



CITY OF MARSHFIELD  
**MEETING NOTICE**

---

**COMMON COUNCIL  
CITY OF MARSHFIELD, WISCONSIN  
TUESDAY, APRIL 22, 2014  
Council Chambers, Lower Level, City Hall Plaza**

**7:00 p.m.**

NOTE TO VISITORS AND GUESTS: Welcome to this meeting of the Common Council. We appreciate your interest in the City of Marshfield. Item "G" on the agenda (below) provides an opportunity for the Mayor and Council to receive comments from members of the public. If you would like to make a comment, please write your name and address and indicate your topic on a form at a table near the entrance to the Council Chambers prior to the beginning of the meeting. After being recognized by the Mayor at the appropriate time, please address the Council from the podium, first stating your name and address.

- A. Call to Order by Chris Meyer, Mayor
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Minutes – April 8, 2014 (Regular Meeting)  
April 15, 2014 (Organizational Meeting)
- E. Comments from the Mayor, specifically:
  - 1) Committee openings
- F. Reading of items added to the agenda
- G. Public Comment Period/Correspondence  
At this time, the Mayor will recognize members of the public who have indicated a desire to address the Council. Upon recognition by the Mayor, persons may address the Council from the podium, first stating their name and address. The Council may take action on emergency matters introduced by members of the public.
- H. Consideration of a request from the Fellowship of Christian Athletes for a variance of noise levels as permitted by Chapter 10-33(7) for a skateboarding and BMX clinic and competition to be held at the Marshfield Skate Park on Friday, June 13, 2014 from 1:00 p.m. to 10:00 p.m. Presented by Steve Barg, City Administrator.  
  
Recommended Action: Grant the variance.
- I. Reports from commissions, boards, and committees.

COMMON COUNCIL AGENDA  
APRIL 22, 2014

- J. Consent Agenda:
- 1) Meeting minutes/reports
    - a. Library & Community Center Committee (February 5, 2014)
    - b. Main Street Marshfield (February 5, 2014)
    - c. Zoning Board (February 11, 2014)
    - d. Main Street Marshfield (March 5, 2014)
    - e. Library & Community Center Committee (March 5, 2014)
    - f. Library Board (March 11, 2014)
    - g. Fire & Police Commission (March 13, 2014)
    - h. Central Wisconsin State Fair Board (March 17, 2014)
    - i. Cable TV Committee (March 24, 2014)
    - j. Central Wisconsin State Fair Special Meeting (March 31, 2014)
    - k. Fire & Police Commission (April 3, 2014)
    - l. Committee on Aging (April 3, 2014)
    - m. Economic Development Board (April 3, 2014)
    - n. Board of Canvassers (April 7, 2014)
    - o. Marshfield Utilities (April 7, 2014)
    - p. Historic Preservation Committee (April 7, 2014)
    - q. Sustainable Marshfield Committee (April 8, 2014)
    - r. Economic Development Board (April 9, 2014)
    - s. Parks, Recreation, and Forestry Committee (April 10, 2014)
    - t. Board of Public Works (April 14, 2014)
    - u. Judiciary and License Committee (April 15, 2014)
    - v. Plan Commission (April 15, 2014)

Recommended Action: Receive and place on file, approving all recommended actions.

- K. Consideration of items removed from the consent agenda, if any.
- L. Presentation of the fiscal year 2013 Comprehensive Annual Financial Report and Independent Audit Report. Introduction by Keith Strey, Finance Director. Presentation by a representative from Schenck SC.

Recommended Action: Receive and Place on File

- M. Second Reading of Ordinance No. 1274, repealing Section 2-100 and Section 17-36, Board of Electrical examiners, Section 2-101, Industrial Park Authority, Section 3-66(9) Committee on Health, and amending Section 2-99, Plan Commission of the City of Marshfield Municipal Code. Presented by Steve Barg, City Administrator.

Recommended Action: Approve Ordinance No. 1274.

- N. Presentation on Storm Water Management for the City of Marshfield. Presented by Tom Turchi, City Engineer.

Recommended Action: None, for information only.

COMMON COUNCIL AGENDA  
APRIL 22, 2014

- O. First Reading Ordinance No 1279 repealing and re-enacting Chapter 25, Construction Site Erosion control. Presented by Tom Turchi, City Engineer.

Recommended Action: None at this time unless the rules are suspended; final action will be scheduled at the May 13, 2014 meeting.

- P. First Reading Ordinance No. 1275, rezoning request by PCO Real Estate Investment Company to change the zoning from "LI" Light Industrial District to "CMU" Community Mixed Use District, located at 2505-2515 West Veterans Parkway. Presented by Josh Miller, City Planner.

Recommended Action: Suspend the rules and approve Ordinance No. 1275.

- Q. First Reading Ordinance No. 1276, Municipal Code Amendment to amendment to Section 18-26 through 18-32, 18-54, and 18-65 of the City of Marshfield Municipal Code pertaining to permitted Onsite Ancillary Uses. The amendment is being proposed to permit and define onsite ancillary uses for nonresidential and multifamily uses in the "SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, and MR-24" residential zoning districts. Presented by Josh Miller, City Planner.

Recommended Action: Suspend the rules and approve Ordinance No. 1276.

- R. First Reading Ordinance No. 1277, Municipal Code Amendment to Section 18-158 and 18-159 of the City of Marshfield Municipal Code to clarify language pertaining to public hearings, increase the required notice distance for public hearings from 100 feet to 200 feet and to clarify language and define who can request a zoning amendment and when a map is needed in the notice. Presented by Josh Miller, City Planner.

Recommended Action: None at this time unless the rules are suspended; final action will be scheduled at the May 13, 2014 meeting.

- S. First Reading Ordinance No. 1278, Municipal Code amendment to Section 18-159 and 18-160 of the City of Marshfield Municipal Code to clarify language for a zoning amendment when there is a protest petition or adverse recommendation by the Plan Commission. Presented by Josh Miller, City Planner.

