

MINUTES
Stevens Point Urban Area Sewer Service Advisory Committee
October 4, 2006

Members Present: Jerry Moore, City of Stevens Point (Principal Alternate); John Holdridge, Town of Hull; Jerry Walters, Village of Whiting; Elmer Fournier, Village of Park Ridge; Tim Karcheski, Town of Plover; Dan Schlutter, Village of Plover; and Carl Karcheski, Town of Linwood

Member Excused: Gary Wescott, City of Stevens Point

Others Present: Dan Mahoney, Village of Plover; Mike Bronk and Ron Borski, Town of Stockton, and John Gardner, City of Stevens Point

Staff Present: Jeff Schuler and Paula Cummings, Portage County Planning and Zoning Department.

Chairman Fournier called the meeting to order at 5:00 pm in Conference Room 5 of the Courthouse Annex, and asked those present to introduce themselves.

1. Members of the Public Who Wish to Address the Committee on Specific Agenda Items Must Register Their Request at This Time, With Such Comments Subject to the Reasonable Control of the Committee Chair as Set Forth in Robert's Rules of Order

Ron Borski, Chairman, Town of Stockton registered to speak regarding the September 6, 2006 minutes.

2. Action on Minutes of September 6, 2006

Borski inquired about the Article IV-Membership and Administration portion of the minutes; specifically the portion discussing municipal representation on the Committee. C. Karcheski stated the Committee recommended the reference to chief elected official be expanded to include other elected officials. Holdridge clarified that it is up to the municipality who is appointed to this Committee; it is not a Sewer Service Committee appointment. Fournier suggested this be discussed during today's meeting and not at this time during approval of minutes. It was further noted that the Committee has recommended changes to the by-laws, but at this point in time, have not officially adopted the revised version.

Schuler offered an amendment to the minutes on page three, paragraph three, to include the following addition to Gardner's comment on NR121 – should also take the position that having three independent treatment plants is the most efficient urban wide system, reaffirming the original 201 study – as was actually stated by Gardner during the meeting.

Schlutter moved to accept the amendment and Walter seconded the motion, which passed by voice vote. Schlutter moved to approve the September 6, 2006 minutes as amended and Walters seconded the motion, which passed by voice vote.

3. Discussion/Action on the Stevens Point Urban Area Sewer Service Advisory Committee By-Laws

At this time Fournier reiterated that the by-laws have not been approved; the Committee is still in the process of revising them and a final vote will follow. Borski stated he prefers the membership include the municipality's chief elected official because he feels they are ultimately responsible, not the other elected officials. C. Karcheski responded that the representative can be the chief elected official, but another elected official can be designated. Borski provided a scenario that on a three person municipal board, two people may work together, and one may have a different goal. With this scenario, if the chief elected official was not the representative, he/she has no say. Walters noted that both the Villages of Whiting and Park Ridge serve in that capacity. The Villages' representative is not the chief elected official, but were designated and appointed by their board. C. Karcheski stated there may be two against one, but the municipal board decides. Borski replied the board majority may not include the chief elected official. Holdridge felt an issue such as that is resolved by the electoral process and not this Committee.

Schuler provided the first four pages of the revised by-laws to members and noted they contain changes agreed upon at the last meeting. Members agreed to review the revised pages before resuming their review of the original by-laws.

Under Section 3 – Ex-Officio Member, letter D had been added and Walters questioned whether that referred to the same report that is prepared for the Department of Natural Resources (DNR). Schuler replied that it could be the same. Walters felt this was redundant and the final report should be reviewed by the Committee before going to the DNR. Schuler stated that process is laid out in the Plan document itself; whereas, this report is given in advance of the meeting to assist Committee members in their review of the requests. Walters felt the report prepared in advance is a good synopsis, a good report. Members agreed that the language for the new letter D was acceptable as written.

In Section 3 – Ex-Officio Member, Mahoney referred to the statement in the first paragraph where it states the ex-officio member shall not be entitled to hold any office. For clarification purposes, Mahoney suggested the words within this Committee be added. Holdridge used former Village of Whiting President and Planning and Zoning Director Chuck Kell's membership, as an example. Walters stated that is what the Village of Whiting had done. Gardner felt Chuck Kell's position is not a correct example. Schlutter noted the member is appointed by the municipal board and that takes care of it.

