone will not affect his property by denying him of all beneficial use; it can still be used as a single-family use. He said if the City is going to start rezoning that block, other property owners may follow suit.

Ald. Wiza noted another property owner on this agenda is requesting an R-5 rezone for their business for construction of an addition. He questioned if the City was contradicting itself with allowing that property to be rezoned.

City Atty. Molepske discussed a case from 2003 where a neighborhood objected to a rezone for a business and the court found and approved in that case that it provided employment, revenue, and a large tax base to the community.

Ald. R. Stroik applauded Mr. Wolf on his initiative to remodel the property. He stated Mr. Wolf knew at the time of purchase that it was a single-family residence property. He recommended that the zoning request be denied based on the advice of the City Attorney.

Ald. R. Stroik **moved**, seconded by Ald. Suomi, to deny the request to rezone the property located at 1600 Michigan Avenue from "R-2" Single Family Residence District to "R-3" Single and Two Family Residence District.

Mayor Halverson clarified that the property is currently single-family zoned and the apartment above the garage would be a separate residence. The single-family zone allows for one family and one unrelated person only to reside on the property. Another family and another unrelated person cannot live in the apartment above the garage under the current zoning.

Ald. Slowinski commended the improvements on the property. He also expressed concern regarding the non-conforming properties in the area and would like to keep the long-term plan set to keep this area single-family.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Slowinski, O'Meara, Suomi.
Nays: Ald. Trzebiatowski, M. Stroik, Wiza, Beveridge. Motion carried.

8. Consideration and possible action of the minutes of the Plan Commission meeting of September 6, 2011.

Tom Brown, 317 Sixth Ave., asked if approving this item now endorses what was done at the Plan Commission meeting.

Mayor Halverson stated no.

Bob Woehr, 727 Second St., was concerned about Plan Commission meetings regarding conditional use permits. He stated there are fourteen standards that the Plan Commission must acknowledge and should be documented in the minutes. He reviewed prior Plan Commission minutes pointing out what he feels are standard inconsistencies and improper motions from the Committee. He discussed the brine shed construction and drainage issues.

Ald. Beveridge **moved**, seconded by Ald. Moore, to approve the action of the minutes of the Plan Commission meeting of September 6, 2011.

Roll Call: Ayes: All.
Nays: None. Motion carried.

9. Public Hearing - Amendment to their Conditional Use - 707 Arlington Place - Construct a courtyard dock addition to their building using insulated metal panels as opposed to brick.

Mayor Halverson declared the public hearing open.

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

10. Consideration and possible action on the Resolution on the above.

Ald. Moore **moved**, seconded by Ald. Slowinski, to approve the amendment to the conditional use at 707 Arlington Place - construct a courtyard dock addition to their building using insulated metal panels as opposed to brick.

Roll Call: Ayes: Ald. Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

11. Public Hearing - Conditional Use - 2600 Stanley Street - Operate a tavern with a temporary premise extension for the outdoor area for an event on October 8, 2011.

Mayor Halverson declared the public hearing open.

Jack Earnest, 2517 Stanley St., lives by Partner's Pub and stated the noise has been an issue for years, i.e. intoxicated patrons sitting on the deck smoking and yelling, loud motorcycles, squealing tires and he also regularly finds debris in his yard.

Cathy Dugan, 615 Sommers St., discussed noise issues and litter near the University and felt there should be more patrol.

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

12. Consideration and possible action on the Resolution on the above.

Ald. O'Meara **moved**, seconded by Ald. Brooks, to approve the Conditional Use - 2600 Stanley Street to operate a tavern with a temporary premise extension for the outdoor area for an event on October 8, 2011.

Ald. Beveridge questioned the Plan Commission's additional requirements from previous years.

Director Ostrowski stated the additions dealt with dumpster enclosures and moving them behind the building and litter removal outside the area.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Suomi, Beveridge.
Nays: None. Motion carried.

13. Public Hearing - 2725 Water Street - Rezone the property from "R-2" Single Family Residence District to "M-1" Light Industrial District or "R-5" Multiple Family II Residence District and the adjacent northwest parcel from "R-2" Single Family Residence District to "M-1" Light Industrial District.