Recommended Action: None at this time unless the rules are suspended; final action will be scheduled at the May 13, 2014 meeting.

- T. Request to approve Resolution No. 2014-24, Conditional Use Request by PCO Real Estate Investment Company for an exception to the hard surfacing requirements for off-street parking and traffic circulation areas, located at 2505-2515 West Veterans Parkway, currently zoned "LI" Light Industrial District with a proposed zoning change to "CMU" Community Mixed Use District. Presented by Josh Miller, City Planner.

Recommended Action: Approve Resolution No. 2014-24.

COMMON COUNCIL AGENDA  
APRIL 22, 2014

- U. Request to approve Resolution No. 2014-25, Conditional Use Request by Wood County to install a 156 foot Communication Tower, exceeding the 150 foot maximum height and allow a 288 square foot equipment shelter, located at 1600 North Chestnut Avenue (parcel 33-03211AF), zoned "CMU" Community Mixed Use Commercial District. Presented by Josh Miller, City Planner.

Recommended Action: Approve Resolution No. 2014-25.

- V. Request to approve Resolution No. 2014-26, Conditional Use Request by Prairie Run Group to construct two – 4 unit townhouse style multiplex buildings as part of a group development, including an exception to the parking lot design standards, in the designated commercial area within the Prairie Run "PUD" Planned Unit Development, located on the property just west of the Prairie Run Drive and Wildflower Drive intersection (parcel 33-0MM072). Presented by Josh Miller, City Planner.

Recommended Action: Approve Resolution No. 2014-26.

- W. Authorize termination of contract for grant writer services with CDA and Marshfield Public Schools. Presented by Steve Barg, City Administrator.

Recommended Action: Authorize termination of the contract.

- X. Request to approve Budget Resolution No. 10-2014 transferring \$29,000 from various budgets to the Library & Community Center Project fund to cover consulting costs for writing grant applications. Presented by Steve Barg, City Administrator.

Recommended Action: Approve Budget Resolution No. 10-2014.

- Y. Request to approve authorizing Resolution No. 2014-27 for a grant application under the Community Development Block Grant for Public Facilities program for the Library & Community Center project. Presented by Lori Belongia, Library Director.

Recommended Action: Approve Resolution No. 2014-27.

- Z. Request to consider financing for funds pledged over several years for the proposed Library & Community Center project. Presented by Steve Barg, City Administrator.

Recommended Action: Refer to Finance, Budget & Personnel Committee for further action.

- AA. Reading of citizen appointments to various committees, boards, and commissions. Presented by Chris Meyer, Mayor.

Recommended Action: Approve the Mayor's Appointments.

- BB. Items for future agendas.

- CC. Adjournment

COMMON COUNCIL AGENDA  
APRIL 22, 2014

Posted this day, April 18, 2014 at 1:00 p.m., by Deb M. Hall, City Clerk

Notice

*It is possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.*

*Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact Deb M. Hall, City Clerk at 630 South Central Avenue or by calling (715)486-2023.*

**APRIL 8, 2014**

**PUBLIC HEARING:** Called to order by Mayor Meyer at 6:45 p.m., in the Council Chambers, City Hall Plaza regarding:

- Project No. 312016: Street Reconstruction – Alley bounded by Chestnut Avenue/Central Avenue & 4<sup>th</sup> Street/5<sup>th</sup> Street.
- Project No. 312111 – Street Construction – North Street (St. Joseph Avenue to Wood Avenue)
- Project No. 352112 – Sanitary Sewer Reconstruction – North Street (St. Joseph Avenue to Wood Avenue)
- Project No. 312113 – Water Services – North Street (St. Joseph Avenue to Wood Avenue)
- Project No. 316754 – Storm Sewer With Paving – North Street (St. Joseph Avenue to Wood Avenue)

**FOR:** None

**AGAINST:** None

**COMMENTS:** None

The public hearing closed at 6:48 p.m.

---

Regular meeting of the Common Council was called to order by Mayor Meyer at 7:00 p.m., in the Council Chambers, City Hall Plaza.

**PRESENT:** Michael Feirer, Alanna Feddick-Goodwin, Robert Workinger, Gordon H. Earll, Ed Wagner, Gary Cummings, Rebecca Spiros, Tom Buttke and Peter Hendler

**ABSENT:** None

The flag was saluted and the pledge given.

6<sup>th</sup> District Alderperson Vacancy

Letters of interest were received from Ms. Charlotte Smith, 1621 S. Cedar Avenue and Mr. Rich Reinart, 906 S. Ash Avenue.

Alderperson Buttke nominated Rich Reinart and Charlotte Smith

There being no further nominations the Mayor declared the nominations closed.

The Common Council voted by ballot.

Rich Reinart received 4 votes. (Feirer, Earll, Cummings, Buttke)

Charlotte Smith received 5 votes. (Feddick-Goodwin, Workinger, Wagner, Spiros, Hendler)

Charlotte Smith was elected to fill the unexpired term of Alderperson for the 6<sup>th</sup> District.

City Clerk Hall gave the Oath of Office to Charlotte Smith.

**CC14-056** Motion by Cummings, second by Earll to approve the minutes of the Common Council meeting of March 25, 2014.

**Motion carried**

The Mayor announced that there are committee openings. Anyone interested on being on a committee should contact his office.

No items were added to the agenda.

### **PUBLIC COMMENT PERIOD**

Ed Englehart, Director of Parks and Recreation, announced that on Thursday, April 10<sup>th</sup> at 5:30 p.m. there will be an Open House for the Comprehensive Outdoor Recreation Plan Update to be held in the Common Council Chambers at City Hall Plaza.

Jason Angell, Director of Planning and Economic Development, invited the Public to attend the Open House for the completed Housing Study on Wednesday, April 9<sup>th</sup> at the UW in Room 127 from 5:30 p.m. – 6:30 p.m.

