

**City of Stevens Point
REGULAR COUNCIL MEETING**

**Council Chambers
County-City Building**

**October 17, 2011
7:00 P.M.**

Mayor Andrew J. Halverson, presiding

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

Excused: Ald. Slowinski, R. Stroik.

Also Present: City Clerk Moe, C/T Schlice, City Atty. Molepske, Directors Schrader, Ostrowski, Lemke, Halverson, Assessor Siebers, Asst. Chief Kudronowicz, Emergency Management Director McGinty, Fire Chief Kujawa, Transit Manger Lemke, Human Resources Manager Jakusz, Dave Schleis-PFC, B.C. Kowalski-Stevens Point Journal, Matt Brown-Portage County Gazette

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

Mayor Halverson stated there will be no discussion involving the Casimir Road Annexation / Interchange until next month. He said it has been postponed until at least next month's Plan Commission as well as next month's Common Council meeting. He said comments could be made tonight during the Non-agenda Agenda item or at the Special Finance meeting held tomorrow at the Lincoln Center at 6:00 P.M.

Mayor Halverson read a proclamation by Governor Walker declaring November 7-13, 2011 as Love America Week in which the AMVETS and AMVETS Auxiliary will promote patriotic programs to honor those who dedicated themselves to America.

3. Consideration and possible action of the minutes of the Common Council meeting of September 19, 2011.

Ald. Moore **moved**, seconded by Ald. O'Meara, to approve the minutes of the Common Council meeting of September 19, 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.

Reid Rocheleau, Item #5

Barb Jacob, Items # 5, 20, 29, 30, 31

Wade DuMond, Item #10

Steve Biga, Item #14

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

David Schleis, President, Police and Fire Commission, introduced the new Stevens Point Fire Chief, Tracy Kujawa, and discussed her distinguished career with the Fire Department. He thanked the City Council for their assistance during the Fire Chief recruitment process.

Reid Rocheleau, 408 Cedar Street, Whiting, discussed the Farmer's Market and recommended selling them a piece of property for their wares. He also discussed the Community Development Authority and City budget issues involving the City Assessor's Office issues.

Cindy Nebel, 1100 Phillips St., stated the Old Main Neighborhood Association (OMNA) will hold its annual membership meeting, Wednesday, October 19, in the Founders Room at UWSP Old Main building at 6:30 P.M.

Ms. Nebel thanked the Stevens Point Police Dept. for their response to calls around the university. She thanked the Mayor for assisting on clean-up day on October 9th and thanked the Council for their recognition of the neighborhood association.

Barb Jacob, 1616 Depot Street, reminded everyone about the Memorial Park playground fundraiser this Saturday from 2:00 P.M. to 11:00 P.M.

6. Consideration and possible action of the minutes and actions taken at the Plan Commission meeting of October 3, 2011.

Ald. Molski **moved**, seconded by Ald. Moore, to approve the minutes and actions of the Plan Commission meeting of October 3, 2011.

Ald. Wiza stated he received calls regarding the Kwik Trip carwash and conditions that weren't addressed in the Plan Commission minutes. He asked if the doors on the carwash would be down when not in use.

Mayor Halverson stated yes, they would be closed.

Ald. Wiza stated the biggest concern from neighboring residences is the speaker noise level involving announcements and music outside by the gas pumps. He asked if there were conditions in place for this.

Mayor Halverson stated the conditional use is only for the carwash and would not place conditions on the gas station operations. He said a long fence will be erected on the far west side of the property line, preserving as much of the natural existing foliage. He said it won't do a great deal for noise abatement, but it would help in

terms of the aesthetics. He said the speaker system and pump operations were not part of the conditional use.

Ald. Wiza said other car washes have windows and are lit at night and asked if the fence would shield light from shining on nearby residences.

Mayor Halverson said there would be a dull, red glow that would be on the north, south and east side of the building, but not on the west, which is closer to the residences. He said the fence would be high enough to cover the windows themselves, but was unsure about any additional lighting associated with the western side of the carwash.

Dir. Ostrowski stated one concern was that the sign not be illuminated which would eliminate all lighting on that western side of the carwash.

Ald. Wiza asked if there would be illumination under the eaves.

Dir. Ostrowski said yes, but the light would be directed downward.

Ald. Wiza asked if the fencing should be higher so the light would not illuminate the neighboring properties.

Dir. Ostrowski said if there is lighting, then a taller fence could be installed.

