

Common Council Proceedings
City of Portage

Regular Meeting
Council Chambers
City Municipal Building

February 25, 2016
7:00 p.m.

1. Call to Order

Mayor Tierney called the meeting to order at 7:00 p.m.

2. Roll Call

Present: Ald. Charles, Dodd, Hamburg, Havlovic, Klapper, Kutzke, Lynn, Maass, Monfort

Also Present: Mayor Tierney, City Clerk Moe, City Administrator Murphy, City Attorney Spankowski, Director of Public Works/Utilities Manager Jahncke, Fire Chief Simonson, Manager of Parks and Recreation Kremer

Media Present: Craig Sauer from Portage Daily Register, Bill Welsh from Cable TV

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. Approval of Agenda

Upon no objection from the Council, the 2016 MS Awareness Week Proclamation was moved to this place of the meeting.

The 2016 MS Awareness Week Proclamation was read and presented to Tracy Fehd, who addressed the Council about her journey. Ms. Fehd encourages everyone to wear orange on March 10th in support of MS.

5. Minutes of Previous Meeting

Motion by Klapper, second by Charles to approve minutes of the February 11, 2016 Common Council meeting. Motion carried unanimously on call of roll.

6. Consent Agenda

Reports of Sub-Committees, Boards, and Commissions

Historic Preservation Commission meeting of February 3, 2016

Finance/Administration Committee meeting of February 8, 2016

Parks and Recreation Board meeting of February 9, 2016

Emergency Planning Committee meeting of February 12, 2016

Plan Commission meeting of February 15, 2016

Airport Commission meeting of February 17, 2016

The Mayor asked Administrator Murphy to provide a brief summary of the process changes to the Consent Agenda. Murphy indicated that effective this meeting, Council may review minutes and pull them from the Consent Agenda for discussion, but Council is not able to make changes, corrections, etc. to committee minutes. All minutes will be noted as draft until the committee has formally approved them.

Motion by Dodd, second by Lynn to accept the reports on the consent agenda. Motion carried unanimously on call of roll.

License Applications

Operator license applications for Kevin P. Gjavenis, Kristy A. Szczesniak, and Phillis J. Werning.

Motion by Maass, second by Hamburg to approve the license applications as presented. Motion carried unanimously on call of roll.

7. Unfinished Business

Ordinances

Ordinance No. 15-007 relative to Miscellaneous Offenses (Regulation of Smoking, E-Cigarettes) Tabled 05/14/15 until such time the State Legislature takes action on the proposed legislation. No action taken.

8. New Business

Ordinances

Ordinance No. 16-002 relative to Parks and Recreation (Alcoholic Beverages in Parks) received its first reading. Discussion centered on the word "possess". Ald. Maass pointed out that the word "possess" is in the current ordinance, it is not being added, and that the Park Board was advised that the word needed to remain in the ordinance. City Attorney Spankowski stated that leaving the word "possess" in the ordinance makes sense from a law enforcement perspective. For example, if a call was received that a person was smoking, but by the time law enforcement arrived the person was no longer smoking, but still had the cigarette, a citation could be issued. City Attorney Spankowski explained that this ordinance would most likely be complaint driven.

Ordinance No. 16-003 relative to Floodplain Zoning received its first reading.

Resolutions

Resolution No. 16-007 relative to Proposing to Discontinue that Portion of Townsend Street Lying East of Superior Street and West of Wauona Trail, and that Portion of Averbeck Street Lying East of US Highway 51 (New Pinery Road) and West of Adams Street, and Those Portions of Bennett Drive Located North of Collins Street in the City of Portage, Columbia

County, Wisconsin, Pursuant to Wis. Stat. §66.1003 was read and adopted unanimously on motion by Dodd, second by Charles and call of roll.

Consideration of Recommendation for Agreement with Columbia County Fair Board for Use of Veterans Memorial Field Facilities

Motion by Maass, second by Charles to approve the Agreement with Columbia County Fair Board for Use of Veterans Memorial Field Facilities. Motion carried unanimously on call of roll.

Consideration of Recommendation to Reallocate Funds and Award Contract to Replace Wastewater Treatment Plant Roof

Motion by Dodd, second by Lynn to approve the reallocate \$30,000 from the Ray-O-Vac lift station replacement and to award the contract to replace the Wastewater Treatment Plant roof. Motion carried unanimously on call of roll.