Tom Turchi, City Engineer will be giving a presentation on the Stormwater Permit and some of the new things coming forward with stormwater requirements for cities at the next Common Council meeting to be held on April 22, 2014.

### **REPORTS FROM COMMISSIONS, BOARDS AND COMMITTEES**

Andy Keogh from the Police and Fire Commission spoke about the issues with communication for the Police and Fire Departments as well as other city departments. The Fire Chief is recommending that the Marshfield Fire Department and Marshfield Police Department begin an immediate joint study of the current City of Marshfield radio structure and any problems currently being experienced. This study group will look to have this analysis done for presentation to the Police and Fire Commission during their June 2014 meeting.

Steve Barg, City Administrator, said that the cable TV service will continue to be provided as normal during the absence of Cable Access Coordinator Dan Kummer who is going through a medical situation that has him away from work. He wished Dan well.

### **CONSENT AGENDA**

**CC14-057** Motion by Hendler, second by Cummings to receive and place on file, approving all recommended actions for the items listed on the consent agenda. Meeting Minutes/Reports: Community Development Authority Personnel Committee of January 28, 2014; Community Development Authority of February 20, 2014; Committee on Aging of March 6, 2014; Community Development Authority Financial Committee of March 19, 2014; Economic Development Board of March 20, 2014; Airport Committee of March 20, 2014; Board of Public Works of March 31, 2014; Judiciary and License Committee of April 1, 2014 and Finance, Budget and Personnel Committee of April 1, 2014.

**Motion carried**

No items were removed from the consent agenda.

Second reading of Ordinance No. 1266, amending Section 10-30 of the Marshfield Municipal Code relating to weapons and bow hunting within the City of Marshfield.

**CC14-058** Motion by Feirer, second by Spiros to approve Ordinance No. 1266. Ayes – 9; Nay – 1 (Smith)

**Motion carried**

Second reading of Ordinance No. 1273, rezoning request by Russ and Elliott Weiler to change the zoning from “TR-6” Two Family Residential District to “MR-12” Multi-Family Residential District, a 19-acre parcel located North of East Emerald Street, between North Hume Avenue and North Anton Avenue right-of-way.

**CC14-059** Motion by Cummings, second by Wagner to approve Ordinance No. 1273. Ayes - 10  
**Motion carried**

First reading of Ordinance No. 1274, repealing Section 2-100 and Section 17-36, Board of Electrical Examiners, Section 2-101, Industrial Park Authority, Section 3-66(9) Committee on Health, and amending Section 2-99, Plan Commission of the City of Marshfield Municipal Code.

**CC14-060** Motion by Feirer, second by Spiros to approve Final Resolution No. 2014-20, in the matter of Improvement Project No. 312111 – Street Construction – North Street (St. Joseph Avenue to Wood Avenue); 352112 – Sanitary Sewer Reconstruction – North Street (St. Joseph Avenue to Wood Avenue); 312113 – Water Services – North Street (St. Joseph Avenue to Wood Avenue); and 316754 – Storm Sewer with Paving – North Street (St. Joseph Avenue to Wood Avenue). Ayes - 10  
**Motion carried**

**CC14-061** Motion by Wagner, second by Cummings to approve Final Resolution No. 2014-21, in the matter of Improvement Project No. 312016 – Street Reconstruction – Alley bounded by Chestnut Avenue/Central Avenue & 4<sup>th</sup> Street/5<sup>th</sup> Street. Ayes - 10  
**Motion carried**

**CC14-062** Motion by Hendler, second by Feddick-Goodwin to approve Resolution No. 2014-23, authorizing use of an alternative financing method, transferring \$140,000 from the Cemetery Perpetual Care Fund to fund the Cemetery Mausoleum Construction project. Ayes - 10  
**Motion carried**

**CC14-063** Motion by Feddick-Goodwin, second by Spiros to approve Budget Resolution No. 07-2014 to establish budgetary authority to transfer \$140,000 from the Cemetery Perpetual Care Fund to the Cemetery Mausoleum Construction project. Ayes - 10  
**Motion carried**

**CC14-064** Motion by Cummings, second by Buttke to approve Budget Resolution No. 08-2014, transferring \$250,000 within the Infrastructure Projects Capital Fund for Park Street Improvements and Dynamic Envelope Pavement Markings. Ayes - 10  
**Motion carried**

**CC14-065** Motion by Hendler, second by Earll to approve the 2015-2019 Capital Improvement Program. Ayes – 10  
**Motion carried**

**CC14-066** Motion by Wagner, second by Spiros to go into closed session pursuant to Wisconsin Statutes, chapter 19.85 (1)(e) deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Specifically the City Administrator had requested a

closed session to discuss closeout issues with the city's former shared-ride taxi provider. Roll call vote, all Ayes. (Time: 7:48 p.m.)

**Motion carried**

Present in closed session: Alderpersons Feirer, Feddick-Goodwin, Workinger, Earll, Wagner, Smith, Cummings, Spiros, Buttke and Hendler, Mayor Meyer, City Administrator Barg, City Attorney Wolfgram, Finance Director Strey, City Engineer Turchi, Alderperson Elect Jockheck and City Clerk Hall.

**CC14-067** Motion by Wagner, second by Smith to return to open session. Roll call vote, all Ayes. (Time: 8: 21 p.m.)

**Motion carried**

**CC14-068** Motion by Hendler, second by Wagner to authorize staff to negotiate a final agreement with Radio Cab to close out that contract. Ayes – 8; Nays -2 (Spiros & Buttke)

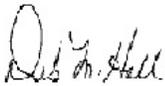
**Motion carried**

Future Agenda Items

None

Motion by Spiros, second by Smith to adjourn at 8:23 p.m.

**Motion carried**



Deb M. Hall  
City Clerk

**APRIL 15, 2014**

Organizational meeting of the Common Council was called to order by Mayor Meyer at 6:00 p.m., in the Council Chambers, City Hall Plaza.