Ald. Wiza recommended an amendment, that if there is lighting on the west side under the awnings, that the fence be high enough to prevent illumination on nearby properties.

Mayor Halverson said it would be more appropriate to handle this under the individual item.

Ald. Wiza agreed and said he will make his recommendation under item #11.

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

7. Consideration and possible action on the Ordinance Amendment - Annexation of Part of Outlot 1 of Portage County Certified Survey Map Number 9165-38-95 (near 324 Indiana Ave. North) from the Town of Hull.

Ald. Moore **moved**, seconded by Ald. Beveridge, to approve the Ordinance Amendment – Annexation of Part of Outlot 1 of Portage County Certified Survey Map Number 9165-38-95 (near 324 Indiana Ave. North) from the Town of Hull.

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

8. Public Hearing - Zoning Part of Outlot 1 of Portage County Certified Survey Map Number 9165-38-95 (near 324 Indiana Ave. North) as "PD" – Planned Development District.

The Mayor declared the Public Hearing open.

As no one wished to speak, the Mayor declared the Public Hearing closed.

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

Ald. Molski **moved**, seconded by Ald. O'Meara, to approve the Zoning of Part of Outlot 1 of Portage County Certified Survey Map Number 9165-38-95 (near 324 Indiana Ave. North) as "PD" – Planned Development District.

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

10. Public Hearing - Conditional Use - 1600 Maria Dr./1601 Academy Ave., and 1616 Maria Dr. - To Operate a Carwash.

The Mayor declared the Public Hearing open.

Wade DuMond, Kwik Trip Representative, 1626 Oak Street, LaCrosse, explained the maps regarding the carwash lighting and said the lights on the carwash are cutoffs which will shine the light downward. He said the light levels will differ in various areas and the back side of the carwash has no lights with minimal light spillover. He went on to say there are ground level lights that any fence would cut off.

Denise Lehman, 1532 Maria Drive, asked about the traffic flow and if there would be major changes to the street as in road widening or sidewalk installation.

Mayor Halverson stated Kwik Trip would be a standard gas station like the old Super America and would be one lot wider to the west. The general traffic flow pattern would be a right-in only driveway off Maria Dr. and then a driveway that would be right-in, left-out either way slightly further to the west. Traffic to the carwash itself would come in on the southern side of the property, flow through the carwash and exit onto Academy Ave. and then proceed either east or west.

Ms. Lehman asked if most of the traffic going into the gas station would be on the east side of the building closest to Division St.

Mayor Halverson said most traffic that would flow in and out for the gas station itself would flow back out onto Maria Dr. and then back to Division St.

Ms. Lehman was concerned about traffic turning west onto Maria Dr. and heading towards the school area.

As no one further wished to speak, the Mayor declared the Public Hearing closed.

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

Ald. O'Meara **moved**, seconded by Ald. Brooks to approve the Conditional Use - 1600 Maria Dr./1601 Academy Ave., and 1616 Maria Dr. - To Operate a Carwash.

Ald. Wiza declined his previous amendment recommendation under item 6.

Ald. Suomi expressed concern about the amount of traffic congestion that could occur on Division St.

Mayor Halverson stated that is why the right-in driveway was pushed further to the west to alleviate any congestion by the intersection and business driveways.

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

12. Public Hearing - Letter of Map Revision (LOMR) for Flood Insurance Rate Maps (FIRM) 55097C0220D and 55097C0331D to Amend the Base Flood Elevations for the City Along the Big Plover River.

The Mayor declared the public hearing open.

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

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

Ald. Moore **moved**, seconded by Ald. M. Stroik, to approve the Letter of Map Revision (LOMR) for Flood Insurance Rate Maps (FIRM) 55097C0220D and 55097C0331D to Amend the Base Flood Elevations for the City Along the Big Plover River.

Ald. O'Meara asked for a summary of the changes.

Mayor Halverson stated there were fourteen properties affected on Della St., Channel Dr. and Soo Marie Ave. that used to not be in the flood plain and the flood elevations had to be redrawn by FEMA because of the lack of operations and maintenance plan from the Village of Whiting for their dam. It is now resolved and is now on file with the appropriate agencies.

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

14. Public Hearing - Vacating a Portion of Green Avenue, North.

The Mayor declared the public hearing open.

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

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

Ald. Molski **moved**, seconded by Ald. Moore to approve vacating a portion of Green Avenue, North.