Consideration of Recommendation for Developer Agreement with Columbia County including Shared Use Parking Agreement

Murphy provided a summary of the agreement provisions. Ald. Lynn requested that the Shared Parking Agreement be voted on separate from the Developer Agreement; the reason being if there is a conflict of interest with him voting on the development agreement, which he doesn't believe there is as he has a mortgage interest for a property adjacent to the development, Lynn still wants to vote on the parking lot issue. Motion by Lynn, second by Maass to separate the Shared Use Parking Agreement from the Developer Agreement. Ald. Maass stated there isn't a concern with the parking lot now, but parking could be an issue in the future. She also had concern as that parking lot is a designated place to park during snow emergencies; it needs to be cleared of snow in a timely manner. She questioned how the parking would be enforced. Ald. Kutzke questioned the \$136,000 public works improvements that the city would be paying. City Administrator Murphy explained the cost sharing between the County and City reflects which party is benefitting from the public improvements and is pursuant to the City's Water Tariff rules as approved by the PSC. Additionally, the City's share will be included in a water revenue bond to be issued later this year. Mayor Tierney reminded the council that they previously went on record that the City would do whatever it could to work with the County; and that questions should have been raised prior to this evening. City Administrator Murphy explained that the improvements were proposed by staff as the infrastructure was outdated and undersized. The County will be paying their proportionate share of the benefit. It is to the City's benefit to take advantage of the County's construction project, as the infrastructure project would be more costly if done independently. The improvements will benefit the region, not just the County. Funds were budgeted in the 2016 capital improvement budget. Motion carried unanimously on call of roll.

Motion by Dodd, second by Charles to approve the Developer Agreement with Columbia County. Ald. Lynn asked City Attorney Spankowski whether or not he would have a conflict of interest as he has a mortgage interest for a property adjacent to the development, but no financial interest, in property to be included in the County project. City Attorney Spankowski stated that there may not be a direct connection, but Ald. Lynn should have contacted him sooner as he could not give a formal opinion without knowing the exact circumstances. Ald. Dodd restated his motion to approve the Developer Agreement with Columbia County, removing all references to the shared parking agreement; Ald. Charles, who seconded the motion, agreed to the change. Motion carried unanimously on call of roll.

Motion by Dodd, second by Charles to approve the Shared Use Parking Agreement with Columbia County. Ald. Kutzke pointed out that there was nothing in the agreement regarding snow emergencies. City Administrator Murphy explained that the agreement calls for 60 stalls to be designated for county use from 7:00 a.m. to 6:00 p.m. The lot would be signed, county vehicles would have a sticker, and the County would participate in maintenance and repair costs. The intent is to suspend the designation during a designated snow emergency, which did not get into the final draft of the agreement. The Agreement does not prevent the public from parking in the designated county stalls. Murphy pointed out the agreement was made pursuant to City ordinances and as a result of the Zoning Board of Appeals ruling in which the County received a partial variance on the required number of off-street parking stalls. Without the Agreement, the County would not be in compliance with the City's Zoning Code. Council held a lengthy debate whether or not the parking agreement was necessary. Ald. Maass suggested that more research was needed and there was, in her opinion, a lack of transparency on this issue as only Finance reviewed the Agreement. Mayor Tierney responded by stating that the project has gone through the Board of Zoning Appeals, Plan Commission, and Finance/Administration; so there was ample time for council to get any questions answered. The Parking Agreement is necessary to meet the city zoning ordinances. Mayor Tierney reminded the Council that they supported the committee structure and did not want a committee of the whole structure. The motion received 4 to 4 vote on call of roll with Havlovic, Kutzke, Lynn and Maass voting no, and Monfort abstaining. The Motion carried with Mayor Tierney breaking the tie, voting in favor of the motion.

Mayor's Comments

Mayor Tierney reported that steady progress has been made since 2014 to establish a Portage Area Community Fund, establishing a permanent endowment for the community.

City Administrator Report

The first of three (3) newsletters for the year will be mailed to residents the first part of March.

Primary Election statistics were provided: 23% turnout; 1085 voters out of 4670 registered voters.

Spring Election: in-office absentee voting will be held the last two weeks of March. Ballots for those with requests on file, will be mailed early March as soon as ballots are received. Residents needing to register should contact the City Clerk's office.

Fire Chief Simonson has developed severe weather procedures for City Hall.

9. Adjournment

Motion by Charles, second by Dodd to adjourn. Motion carried unanimously on call of roll at 9:21p.m.

Marie A. Moe, WCPC, MMC
City Clerk

Date Approved: 03/17/2016