The flag was saluted and the pledge given.

City Clerk Hall administered the Oath of Office to the following newly elected City Officials:

Chris Meyer, Mayor  
Michael Feirer, 1<sup>st</sup> District Alderperson  
Chris Jockheck, 3<sup>rd</sup> District Alderperson  
Ed Wagner, 5<sup>th</sup> District Alderperson  
Gary Cummings, 7<sup>th</sup> District Alderperson  
Tom Buttke, 9<sup>th</sup> District Alderperson

**PRESENT:** Michael Feirer, Alanna Feddick-Goodwin, Chris Jockheck, Gordon H. Earll, Ed Wagner, Char Smith, Gary Cummings, Rebecca Spiros, Tom Buttke and Pete Hendler

**ABSENT:** None

#### **CITIZEN COMMENTS**

None

**CC14-069** Motion by Wagner, second by Feirer to confirm the Mayor's appointments to the Finance, Budget and Personnel Committee; Board of Public Works; and Judiciary and License Committee.

**Motion carried**

**CC13-070** Motion by Smith, second by Spiros to confirm the Mayor's appointment of Alderperson Wagner to the City Plan Commission.

**Motion carried**

Mayor Meyer read his citizen appointments to various committees, boards and commissions.

**CC13-071** Motion by Buttke, second by Jockheck to hold over approval of the citizen appointments to various committees, boards, and commissions until the April 22, 2014 meeting.

**Motion carried**

**CC13-072** Motion by Feddick-Goodwin, second by Spiros to confirm the Mayor's appointment of Ed Gerl as Chair of the Zoning Board of Appeals.

**Motion carried**

Nominations were held for Council President.

Alderperson Wagner nominated Alderperson Earll

There being no further nominations the Mayor declared the nominations closed.

**CC13-073** Motion by Wagner, second by Spiros to approve Alderperson Earll as Council President.

**Motion carried**

Aldersperson Earll was elected Council President.

**CC13-074** Motion by Feirer, second by Jockheck to confirm the Mayor's appointment of Brian Panzer to serve as the Weed Commissioner.

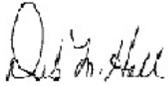
**Motion carried**

**CC13-075** Motion by Cummings, second by Hendler to authorize the City Administrator to release up to \$20,000 for grant writing services related to the Library & Community Center project. Ayes-7; Nays-3 (Feddick-Goodwin, Smith, Spiros)

**Motion carried**

Motion by Buttke, second by Hendler to adjourn at 6:38 p.m.

**Motion carried**



Deb M. Hall  
City Clerk



Dear Council Members of the City of Marshfield,

On Friday June 13 at the skateboard park and the McDonald's parking lot in Marshfield we would like to do a skateboarding and BMX clinic and competition for the youth of Marshfield and surrounding area. As a part of the event there will be a band concert that evening with a performance by the BMX team and skate pro, so we need to request a noise variance for that evening. The event would start at 1:00 and go to closing (10:00 pm) with setting up, clinic/demonstration, concert/show, and cleaning up. The purpose of this event is to offer instruction of the sport they love and instill Christian character and values. We will be partnering with the local churches in the Marshfield area seeking their assistance and support. We are also partnering with the Marshfield Convention and Visitors Bureau and other local businesses to help promote this event. If you have any questions you can contact me at 715-897-5394 or email [jtarras@fca.org](mailto:jtarras@fca.org).

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads 'Jeff Tarras'. The signature is written in a cursive, flowing style.

Jeff Tarras

FCA Area Representative

North Central Wisconsin

Minutes  
Marshfield Library & Community Center Committee  
Wednesday, February 5, 2014 4:30 p.m.  
Marshfield Public Library, Beebee Forum Room

Doty called the meeting to order at 4:33 p.m.

Attendance: Kris Keogh, Russ Stauber, Mat Bartkowiak, Jason Angell, Jean Doty, Becky Spencer, Steve Barg, Kelly Cassidy and Lori Belongia

Absent: and Mayor Chris Meyer

Also present: Joanne Ampe, Gail Thomalla, Floreine Kurtzweil, Jim Alexander, Dan Knoeck, Jim Schmidt, Chris Jockheck, Dick Pokorny, Dave Drews

Public Comment: Kurtzweil suggests a monthly news article to update the public on the project progress.

Keogh moves and Spencer seconds approval of the minutes of the January 15, 2014 meeting. Keogh asks who is now working on the National Endowment for the Humanities grant. Belongia notes that Julie Tharp, Jeff Kleiman, Mary Adler are working with her to develop a grant draft for opinion submission in early March. Then feedback from the NEH will allow us to address concerns and strengthen the application. All ayes, motion carried.

Thomalla the volunteer Campaign Coordinator reported that date the Marshfield Area Community Foundation Fund for the Library and Community Center project holds a total of \$482, 516 in cash, an in-kind donation, pledge payments and outstanding on pledge payments. Belongia shares that the Marshfield Public Library Foundation voted this morning to pledge \$20,000 per year for the next 5 years to the project with payments to begin on March 1, 2014. Efforts on the "Viva Las Vegas – Elvis" fundraising event for Saturday, April 26 at the Library with Elvis impersonator Gary Wesley continue develop.

Stauber reported on the Common Council quarterly update on January 28, 2014. Russ Stauber presented a selection of project images, along with fundraising and campaign material updates.

A question has arisen about the Common Council advancing financing to cover pledges in progress as the construction of the project begins.

After much discussion regarding the issue of a construction manager and borrowing, it was decided that this matter will be placed on the next agenda for further discussion and a decision. During the meeting the following thoughts were expressed regarding the construction manager/general contractor issue.

Construction Manager Benefits include:

The owner's interest is paramount.

Other companies can provide this service, such as Zimmerman, etc.

Construction managers have detailed building experience without being part of the active construction process.

Competitive bidding process benefits the owner/city.

Construction Manager Detriments include:

Changes may be delayed.