Members agreed to add Mahoney's suggested clarification as noted above.

Under Section 4 – Officers, members discussed the text that had been drafted for the new letter F. regarding term limits. The draft text was acceptable; Schuler was asked to write up additional wording for letter F. regarding the officer serving until the next vote.

Gardner asked if the Committee could return for a moment to the amendment made to the minutes this evening and stated that he may have chosen those words poorly. He did not mean to state that it was the City's position that there should be three independent treatment plants, but simply that this Advisory Committee should not need to question or re-do the original 201 Facilities Study at this time. It was the consensus of the Committee that while the previous meetings minutes could not be changed in this way, the minutes of tonight's meeting should reflect this clarification.

Cummings noted the Committee had added the word simple before majority vote in Section 4 – Officers, C. Selection of Officers and asked whether they intended to add the same to D. Removal from Office. The Committee agreed to add simple before majority vote in Section 4, D.

In Article IV – Membership and Administration, Section 1 – Membership, Mahoney suggested leaving the Town of Linwood represented on the Committee at least through the Sewer Service Plan update because they are already a member. Also, if you remove the Town of Linwood, and no one is representing the Town of Stockton, we are short one member. Gardner asked what happens if the Town of Stockton is on and Mahoney replied in that case you could be adding one and removing one.

C. Karcheski reported he discussed the Town of Linwood's membership at a recent Linwood Town Board meeting and a majority of those present felt Linwood should remain a member of the Sewer Service Advisory Committee. The Town borders municipalities with sewer service, including the City of Stevens Point, and the Villages of Plover and Whiting. Linwood should remain a member. He did not agree with Linwood participating, but not being able to vote as was mentioned at a previous meeting. C. Karcheski also felt there are no criteria to remove a voting member. Holdridge suggested discussing criteria after the by-laws are adopted.

Mahoney felt that before official action is taken on the by-laws, the Committee must decide whether Linwood will remain a member. Mahoney stated the membership status of the Towns of Linwood and Stockton should be decided before the voting structure is decided as well. Moore stated this issue is important to Stevens Point, and he felt the Mayor should be here for that discussion and vote.

Walters referred to Article IV – Membership and Administration, Section 5 – Subcommittees, and stated he read through is section and finds nothing to change. Holdridge asked whether there are subcommittees and Walters replied no. The Committee agreed to leave Section 5 – Subcommittees as written.

Mahoney referred to Article IV – Membership and Administration, Section 6 – Guidance and stated he had no suggestions for change. The Committee agreed to leave Section 6 – Guidance as written.

Fournier referred to Article IV – Membership and Administration, Section 7 – Voting and suggested holding off the entire discussion at this time.

Moving on to Article V – Meetings, Section 1 – Frequency and Notice, the Committee agreed to strike the words a minimum of once every four (4) weeks and replace them with on an as needed basis where meeting frequency is discussed. Members felt the by-laws were written that way to reflect the Sewer Service Plan creation period where frequent meetings were necessary, similar to the current Plan update meeting schedule.

Under Article V – Meetings, Section 2 – Quorum, Fournier asked whether the word “simple” should be added before majority vote. Mahoney questioned how adding simple affects weighted voting. He felt there may not be enough votes because a quorum needs to be present for sewer service amendments; 51%. Schuler clarified voting reflects a number, not a percentage. Four of seven members are needed to conduct simple business, which does not require a weighted vote. Mahoney suggested adding a reference to Article IV – Membership and Administration, Section 7 – Voting, where weighted voting is spelled-out, at this point in the by-laws.

Schuler suggested adding a new Section 4 – Approval of Minutes under Article V – Meetings. The Committee agreed and Schuler will provide wording for this new section.

Holdridge asked what items require weighted voting and Mahoney replied sewer service boundary amendments and plans. Schuler asked whether the Committee wants clarification and a list of action items requiring weighted voting versus simple majority. The Committee agreed this was a good idea. Moore questioned why this would have to be written down. A quorum is a majority on simple majority votes and weighted requires 51%. Walters noted that “majority” is defined under Article IV – Membership and Administration, Section 7 – Voting. Moore noted that a quorum means individuals, not votes. Walters felt it a moot point because if the Village of Plover and the City of Stevens Point vote together, they have 51%. Holdridge stated the majority of more than the City of Stevens Point and the Village of Plover.