Mayor Halverson declared the public hearing open.

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

14. Consideration and possible action on Ordinance Amendment on the above.

Ald. Moore **moved**, seconded by Ald. Slowinski, to approve the rezoning of 2725 Water Street property from "R-2" Single Family Residence District to "M-1" Light Industrial District or "R-5" Multiple Family II Residence District and the adjacent northwest parcel from "R-2" Single Family Residence District to "M-1" Light Industrial District.

Ald. Brooks stated he is abstaining from voting regarding the Stevens Point Brewery as his wife is employed there.

Ald. Wiza questioned why R-5 zoning was chosen as there are no other R-5 zones near this area and referenced the minutes that said R-5 gave the Brewery the ability to do what they wanted with the parking lot.

Mayor Halverson stated R-5 allows for a parking lot on the Brewery parcel as opposed to M-1 light industrial which would automatically allow for a variety of uses. He said Community Development Director's recommendation was R-5 which would allow the Brewery to construct a controlled, heavily conditioned, well screened parking lot as opposed to M-1 which would allow them to do whatever they wanted. The adjacent parcel would be rezoned to M-1 Light Industrial. He went on to say the Brewery is one of the best examples of grandfathering in the city and the City has to help make as many accommodations to help the public interest of this particular user grow to add jobs and add tax base which is different than Mr. Wolf's rezoning request. At the same time, the adjacent properties need to be protected and R-5 will provide the protection.

Ald. Wiza asked what the future holds in the comprehensive R-5 plan.

Director Ostrowski stated the parcels are slated single and two family residential and the goal is to have compatible land uses which he feels they are doing with the request by rezoning to R-5 and providing the appropriate buffer between the single family zoning.

Ald. Wiza stated adding a second parking lot doesn't create jobs and felt since there is already ample parking across the street, the adjacent parcel zone should remain as is.

Dir. Ostrowski stated the parking would be for employees and patrons who are paying for tours and the Brewery may have plans for expansion in the future and the adjacent parcel would allow them to do the addition as well as parking for the building. Under the current code they don't meet the parking requirements and have operated in a manner that doesn't need as much parking.

Roll Call: Ayes: Ald. Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Moore. Ald. Brooks abstained.
Nays: None. Motion carried.

15. Public Hearing - Conditional Use - 2725 Water Street - Construct a parking lot at the property located at 2725 Water Street.

Mayor Halverson declared the public hearing open.

Cathy Dugan, 615 Sommers St., agreed the Stevens Point Brewery is a great asset to the community, however, objects to the parking lot and the fact that a historic house sits on the property. She felt the house could be brought back to life either in the current location or elsewhere. She recommended a nice crosswalk for patrons to cross the street.

Thomas Brown, 317 Sixth Ave., was concerned with the recent screening issues of new parking lots and requested clarification of the suggested conditions of this parking lot. He said the point of screening is to provide a buffer to the neighborhood and passing traffic and to screen the cars and soften the open expanse of the paved area. He felt a vinyl fence at the property line with landscaping inside the fence would be an insult to the neighborhood. He asked that the wording be revisited and would require that the fence be moved at least halfway so some of the planting occurs on the outside of the fence. He doesn't feel vinyl is an environmentally friendly material and that the city shouldn't mandate a particular material for fencing, rather focus on the type, density and opacity of the screening.

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

16. Consideration and possible action on the Resolution on the above.

Ald. Wiza clarified that the resolution standards required an opaque decorative type fence at least five feet in height shall be installed on the property line. The Plan Commission minutes stated "vinyl" fence, but the standards stated "opaque" and where the parking lot is not screened, it shall have shrubs at least three feet in height.

He said Point Brewery knew the zoning upon purchase and that the parking should remain as is until proof of the necessity of another lot is offered.

Ald. O'Meara **moved**, seconded by Ald. Molski, to approve the conditional use at 2725 Water Street construct a parking lot at the property located at 2725 Water Street.