Owner involvement is not eliminated or necessarily reduced.

Cost of funding the Construction Manager is an added cost.

Potential alienation of a large local company that might be a donor.

General Manager Benefits include:

General Manager has control and responsibility for the project

Everyone works for the General Manager, so scheduling of work is smoother.

Information requests move more quickly.

Local company pride builds a positive connection to the project outcome.

Competitive bidding benefits come during the initial bidding process.

Other thoughts were to form a committee to write the RFP for either a general contractor or construction manager depending on which is selected.

Gathering information on which method was used by other recent library projects.

There was discussion of the updated exterior drawings, especially with regard to solar collection methods, and the pitched skylight in the roof. An image comparison with and without the pitched skylight was requested. Preliminary interior images were reviewed and several were recommended for more detailed development.

The next agenda will include discussion of the construction manager concept and the borrowing discussion with the Common Council.

The next meeting will be Wednesday, March 5, 2014 at 4:00 p.m.

Seeing no other business, Doty adjourned the meeting at 5:28 p.m.

Respectfully submitted,

Lori Belongia

**Main Street Board of Directors Meeting  
Wednesday, February 5<sup>th</sup>, 2014  
Main Street Office  
7:30 AM**

**Present:** Lois TeStrake, Josh Kilty, CW Mitten, Tony Abney, Jenna Hanson, Scott Koran, Tom Henseler, Trina Ignatowski, Nick Arnoldy

**Excused:** Dana Upton, Cindy Cole, Kelly Korth, Ryan Baer

**Ex-Officio Present:** Jason Angell, Scott Larson

**Staff Present:** Denise Sonnemann, Executive Director

**Other Present:** Carol Knauf

**President Lois TeStrake called the meeting to order at 7:35am.**

**1-5. Approval of Board January minutes and Executive Communities minutes, and all committee minutes from January-** Josh Kilty made a motion to approve, and Scott Koran seconded that motion; motion carried.

**6. City Staff Updates-** The Façade Program is out of funds due to two recent applications. The EDB stated they would still support the program, but they would review each application separately.

**7. MACCI Updates- February 4<sup>th</sup>** – kicked off Crystal Apple Awards, the banquet will be in October; **February 11<sup>th</sup>** – Java Jump Start “Healthy Easting on a Busy Schedule”, and Xtreme Xploration at the UW; **February 19<sup>th</sup>** – 34<sup>th</sup> Annual Farm Show at the Marshfield Mall and Business After 5 at Furniture & ApplianceMart; **February 21<sup>st</sup>-23<sup>rd</sup>** – Winter Thaw Pee Wee Hockey and Curling Event at the Fairgrounds; **February 21<sup>st</sup>** – Vox Concert Series at Wildwood Pavilion; **February 25<sup>th</sup>-26<sup>th</sup>** –Central Wisconsin Days in Madison

**8. Treasurers Report** – Looking at year end, our Hub City Days income was quite low and our last quarter for 2013 from City came in January.

-

**9. Executive Director’s Report-** Two business changes in the downtown. Stroetz Tax and Accounting is a new business that moved into where Big Brothers Big Sisters use to be on West 4<sup>th</sup> Street. Integrity Title was bought out by Gowey Abstract and is now located on Upham Street. All the year end clean up was done and tax information sent. Businesses did well over the holiday season as compared to previous years. Working on setting up meetings with downtown businesses owners. Thank you for all your patience, I appreciate all the support I have received from the board.

#### **10. Committee Reports-**

- **Promotion Committee-** Due to the extreme cold weather, they did not meet in January. Our next meeting is **Monday, March 3<sup>rd</sup> at 8:15am.**
- **Organization Committee-** Came up with a new fundraiser for Valentine's Day. We are selling goodies from 2 ½ Cups and Kandy Girl and we will deliver them on Valentine's Day. Hope to next year have pictures of the product to help with selling. Next meeting is **Thursday, February 13<sup>th</sup> at 8am.**
- **Design Committee-** Due to the extreme cold weather, they did not meet in January. Next meeting is **Monday, March 3<sup>rd</sup> at 10am.**
- **ER Committee-** No meeting. Denise did talk with Brandon from Premier and they have the gooey face done for the Kiosk. Next meeting if **Wednesday, February 26<sup>th</sup> at 7:30am.**

#### **11. Old Business-**

#### **12. New Business-**

- Reminder of progress visit after the board meeting today.

#### **13. Meeting Adjourned at 7:50am.**

## ZONING BOARD OF APPEALS MINUTES OF FEBRUARY 11, 2014

Meeting called to order by Chairperson Gerl at 5:00 p.m. in the 1<sup>st</sup> Floor Conference Room, Suite 108, City Hall Plaza.

**PRESENT:** Ken Bargender, Ed Gerl, Richard Kenyon, Dean Markwardt (arrived at 5:03 pm) and 1<sup>st</sup> Alternate Todd Zieglmeier

**ALSO PRESENT:** Planner/Zoning Administrator Miller, Sam Schroeder and Todd Nelson

**ABSENT:** Robert Lewerenz (excused)

**ZB14-01** Motion by Kenyon, second by Bargender to approve the minutes of November 21, 2013 as submitted.

### **Motion carried**

Planner/Zoning Administrator read the variance request from Todd Nelson, representing Dairy Queen, for property located at 1600 South Roddis Avenue, zoned "CMU" Community Mixed Use District, to construct a deck on the north side of the building for outdoor seating, setback of 1 foot from the right-of-way. Section 18-35(7) requires a minimum 15 foot street side setback. The Applicant is requesting a 14 foot variance along the north property line.

### Background

Dairy Queen is requesting a 14 foot variance to construct a deck with a 1 foot setback from the north right-of-way, located at 1600 South Roddis Avenue, zoned "CMU" Community Mixed Use Commercial District. The Applicant is intending to use the proposed deck as an outdoor seating area. The Applicant has also applied for a Conditional Use Permit to be approved for an Outdoor Commercial Entertainment Use in the CMU District. This application/request is strictly to reduce the required setback for the proposed deck.