Under Article V – Meetings, Section 2 – Quorum, the Committee agreed to add the word simple in front of majority. In that same article and section, the Committee agreed to remove (4 of 7 members) because the membership number itself may change.

Referring to Article V – Meetings, Section 3 – Conduct of Meetings, Holdridge felt during the Crossroads Common approval process, the Chair was arbitrary and appointed members should be allowed to speak. Moore suggested changing the word or to and in the first sentence so that by-laws and Roberts Rules of Order are both followed during meetings. Mahoney suggested striking the words in those cases where the by-laws are unspecific with regard to procedures because this statement is unnecessary if the recommended word change from or to and is accepted.

The Committee agreed to the changes noted above in Article V – Meetings, Section 3 – Conduct of Meetings.

In Article VI – General, Section 1 – Planning Staff, Walters noted the Planning and Zoning Director is no longer working with this Committee; Planner Schuler now works with us. Holdridge asked what happens if the Committee does not want to work with Planning and Zoning. What if we go to North Central Wisconsin Regional Planning Commission or another agency for help? Holdridge wants flexibility. Mahoney noted that Committee action is required on by-law amendments, which would allow change, if the Committee agreed. Holdridge stated the Committee may vote to shift responsibility from Planning and Zoning and he wants that flexibility. Schlutter reiterated that could be accomplished with a by-law amendment at such time.

The Committee agreed that Article VI – General, Section 1 – Planning Staff should now read:

The Portage County Planning and Zoning Department Director will provide ongoing assistance to the Advisory Committee in accordance with these by-laws and the Planning and Zoning Department's Annual Work Program as approved by the Portage County Planning and Zoning Committee.

The Committee agreed to strike Article VI – General, Section 2 – Contract Administration entirely, because we are no longer under contract with the DNR

Gardner asked whether Article VI – General, Section 3 – Cooperating Agencies is still necessary and Moore replied that it should remain in. The Committee agreed to leave Section 3 – Cooperating Agencies as is.

The Committee agreed that Article VI – General, Section 4 – Compliance with Local and State Laws should remain as written.

Under Article VI – General, Section 5 – Amendments, the Committee agreed to add the word business in front of the word days to clarify notification is required at least five business days prior to a by-laws amendment meeting.

Gardner asked whether each municipal governing body is to ratify the by-laws prior to Advisory Committee action. Walters stated he is going to do that in the Village of Whiting. Moore felt Article VI – General, Section 3 – Cooperating Agencies says that must be done. Mahoney suggested soliciting input from the municipal governing body on the voting structure. Gardner recommended this be done prior to the next Advisory Committee meeting.

Gardner noted the by-laws do not formalize the change of population calculation. If the voting structure is changed to reflect the most current population estimates, the by-laws should say that.

Gardner asked whether the Planning and Zoning Department could take a position with the DNR that is contrary to the vote of the Advisory Committee. He felt in theory it could. Does the Advisory Committee want to be more advisory than that? He suggested members talk about that. Holdridge asked that the law be clarified. Would that be an appropriate time to use an alternate administrative agency? Walters reminded members that in the past, the DNR was on the telephone with us discussing a sewer service boundary amendment report. Mahoney added that the DNR forced us to resolve our issues. Gardner felt the by-laws do not say that. He asked whether this should be “hammered out” now or later.

Mahoney felt the next step is to take the by-laws to your respective governing boards. Schuler reminded members they must decide on weighted voting and membership first. Fournier felt members could informally broach the subject with their board. Holdridge noted members would need a final draft. Mahoney felt that was not necessary for an informal discussion at the municipal level. Walters felt the voting chart put together by Schuler could be discussed informally and used as a starting place.

4. Adjournment

With no further business to come before the Committee, T. Karcheski moved to adjourn and Moore seconded the motion. Meeting adjourned at 6:10 pm.

Respectfully submitted,

Elmer Fournier, Chair

Paula Cummings, Rec. Secretary

Date

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