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

16. Public Hearing – Vacating Mitchell Drive.

No hearing per Mayor Halverson.

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

Mayor Halverson **moved**, seconded by Ald. Wiza, to **deny** the Resolution, Vacating Mitchell Drive, in the absence of an agreement between the affected parties.

Mayor Halverson said a road cannot be vacated that would leave a parcel without access.

Roll Call: Ayes: Ald. Beveridge, Suomi, O'Meara, Wiza, M. Stroik, Trzebiatowski, Molski, Brooks, Moore.
Nays: None. Resolution not adopted. Motion carried.

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

Ald. Wiza **moved**, seconded by Ald. Moore, to approve the action of the minutes taken at the Special Finance Committee meeting of September 19, 2011.

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

19. Consideration and possible action of the minutes and actions taken at the Finance Committee meeting of October 10, 2011 and the Special Finance Committee meeting of October 11, 2011.

Ald. Moore **moved**, seconded by Ald. Brooks, to approve the minutes and actions taken at the Finance Committee meeting of October 10, 2011 and the Special Finance Committee meeting of October 11, 2011.

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

20. Consideration and possible action of the minutes and actions taken at the Personnel Committee meeting of October 10, 2011.

Barb Jacob, 1616 Depot St., was concerned about the request to fill a vacancy in the Parks Dept. She said she was under the impression that vacancies were not going to be filled. She asked if the vacancy was to be filled with an internal promotion and then not fill that position following the promotion.

Ald. Molski **moved**, seconded by Ald. M. Stroik, to approve the minutes and actions taken at the Personnel Committee meeting of October 10, 2011.

Ald. Moore asked the Parks Director to answer Ms. Jacob's question about why the position was going to be filled.

Dir. Schrader stated this position is a maintenance position that is in charge of all 35 Parks buildings. The duties of the individual include electrical, plumbing, roofing, irrigation and other building maintenance. He said the individual was the only one qualified to fill this position.

Mayor Halverson said this particular position was not targeted for reductions or the non-filling of other vacancies.

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

21. Consideration and possible action of the minutes and actions taken at the Public Protection Committee meeting of October 10, 2011.

Ald. M. Stroik **moved**, seconded by Ald. Brooks, to approve the minutes and actions taken at the Public Protection Committee meeting of October 10, 2011.

Ald. Wiza had several questions regarding the ordinance being proposed for concealed carry. He discussed item 2, "the Comptroller-Treasurer shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Stevens Point..." He asked if this included restrooms, parks, etc.

City Attorney Molepske stated yes, all buildings that are occupied by humans, irregardless if it's occupied 24 hours a day.

Ald. Wiza questioned if gazebos were included in the definition of buildings.

City Attorney Molepske said a building is defined as a permanent structure, which would include a gazebo.

Ald. Wiza said if this is passed in its current form, it will need to be amended because of the above issues. He also asked about city owned leased residential and business properties and if customers are allowed to bring in weapons on those properties.

City Atty. Molepske said yes, on a long term lease, customers could have them, although the lessee could post a sign stating no weapons. He said if the rental or lease of the building is on a day-by-day basis, then that building would be exempt during the period of time it's being rented to a third party.

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

22. Consideration and possible action on the Ordinance Amendment - Prohibition of Carrying Firearms in City Buildings (Sec. 8.20 of the RMC).

Ald. Trzebiatowski **moved**, seconded by Ald. O'Meara, to approve the action on the Ordinance Amendment - Prohibition of Carrying Firearms in City Buildings (Sec. 8.20 of the RMC).

Ald. Trzebiatowski asked if the ordinance would require each business to put a sign on their building if they wanted no firearms in their establishment. He thought Madison has an ordinance that allows business that will allow firearms in their business to post a sign stating such, versus those that do not.

Mayor Halverson said the intent of the law as presented is to allow lawful permitted concealed carry in almost every aspect of the state and every building within the state and doing opposite, which is what Madison is doing, will more than likely be challenged and be struck as it is probably illegal. He felt if our City tried to prohibit concealed carry in any business or public building and require the business owner to post a sign allowing for conceal and carry within that establishment, it would be held as illegal under the law.

City Atty. Molepske said a prohibitory sign must be prominently displayed, but did not feel it was the best course and recommended following the state statute.

Mayor Halverson asked if the City would be liable or exempt from liability if signs were posted appropriately and a permit carrier, who was not allowed to have a weapon on City property, was injured while on City property.