According to the zoning code a deck is a structure that has no roof or walls and is considered part of a building or structure. The setback for a deck is measured from the post of the deck to the property line. The applicant is proposing to construct a deck that is less than 18 inches. Decks that are lower than 18 inches above grade are subject to the setback regulations of a detached accessory building, which are not be permitted within the street side yard. The code was written to allow more flexibility for decks that are 18 inches or less in height, but for street side yards and front yards, the zoning code is more restrictive.

The zoning code requires a minimum front yard setback of 20 feet and a minimum street side yard setback of 15 feet. The existing building is located well within these setbacks, but was constructed prior to these regulations. The zoning code allows for additions of decks and similar structures to be placed up to the existing façade. Therefore the front yard setback along Roddis Avenue is not a factor, but the required setback along 16<sup>th</sup> Street is 15 feet for street side yard.

Planner/Zoning Administrator's statement of facts regarding the variance request:

1. The property is located at 1600 South Roddis Avenue.
2. The property is zoned "CMU" Community Mixed Use Commercial District.
3. The property consists of one lot, is pie-shaped with the dimensions of 178 feet along 16<sup>th</sup> Street, 85.3 feet along Roddis Avenue, 160 feet along the side yard, and 5 feet along the rear yard.
4. Sections 18-65(9)(e) and (11) treat decks lower than 18 inches as detached accessory structures which are not permitted in the required street yard.
5. Section 18-73(2)(h) allows the deck to be placed up to the front of the façade along Central Avenue.

6. Section 18-35(7) requires a minimum street side yard setback of 15 feet.
7. The Applicant requests 14 foot variance to the street side yard setback to allow for a deck to be placed at a 1 foot setback along 16<sup>th</sup> Street.

### **Summary Responses from Applicant**

**(How will the variance not be contrary to the public interest?)** The cement area that the deck would cover is a significant distance from any other residence or business. The area already has a sign on it, and it is not used by the public for any reason. There is a sidewalk next to it that is used for walking and biking.

**(Will substantial justice be done by granting the variance?)** By granting the variance, it will allow us to continue to be a viable business on the south side of Marshfield. It will also allow us to compete with the other area businesses that have outdoor seating areas.

**(Is the variance needed so that the spirit of the ordinance is observed?)** Yes. The existing building has been grandfathered in where setbacks are typically needed. The building has no setback area from the sidewalk area. There is no practical place to offer outdoor seating for our customers other than the north side of the building.

**(Due to special conditions, will a literal enforcement of the provisions of the zoning ordinance result in unnecessary hardship?)** If the literal terms of the zoning ordinance are enforced, it will make it impossible to offer outdoor seating to our customers in a safe environment at the capacity needed to remain relevant in our neighborhood. The number one complaint that we received this year was that there was no outdoor seating available to our guests.

Markwardt mentioned statement of facts number 5 was wrong, should be Roddis Avenue not Central Avenue.

Zieglmeier asked if this space was currently or previously used for outdoor seating.

Planner/Zoning Administrator Miller explained that it is not currently used for outdoor seating, they have another area located across the drive-thru that is used for an outdoor seating area and the topic of outdoor seating is on the agenda for the Plan Commission meeting next week (February 18, 2014).

Todd Nelson further explained that the area had been used for an outdoor seating area with picnic tables on the concrete prior to the store closing a few years ago.

Bargender asked if the dimensions of the deck are known and what the usable space will be.

Planner/Zoning Administrator Miller explained the exact dimensions are not set in stone but the deck will be approximately 22' wide on one side and 14' wide on the other.

Todd Nelson further explained that Dairy Queen had purchased 4 tables that seat 4, this past fall for this area.

Bargender asked what type of materials would be used to construct the deck.

Planner/Zoning Administrator explained the deck would be constructed out of a composite (plastic) type material.

Gerl asked if the 1 foot setback measurement included the railing.

Planner/Zoning Administrator Miller explained that the 1 foot setback would be to any part of the deck structure and the railing would not intrude into the setback. Miller also mentioned that even though this is a corner lot the vision triangle for vehicular traffic is not of concern because of the layout of the road is not an intersection the road just curves.

Gerl asked which direction the ramp would come from and what would the dimensions be.

Todd Nelson explained that the ramp will likely rise one inch per one foot in length. The deck will likely be 17 inches tall, which would make the ramp 17 feet long.

Zieglmeier asked if there was a traffic concern having an outdoor seating area so close to the right-of-way.

Planner/Zoning Administrator Miller explained traffic on 16<sup>th</sup> Street is minimal and there are other examples throughout Marshfield with seating in close proximity to the right-of-way such as the Thomas House.

**ZB14-02** Motion by Markwardt, second by Kenyon to grant the variance request from Todd Nelson, representing Dairy Queen for a 14 foot variance along the north property line at 1600 South Roddis Avenue to construct a deck on the north side of the building for outdoor seating, setback 1 foot from the right-of-way with the condition that no part of the deck, including the railing, may intrude into the 1 foot setback.

**Motion carried**

Planner/Zoning Administrator Miller summarized the 2013 Zoning Board of Appeals decisions.

Motion by Kenyon, second by Zeiglmeier to adjourn at 5:23 p.m.

**Motion carried**

Sam Schroeder  
Planning Intern

**Main Street Board of Directors Meeting  
Wednesday, March 5<sup>th</sup>, 2014  
Main Street Office  
7:30 AM**

**Present:** Lois TeStrake, Josh Kilty, CW Mitten, Tony Abney, Jenna Hanson, Scott Koran, Tom Henseler, Trina Ignatowski, Cindy Cole, Kelly Korth

**Excused:** Nick Arnoldy, Ryan Baer

**Ex-Officio Present:** Scott Larson

**Staff Present:** Denise Sonnemann, Executive Director

**Other Present:**

**President Lois TeStrake called the meeting to order at 7:30am.**

**1-5. Approval of Board February minutes and Executive Communities minutes, and all committee minutes from February-** Lois state that Nick Arnoldy was not listed as present or absent, will make the change to the minutes. Motion made by Cindy Cole to approve the minutes with the change, seconded by Scott Koran. Motion passed.