Roll Call: Ayes: Ald. Moore, R. Stroik, Molski, Trzebiatowski, Slowinski, O'Meara.
Nays: Ald. M. Stroik, Wiza, Suomi, Beveridge. Ald. Brooks abstained.
Motion carried.

17. Public Hearing – 245 Green Avenue North - Rezone the property from "R-3" Single- and Two-Family Residence District to "B-4" Commercial District.

Mayor Halverson declared the public hearing open.

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

18. Consideration and possible action on the Ordinance Amendment on the above.

Ald. R. Stroik **moved**, seconded by Ald. Brooks, to approve the rezoning of 245 Green Avenue North "R-3" Single- and Two-Family Residence District to "B-4" Commercial District.

Roll Call: Ayes: Ald. Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

19. Public Hearing – Conditional Use - Property located just east of 117, 125, and 133 Second Street North - Construct a 24 bedroom apartment complex.

Mayor Halverson declared the public hearing open.

Cathy Dugan, 615 Sommers St., objected to the development of the green space for another apartment complex in the backyards of residences.

Robin Engum, 3038 Campsite Drive, Stevens Point, stated he will be constructing the apartments and is also representing Perry Piotrowski. He read correspondence from neighbors surrounding the property and stated their biggest concerns are screening, parking and the street access easement.

Bob Woehr, 727 Second St., discussed the proposed access to the apartment which will be via an easement through a tavern parking lot and feels the Plan Commission should review the 14 standards prior to approval of the apartment complex. He feels access via easement through a parking lot of a tavern could potentially delay emergency vehicles responding to a call in the complex.

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

20. Consideration and possible action on the Resolution on the above.

Ald. Beveridge questioned if the building was behind the old flooring building on Maria Drive and if it would be aligned north to south.

Mayor Halverson replied yes.

Ald. R. Stroik asked if the Fire Dept. reviewed the easement and is comfortable with the plan in the event of a fire.

Mayor Halverson stated the easement is a legal instrument that guarantees access to a site.

Director Ostrowski stated the Fire Dept. has not commented on the easement, however, felt it would be appropriate to add a condition that it must receive Fire Dept. approval. It is a 24 foot wide easement just west of the carpet business which will not go through their parking lot.

Ald. R. Stroik asked if the developer has plans for markings so no patrons or anyone else accidentally or intentionally blocks the drive.

Mr. Engum stated there will be sign posts with signage and designated parking off to the sides.

Ald. R. Stroik questioned if tenants and customers of the businesses will have to walk through the easement if the parking lot was full.

Mr. Engum stated yes.

Ald. Trzebiatowski asked if the city was to create Third Street through the area or if the developer was going to construct Third Street and questioned how sewer and utilities would be installed.

Mayor Halverson stated there are no plans by the City or developer at this time to construct Third Street, that it is an official mapped street of the city and would run well past this property. He advised the City and developer are under no obligation to build it. He said there will be additional conversations with the convent and other businesses in the area for development and a rough estimate for the cost of the street is underway.

Ald. Moore **moved**, to approve, seconded by Ald. M. Stroik, to approve the conditional use located just east of 117, 125, and 133 Second Street North, construct a 24 bedroom apartment complex with the addition of condition 15, Fire Department approval of the site layout.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Slowinski, M. Stroik, Wiza, O'Meara, Beveridge.

Nays: Trzebiatowski, Suomi. Motion carried.

21. Public Hearing – Conditional Use - 100 Sixth Avenue - Construct a brine shed.

Mayor Halverson declared the public hearing open.

Tom Brown, 317 Sixth Ave., has lived in his residence for 30 years and said the City Garage has slowly been encroaching on bordering properties. He is concerned that salt run-off is impacting vegetation in the area. He felt the brine shed should be built elsewhere, but if it is to be erected in Bukolt Park, the conditions placed by the Plan Commission are inadequate. He recommended fewer light fixtures, shielded lighting, lower intensity fixtures, and improved vegetative screening if the shed is built in Bukolt Park. He asked the council to deny the request, send it back to the Plan Commission to start the process to move the shed and other City buildings from the park to another location.