City Atty. Molepske felt the City would have immunity. He said it would be almost impossible to prove an injury occurred to an individual who may or may not have had their weapon with them. He said the City carries insurance for this type of situation.

Ald. Wiza felt since the final draft is not known at this time from the state, the City should have something in place prior to November 1st and recommended that staff review the ordinance within 12 months of passage.

Atty. Molepske stated conflicting City ordinances involving other weapons, i.e. crossbows and longbows will also have to be reviewed.

Mayor Halverson said another question he raised was discharging a firearm on City owned properties including parks for hunting purposes and asked if this could be limited or prohibited.

City Atty. Molepske said yes currently at this time, but the final bill could change that. He went on to say there is another section that states in the interest of safety and general welfare, the City could prohibit the discharge of weapons. The City would have to amend ordinances to correspond to this.

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

23. Consideration and possible action on the Ordinance Amendment - Creation of Ch. 32 of the RMC - Well Abandonment and Well Operation Permits and Amendments to Ch. 18 of the RMC.

Ald. Molski **moved**, seconded by Ald. Brooks, to approve the Ordinance Amendment – Creation of Ch. 32 of the RMC - Well Abandonment and Well Operation Permits and Amendments to Ch. 18 of the RMC.

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

24. Consideration and possible action of the minutes and actions taken at the Board of Public Works meeting of October 10, 2011.

Ald. O'Meara **moved**, seconded by Ald. Brooks, to approve the minutes and actions taken at the Board of Public Works meeting of October 10, 2011.

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

25. Consideration and possible action on the Ordinance Amendment - Renumbering of a Portion of the No Parking Ordinance (Sec. 9.05(g) of the RMC.)

Ald. Moore **moved**, seconded by Ald. Molski, to approve the Ordinance Amendment - Renumbering of a Portion of the No Parking Ordinance (Sec. 9.05(g) of the RMC.)

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

26. Consideration and possible action of the minutes and actions taken at the Board of Water & Sewage Commissioner's meeting of October 10, 2011.

Ald. Brooks **moved**, seconded by Ald. M. Stroik, to approve the minutes and actions taken at the Board of Water & Sewage Commissioner's meeting of October 10, 2011.

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

27. Consideration and possible action on the Ordinance Amendment - Cross-Connection Control (Sec. 13.23 of the RMC).

Ald. O'Meara **moved**, seconded by Ald. Wiza, to approve the Ordinance Amendment – Cross-Connection Control (Sec. 13.23 of the RMC).

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

28. Consideration and possible action on the Ordinance Amendment - Sewer Connection Fee (Sec. 13.10 of the RMC).

Ald. Wiza **moved**, seconded by Ald. O'Meara, to approve the Ordinance Amendment – Sewer Connection Fee (Sec. 13.10 of the RMC).

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

29. Consideration and possible action on the Resolution - Electing to Have the Water Utility Begin Directly Charging for Public Fire Protection Per Wis. Stat. §196.03(3)(b).

Ald. O'Meara **moved**, seconded by Ald. Moore, to approve the Resolution – Electing to Have the Water Utility Begin Directly Charging for Public Fire Protection Per Wis. Stat. §196.03(3)(b).

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

Barb Jacob, 1616 Depot St., asked what the cost will be per residence.

Director Halverson stated the cost will depend on the meter size per property. A 5/8 and 3/4 inch meter will be approximately \$9.79 per quarter and cost goes up as meter size goes up.

30. Consideration and possible action on the minutes and actions taken at the Special Police and Fire Commission meetings of September 22, September 26, and October 5, 2011 and the Police and Fire Commission meeting of October 4, 2011.

Barb Jacob, 1616 Depot St., questioned the filling of vacant positions in the Police, Fire and Transportation Departments in light of budget constraints.

Ald. Wiza **moved**, seconded by Ald. Brooks, to approve the minutes and actions taken at the Special Police and Fire Commission meetings of September 22, September 26, and October 5, 2011 and the Police and Fire Commission meeting of October 4, 2011.

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

31. Consideration and possible action on the minutes and actions taken at the Transportation Commission Meeting of September 22, 2011.

Ald. Wiza **moved**, seconded by Ald. O'Meara, to approve the minutes and affirm the actions taken at the Transportation Commission Meeting of September 22, 2011.

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

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

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

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

33. Adjournment.

The meeting adjourned at 8:15 P.M.