**6. City Staff Updates-** No City Staff was at the meeting, but Denise did receive an email from Steve Barg for an update. The Capital Improvement Program committee work should be finished on Thursday. Major emphasis continues to be doing as much street work as possible. Thursday's Economic Development Board agenda includes; work on community wide housing study; reviewing proposals to redevelop 200 block parcels. Russ Stauber resigned as District 6 Council member; applications are now being accepted to complete his term through April 2015. Elections for Mayor and 5 Council seats will be held Tuesday, April 1<sup>st</sup>. All incumbents are running, except in District #3, where Bob Working didn't file for re-election, and Chris Jockheck filed for his seat.

**7. MACCI Updates- March 7<sup>th</sup>** – Candidate interview for school board with WDLB; **March 10<sup>th</sup>** – Agri-Business Banquet at 6:30pm; **March 11<sup>th</sup>** – Java Jump Start at 7:30am and Reality Store in Spencer at 8:30am; **March 13<sup>th</sup>** – Leadership Marshfield Business and Economic Development Day; **March 18<sup>th</sup>** – Business After 5 at Blue Heron Brew Pub; **March 27<sup>th</sup>** – Ribbon Cutting at 9:30am for Transitional Housing; **April 3<sup>rd</sup>** – Firm of the Year Banquet for Wheelers at Hotel Marshfield.

**8. Treasurers Report** – Budget relatively close to what was projected. No income for January.

**9. Executive Director's Report-** Been receiving application for both Farmer's Market and Hub City Days. Gave update on face to face meetings with businesses. Will be working with Karen Isaacson from the Chamber and doing some joint downtown business visits. Businesses are doing well. Attended 101 Ways to Market your Business. Will be in Rice Lake next week for Director Training. Handed out the 2013 Economic Development Annual Report for review.

## 10. Committee Reports-

- **Promotion Committee-** Block Party is scheduled for Friday, June 20<sup>th</sup> from 6-10pm. All three bars in the 100 block are willing to participate. Rediscover Downtown committee will be getting together next week. Who's Who Downtown as a possible promotion. Businesses downtown are encouraged to use our logo in their advertising. Our next meeting is **Monday, March 10th at 8:15am.**
- **Organization Committee-** Sold 17 cookies and 5 candy baskets for the Valentine's Day fundraiser. Discussed having a fall run around Halloween, runners dress in costume. Also looking at having a 3 on 3 basketball tournament for grades 4-8 during Hub City Days. Next meeting is **Thursday, March 20<sup>th</sup> at 8am.**
- **Design Committee-** Looking at partnering with New Visions for chalkfest contest for Dairyfest. Flowers have been ordered for this year. Flash Galleries will again be downtown. Working on getting the grant submitted and finding storefronts for displaying the artwork. Looking into pianos in the downtown for public art display. Next meeting is **Monday, April 10<sup>th</sup> at 10am.**
- **ER Committee-** Working on the kiosk. Looking at putting it in another business before the clinic so if there are any bugs to be worked out we can have it done before moving it to the clinic. Looking into do a Main Street Challenge. Still working out all the details. Next meeting is **Wednesday, March 26<sup>th</sup> at 7:30am.**

## 11. Old Business-

- **State Progress Visit** – waiting on final report.

## 12. New Business-

- **Board Opening**

We received 4 nominations. The committee reviewed the nomination forms and are bringing forward 3; Erin Howard, Michael Eberl, and Wendy Barnett. Board voted and Michael Eberl will be the new board member finishing the term of Dana Upton.

## 13. Meeting Adjourned at 8:05am.

Minutes  
Marshfield Library & Community Center Committee  
Wednesday, March 5, 2014 4:00 p.m.  
Marshfield Public Library, Beebee Forum Room

Doty called the meeting to order at 4:00 p.m.

Attendance: Kris Keogh, Jean Doty, Becky Spencer, Steve Barg, Kelly Cassidy and Lori Belongia

Absent: Mayor Chris Meyer , Mat Bartkowiak, Jason Angell

Also present: Floreine Kurtzweil, Dan Knoeck, Don Zais, Dick Pokorny, Julie Schaeffer, Jackie Ruby

Public Comment: None

Keogh moves and Spencer seconds approval of the minutes of the February 5, 2014 meeting with the addition of "Also requested were image comparisons including solar panels in the raised roof area and within the pitch of sloped roof version." Correct areas referring to a "General Manager" to read "General Contractor." All ayes, motion carried.

Thomalla left the fundraising report with Belongia who noted that to date the Marshfield Area Community Foundation Fund for the Library and Community Center project holds a total of \$774,292 in cash, an in-kind donation, pledge payments and outstanding on pledge payments.

A question has arisen about the Common Council advancing financing to cover pledges in progress as the construction of the project begins.

Zais shared the First Presbyterian Church experience with looped field geothermal system, which after 13 years has largely been positive. Their heating and cooling costs are 50% lower when compared to a similar building. Zais notes that this winter has been exceptionally challenging, but that the system is still working. He notes that attention should be paid to comfort zones and unit locations for ease of filter placements. Overall, geothermal has been a good investment. Schaeffer noted positive experiences with geothermal loops in deep wells at St. Joseph's House of the Dove, as well. Checking with Mat at the House of Heating to get cost information was suggested as was asking Jim Schmidt to be the contact person for this information.

Keogh asks about considering solar options even if we cannot afford geothermal. Consensus was that any sustainable feature must be based on affordability, payback period and fundraising success. The idea of giving a fundraising opportunity to "sponsor a geothermal well" came up.