Jo Seiser, 317 Sixth Ave., expressed concern about industry being in Bukolt Park and feels it's time to move the City garage and other buildings to another location. She stated she researched other brine facilities and discovered Portage County sells brine to other counties. She feels the Council needs to decide now to identify a new location and consider a truck with a tank as an alternative to a new facility.

Cathy Dugan, 616 Sommers St., also agrees with buying brine from another facility. She stated this public hearing is the first chance for public input regarding the brine shed and she expressed outrage that excavation and supplies are already in place to build the facility.

Bob Woehr, 727 Second St., felt Public Works and the Plan Commission have not been properly informed of de-icing technologies regarding the brine mixer. He researched

the mixer and said it requires 5,000 gallons of water per hour and it will need a two inch meter and two inch water line to generate the brine. The capacity of the bin will produce 5 cubic yards of salt and one cubic yard of sediment. He said the sediment is easily rinsed out but there's no provision made for where the sediment will go, i.e., sewers or the river. He said the catch basin previously referenced at the Public Works meeting is actually the storm drain. He recommended denying the shed with further research on the environmental impact. He suggested members go to the website, AccuBrine by Cargill, for further information.

Reid Rocheleau, 408 Cedar St., W., Whiting, discussed moving the salt shed out of the residential area to the east side of the City.

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

Due to the length of the agenda, Mayor Halverson declared a five minute recess from 9:15 to 9:20 p.m.

22. Consideration and possible action on the Resolution on the above.

Ald. O'Meara **moved**, seconded by Ald. Moore, to approve the conditional use at 100 Sixth Avenue, construct a brine shed.

Ald. O'Meara stated the use of salt brine has gradually reduced the use of salt by the City and has saved several hundred thousands of dollars. He said pre-wetting salt keeps the salt on the roadway which melts ice more effectively than dry salt rolling off into yards, ditches, etc. He stated if the City went to a truck method, the truck would only last approximately five years due to the corrosiveness of the salt. He stated the sediment residue was not hazardous and could be transported to another location. He felt economically and environmentally it does not make sense to start the brine shed relocation process now.

Ald. Moore also supports Mr. O'Meara's comments and the savings the City incurs.

Ald. Wiza asked for clarification if the tanker trucks only last five to seven years.

Superintendent Laidlaw, was unsure how long a truck would last, but said the cost of purchasing a truck would exceed the cost of the building.

Ald. Wiza was concerned that other city vehicles hauling the salt brine would rapidly depreciate from corrosion.

Superintendent Laidlaw said the other trucks were built with plastic tanks or stainless steel and would not rot.

Ald. Wiza questioned if the tanker truck could be built with a plastic tank.

Superintendent Laidlaw stated it most likely could be built with a plastic tank, but the cost would be excessive.

Ald. Wiza requested clarification on the conditions of the brine shed, that lighting for the site shall be shielded and directed away from adjacent properties so it does not

negatively impacting the adjacent properties. He asked how a negative impact is defined.

City Atty. Molepske stated the Plan Commission reviews all the conditions and will add a condition on to relieve any problem of a negative effect and the Council's approval ratifies what the Plan Commission has already determined.

Ald. Wiza **moved**, seconded by Ald. Beveridge, an amendment to clean up the language that the lighting for the site shall be shielded and directed downward.

Roll Call: Ayes: All.
Nays: None. Motion carried.

Ald. Wiza **moved**, an amendment to item #3 that reads, "additional landscaping shall be installed at the property to completely screen the salt storage shed and brine shed."

Mayor Halverson stated the motion would not be possible to completely screen the salt shed, Ald. Wiza agreed. Motion **withdrawn**.

Mayor Halverson clarified the overall intent that the Plan Commission has is to lessen the visual impact of the overall facility from the main entrance and also the secondary entrance which is exclusively for the salt shed which is gated and that the existing screening along Old Wausau Road is also maintained.

Ald. Wiza felt the current screening is inadequate and the current shed is very visible from Old Wausau Road.

Ald. Wiza **moved**, to amend item #5 that the facility be constructed in such a manner to fully enclose the bottom and leach-proof the containment system to prevent the salt brine from overflowing and leaching into the storm drain or into the park. No second, motion **failed**.

Ald. Wiza **moved**, to amend item #5 to read, "drainage from the salt path and brine mixing station drain into the sanitary system rather than the storm system."

Mayor Halverson clarified if Ald. Wiza wants the runoff from the site as well as that from the brine mixing station empty into the sanitary sewer system.

Ald. Wiza stated he means the pathway between the salt storage shed to the brine mixing station and any salt that falls off the vehicles.

Mayor Halverson stated thousands of square feet of impervious surface drain into the sanitary system. He didn't think there was a sanitary main near the area, which would have to be metered and there is no mechanism for collecting it.

Director Halverson felt it might be an ordinance violation.

Mayor Halverson stated the project is currently capped at \$120,000.00 from previous actions of the Council and this recommendation would make it financially impossible to stay under budget.

No second, motion **failed**.

Atty. Molepske stated the City is under an injunction in which the City agreed to with the state to correct clear water running into the sanitary system.

Ald. Wiza **moved**, seconded by Ald. Beveridge, to amend item #5 to read "that the building be constructed in such a way that it can be removed or moved to comply with the plan to get the facilities out of the park."

Ald. Moore asked Superintendent Laidlaw if the building would be moveable.

Superintendent Laidlaw replied that the brine maker itself would be easily moveable, but the foundation is concrete and not easily moveable, and the building itself could be moved, but he felt labor costs would exceed constructing a different building.

Ald. Moore said if the building was already moveable, then there was no use for the amendment.

Ald. Beveridge withdrew his second. Motion **failed**.

Ald. Beveridge felt for the City to begin preparation for construction of the building, without Council approval was inappropriate. He also expressed concern about the environmental impact of the salt shed and asked if there was a cost effective way to ensure a large-scale spill of brine could somehow be prevented from leaching into nearby soil.

Ald. O'Meara stated there is a secondary containment system built into a leach tank and the sediment could be taken out and hauled away. He said moving of the salt onto the trucks is a bigger problem than the brine. He said the brine is a small quantity compared to the amount of chlorides in the salt. He found data on the effect of salt on freshwater by a Canadian consultant who found when the location is two to three hundred meters away from a water source, most spilled brine gets bound up and is able to be cleaned up.

Mayor Halverson stated it is inevitable that salt will be spilled between the storage and mixing sheds, however, the City dumps four-thousand tons of salt on City streets and 100 percent of it melts and runs into the storm sewer which runs into the Wisconsin River, aside from areas in the more suburban settings that have other levels of infiltration. He said the primary goal of constructing the brine mixing station is to reduce the total amount of salt, potentially hundreds of tons, placed on the City streets.

Ald. Trzebiatowski said the transport from the salt shed to the brine shed is a moot point considering the salt piles that are currently there are not covered and there is leaching on a regular basis from the weather elements.

Ald. R. Stroik stated felt the construction of the brine shed is a budget savings that can't be ignored, but asked for an explanation why construction was started without Council approval.

Mayor Halverson stated the funds were authorized by the Finance Committee along with Public Works for procurement of the materials to be prepared as possible to have the building constructed and operable for the upcoming snow season.

Ald. R. Stroik felt the Council was now obligated to approve this item. He expressed his concern that the City did not follow the law in that a year ago, the ordinance was changed to make the park a conditional use and it was ignored. He asked that the Mayor take this matter seriously.

Mayor Halverson stated it will be dealt with appropriately.

Roll Call: Ayes: Ald. Beveridge, O'Meara, M. Stroik, Slowinski, Molski, R. Stroik, Moore.

Nays: Ald. Suomi, Wiza, Trzebiatowski, Brooks. Motion carried.

23. Public Hearing - Zoning - Allow temporary expansions to Conditional Uses without amending the conditional use permit (creation of Section 23.01(16)(b)(4)of the RMC.)

Mayor Halverson declared the public hearing open.

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

24. Consideration and possible action on the Ordinance Amendment on the above.

Ald. Molski **moved**, seconded by Ald. R. Stroik, to approve the temporary expansions to conditional uses without amending the conditional use permit (creation of Section 23.01(16)(b)(4)of the RMC).

Ald. Beveridge stated Barb Jacob, business owner, had expressed her frustrations to him with the past process.

Ald. Wiza asked if someone wanted to make a fifth request or expand for a third day, would they still have the ability to petition the city for a revised conditional use.

Mayor Halverson stated yes.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Suomi, Beveridge.

Nays: None. Motion carried.

25. Public Hearing – Vacation of a Street - Unnamed and unimproved public street lying

be transferred along with the Eagle property, but Council was uncomfortable with that as there was not a project for Lullabye.

Ald. R. Stroik said he didn't want to see the property transferred and then the developer sits and waits until the Center Point Marketplace is redeveloped and reconstructed.

Mayor Halverson said the Council has the ability to have a variety of other requirements under the TIF agreement that will be drafted. The developer will have to attain \$5.5 million of increment in order to get the land and remediation as part of this project. If they don't reach the \$5.5 million, they will have to prorate the increment they did not retain back to the City and also reimburse the City whatever remediation happened on that site. The developer's agreement will be written that the first \$5.5 million will allow for the transfer of the property and the remediation to go to the project. What the developer has been told is the City wants to be able to maximize as much value on that site as possible. If the developer reaches a threshold of \$8 million of value on the site, the developer would receive 100% of the increment from \$5.5 million to \$12 million or more for a ten year period of time. He said that would be on a pay as you go process, so if they reach \$7.5 million, they don't get any additional incentive. If they get to \$8 million, they would get the balance from \$5.5 million to \$8 million. He said given the construction budgets of Phase 1 and 2, that it would be approaching \$10 million of value for the property as a whole. In essence, for the first ten years at a minimum, the City will have 25% of the tax payer impact on the mall bond issuance eliminated, and for at least thirteen years of the twenty-three years remaining in that TIF district, 50% of the tax payer exposure to the mall bond will be taken care of by this project.

Ald. R. Stroik asked if a motion was appropriate that required completion of the development on the property within twelve months.

Mayor Halverson stated not for this resolution but rather the conditional use and developers agreement.

Director Ostrowski stated this resolution is giving the authority to the CDA to acquire the property - the property is not being transferred yet, the Plan Commission needs to approve any transfer of the property.

Ald. R. Stroik **moved**, seconded by Ald. Moore , to approve Resolution – Authorizing the Community Development Authority of the City of Stevens Point to Acquire and Assist in the Redevelopment of the Property - 1017 Third Street.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, O'Meara, Suomi, Beveridge.
 Nays: Ald. Wiza. Motion carried.

28. Consideration and possible action of the minutes taken at the Special Finance Committee meeting of August 15, and the minutes and actions taken at the Finance Committee meeting of September 12, 2011.

Reid Rocheleau, discussed the McDill Dam and his displeasure with the funding options.

Ald. Slowinski **moved**, seconded by Ald. Brooks, to approve the action of the minutes taken at the Special Finance Committee meeting of August 15, and the minutes and actions taken at the Finance Committee meeting of September 12, 2011, with item #5 pulled from the regular finance meeting for further consideration.

Roll Call: Ayes: Ald. Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Molski, R. Stroik, Brooks, Moore.
Nays: Ald. Trzebiatowski. Motion carried.

Item #5: Ald. Slowinski asked what the cost of the advanced warning beacon will be.

Mayor Halverson stated between \$40,000 and \$50,000.

Ald. Slowinski stated he spoke with some of his constituents over the past week and did not hear anyone in support of the beacon. He also said he received a call from the individual who came up with the beacon idea who is opposed to spending \$18,000 for the study. Ald. Slowinski is opposed and feels it is wasted tax money.

Ald. Brooks said waiting at the railroad is annoying but the light would be only a luxury that does not solve the problem at the crossing.

Ald. Beveridge stated the crossing may eventually not be grade level, but construction is a long time off and it's not guaranteed that it will happen at all. He said the money will be coming from funds segregated for development within the Industrial Park and the funds can either be used for the crossing or somewhere else in the Industrial Park and he is in support of the beacon.

Ald. Moore said the claim that this was just a study of the advanced warning beacon is a poor choice of words and questioned if an actual control system will be designed for the beacon to implement it.

Mayor Halverson stated yes, once this is finished the City will have feasibility, design and implementation recommendations.

Ald. Moore questioned if it was going to be designed along with information on all the elements of the design.

Mayor Halverson said yes. He said the money used will be an investment as the funds will be coming from segregated funds and will maintain the TIF eligibility for that area as well which will allow the City to reimburse back to the segregated fund. He also said the amount of open letters and phone calls make this a priority.

Ald. Moore stated five years ago, the Council was told grade separation would occur in the next five years, which has not happened, and now the City is in the same situation. He reiterated again that this is actually a design of the system so it will work.

Ald. Moore **moved**, seconded by O'Meara, to approve funding the study of the advanced warning beacon for Country Club Drive.

Ald. Slowinski felt the beacon will be a waste of money and won't solve the problem.

Mayor Halverson stated the beacons will assist motorists and agrees it will not solve the problem and the only way to resolve the crossing issue is to build a grade separation.

He said the Comptroller and himself have already removed \$400,000.00 from the borrowing budget for next year to take that design to sixty percent.

Ald. Brooks agreed it will not solve the problem.

Ald. Beveridge asked if there would be a beacon at the intersection of Industrial Park Drive and Hoover.

Mayor Halverson stated yes.

Roll Call: Ayes: Ald. Moore, R. Stroik, Molski, O'Meara, Suomi, Beveridge.
Nays: Ald. Brooks, Trzebiatowski, Slowinski, M. Stroik, Wiza. Motion carried.

29. Consideration and possible action of the actions taken at the Special Finance Committee meeting of September 19, 2011.

Clerk Moe stated there was a Special Finance Meeting tonight at 6:45 with one item, "Consideration of possible actions on approving a contract with Access Geographic in the amount of \$23,521 for aerial photography services throughout the City and surrounding area."

Clerk Moe stated motion was by made at the meeting by Ald. Moore, seconded by Ald. Molski to approve the contract with Access Geographic. Ayes, all, nays, none. Motion carried.

Ald. O'Meara **moved**, seconded by Ald. Moore, to approve the actions taken at the Special Finance Committee meeting of September 19, 2011.

Roll Call: Ayes: Ald. Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Slowinski, Trzebiatowski, Molski, R. Stroik, Brooks, Moore.
Nays: None. Motion carried.

30. Consideration and possible action of the minutes taken at the Special Personnel Committee meeting of August 15, and the minutes and actions taken at the Personnel Committee meeting of September 12, 2011.

Ald. Molski **moved**, seconded by Ald. M. Stroik, to approve the action of the minutes taken at the Special Personnel Committee meeting of August 15, and the minutes and actions taken at the Personnel Committee meeting of September 12, 2011.

Roll Call: Ayes: All.
Nays: None. Motion carried.

31. Consideration and possible action on the Ordinance Amendment – Officials, Boards, Employees – Creation of Grievance Procedure (Sect. 3.50 of the RMC)

Ald. Slowinski **moved**, seconded by Ald. Molski, to approve the action on the Ordinance Amendment – Officials, Boards, Employees – Creation of Grievance Procedure (Sect. 3.50 of the RMC).

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O'Meara, Suomi, Beveridge.

Nays: None. Motion carried.

32. Consideration and possible action of the minutes and actions taken at the Public Protection Committee meeting of September 12, 2011.

Ald. R. Stroik **moved**, seconded by Ald. Trzebiatowski, to approve the minutes and actions taken at the Public Protection Committee meeting of September 12, 2011.

Roll Call: Ayes: All.
Nays: None. Motion carried.

33. Consideration and possible action on the Ordinance Amendment – Animal Care and Licensing – Creation of Multiple Dog License (Sect. 14.14 of the RMC.)

Ald. R. Stroik **moved**, seconded by Ald. Slowinski, approval of the ordinance amendment, animal care and licensing, creation of multiple dog license, (Sect. 14.14 of the RMC.) with the change “any such person shall pay \$5.00 for each additional dog.”

Treasurer Schlice said the multiple dog licenses lowers fees for multiple dogs.

Ald. Wiza questioned what constitutes a kennel license.

Treasurer Schlice said a kennel license would be issued from the Humane Society.

Ald. Beveridge said there really is no fee advantage to the amendment.

Ald. O’Meara feels having several dogs in town isn’t such a good idea.

Roll Call: Ayes: Ald. Suomi, Wiza, M. Stroik, Slowinski, Molski, R. Stroik, Brooks, Moore.
Nays: Ald. Beveridge, O’Meara, Trzebiatowski. Motion carried.

34. Consideration and possible action of the minutes and actions taken at the Board of Public Works meeting of September 12, 2011.

Ald. Moore **moved**, seconded by Ald. M. Stroik, to approve the minutes and actions taken at the Board of Public Works meeting of September 12, 2011.

Roll Call: Ayes: All.
Nays: None. Motion carried.

35. Consideration and possible action of the minutes and actions taken at the Board of Water & Sewage Commissioners meeting of September 12, 2011.

Ald. Molski **moved**, seconded by Ald. Moore, to approve the minutes and actions taken at the Board of Water & Sewage Commissioners meeting of September 12, 2011.

Roll Call: Ayes: Ald. Moore, Brooks, R. Stroik, Molski, Trzebiatowski, Slowinski, M. Stroik, Wiza, O’Meara, Suomi, Beveridge.
Nays: None. Motion carried.

36. Consideration and possible action of the minutes and actions taken at the Board of Park Commissioners meeting of September 7, 2011.

Ald. O'Meara **moved**, seconded by Ald. Brooks, to approve the minutes and affirm the actions taken at the Board of Park Commissioners meeting of September 7, 2011.

Ald. Wiza pointed out a typographical error in item #5, error was noted.

Roll Call: Ayes: All.
 Nays: None. Motion carried.

37. Consideration and possible action the minutes and actions taken at the Special Police and Fire Commission meeting of August 30, and the Police and Fire Commission meeting of September 8, 2011.

Ald. Brooks **moved**, seconded by Ald. M. Stroik, to approve the minutes and actions taken at the Special Police and Fire Commission meeting of August 30, and the Police and Fire Commission meeting of September 8, 2011.

Roll Call: Ayes: All.
 Nays: None. Motion carried.

38. Consideration and possible action the minutes and actions taken at the Smongeski Health Fund meeting of August 29, 2011.

Ald. O'Meara **moved**, seconded by Ald. Moore, to approve the minutes and actions taken at the Smongeski Health Fund meeting of August 29, 2011.

Roll Call: Ayes: All.
 Nays: None. Motion carried.

39. Consideration and possible action on changes to Community TV Policies.

Ald. Wiza **moved**, seconded by Ald. Molski, to approve the changes to the Community TV policies as written.

Roll Call: Ayes: All.
 Nays: None. Motion carried.

40. Mayoral Appointment:

Smongeski Health Fund – Reappointments

Cherrie Pavelec-Marti 900 Illinois Ave.

William Zimdars 3924 Doolittle Dr.

Ald. Slowinski **moved**, seconded by Ald. Brooks, to approve the reappointments of Cherrie Pavelec-Marti, 900 Illinois Ave., and William Zimdars, 3924 Doolittle Dr., to the Smongeski Health Fund Committee.

Ald. Wiza stated he will vote no because of no background information. Clerk Moe relayed background information for the two individuals.

Roll Call: Ayes: All.
 Nays: None. Motion carried.

41. Consideration and possible action of the Statutory Monthly Financial Report of the Comptroller-Treasurer.

Ald. Moore **moved**, seconded by Ald. Molski, to approve the Statutory Monthly Financial Report of the Comptroller-Treasurer.

Roll Call: Ayes: All.
 Nays: None. Motion carried.

42. Adjournment at 10:40 PM.