Information about general contractors and construction managers prepared by Dan Knoeck and forwarded by Zimmerman Architectural Studios was reviewed. Knoeck & Pokorny spoke about construction manager/general contractor issues. How this might affect potential donors in the construction field was considered. Another concern was to carefully develop an RFP that would permit local businesses to bid.

Spencer moves and Keogh seconds a motion recommending the Construction Manager Agent for the Library & Community Center to the Board of Public Works and the Common Council and further recommending the formation of a Construction Management RFP and selection committee. There was discussion. All ayes, motion carried.

The group reviewed and was in agreement with Barg's revised timeline for discussion regarding borrowing and consideration of a construction manager.

The next agenda will include information on geothermal costs, and the update to the Common Council.

The next meeting will be Wednesday, April 2, 2014 at 4:00 p.m.

Seeing no other business, Doty adjourned the meeting at 5:27 p.m.

Respectfully submitted,

Lori Belongia

MARSHFIELD PUBLIC LIBRARY  
BOARD MEETING  
211 E. Second Avenue, Marshfield, WI 54449  
March 11, 2014  
7:00 a.m.

The meeting was called to order at 6:59 a.m. by Jean Swenson. Attendance was taken.

Present: Mary Hartl, Xin Ruppel, Pat Saucerman, Don Schnitzler, Jean Swenson, Ruth Voss, and Library Director Lori Belongia.

Also present: Kathy Baker, and Amanda Helke

Absent: Joanne Ampe, Kris Keogh, Kim Vrana

Citizen's comments, correspondence and announcements: Thank you note from a second grade class that Kim Ropson did story time with for "Drop Everything and Read Day". Thank you card from Karl Schmidt's wife, Fran for sending her a card when her husband passed away. Thank you note from the library in Prairie du Sac for our \$15,000 donation for e-books to Overdrive.

Changes or additions to the agenda: None.

LB14-13 Minutes of the Library Board Meeting: Motion by Schnitzler, second by Voss to approve and place on file the minutes of the February 11, 2014 Library Board Meeting. All ayes. Motion carried.

LB14-14 Minutes of the Special Library Board Meeting: Motion by Voss, second by Ruppel to approve and place on file the minutes of the February 25, 2014 Special Library Board Meeting. All ayes. Motion carried.

LB14-15 Director's Report: Motion by Saucerman, second by Hartl to receive and place on file the February 2014 Director's Report. All ayes. Motion carried.

LB14-16 2<sup>nd</sup> February and 1<sup>st</sup> March Vendor Lists: Motion by Saucerman, second by Schnitzler to approve Vendor Lists. All ayes. Motion carried.

LB14-17 February 2014 Financial Control Report: Motion by Ruppel, second by Schnitzler to receive and place on file the February 2014 Financial Control Report. All ayes. Motion carried.

LB14-18 Business

Updates:

Job description revisions: Personnel committee will meet to review the job descriptions.

Recommended Strategic Plan updates: Motion by Schnitzler, second by Voss to approve Belongia's recommended Strategic Plan updates. All ayes. Motion Carried.

National Endowment for the Humanities Challenge grant: Belongia informed the board that she is still working on the grant and is aiming to get \$300,000 from the grant. The

grant will be focusing on the children's program room, the teen area, and the genealogy and local history room.

Library & Community Center Project: Belongia updated the board on the project. She informed the board that with pledges and cash over \$774,000 has been raised.

LB14-19

Minutes of other organizations: Motion by Hartl, second by Saucerman, to accept and place on file the minutes of the January 21, 2014 FOMPL Board, the February 5, 2014 Library & Community Center Committee, and the February 27, 2014 SCLS Board of Trustees. All ayes. Motion carried.

Adjournment: Seeing no other business to come before the board, Swenson adjourned the meeting at 7:50 a.m.

Respectfully submitted,



Mary Hartl  
Secretary

**MINUTES**  
**FIRE AND POLICE COMMISSION/REGULAR MEETING**  
**MARCH 13, 2014**

The meeting was called to order by Commissioner Randy Gershman at 7:30 a.m. in the Marshfield Fire and Rescue Department training room located at 514 East Fourth Street, Marshfield, Wisconsin.

**PRESENT:** Commissioners Gershman, Frankland, Keogh, and Meyers.

**EXCUSED:** Commissioner Mueller.

**ALSO PRESENT:** Fire Chief Haight and Deputy Fire Chief Owen, Police Chief Jepsen and Police Lieutenant Gramza, and Council Member Earll.

**FP14-011** Motion by Frankland, second by Keogh to approve the minutes of the 02/13/14 regular meeting.

**Motion carried.**

**FP14-012** Motion by Keogh, second by Meyers to approve the fire department bills in the amount of \$82,105.51.

Roll call: Frankland yes, Keogh yes, Meyers yes, and Gershman yes.

**Motion carried.**

**FP14-013** Motion by Keogh, second by Meyers to approve the police department bills in the amount of \$15,240.10.

Roll call: Frankland yes, Keogh yes, Meyers yes, and Gershman yes.

**Motion carried.**

The fire department activities, training reports, and correspondence packet was reviewed and placed on file.

The 2013 Marshfield Fire and Rescue Department Annual Report was reviewed and placed on file.

**FP14-014** Motion by Frankland, second by Meyers to approve the hiring of Matthew Karnowski as a full-time firefighter/paramedic effective March 24, 2014.

Roll call: Frankland yes, Keogh yes, Meyers yes, and Gershman yes.

**Motion carried.**

**FP14-015** Motion by Meyers, second by Keogh to approve with regret the resignation of Firefighter/paramedic Cameron Sanford.

Roll call: Frankland yes, Keogh yes, Meyers yes, and Gershman yes.

**Motion carried.**

Firefighter/paramedic Sanford enters the meeting at 7:41 a.m. and leaves the meeting at 7:42 a.m.

The police department activities, training reports, and correspondence packet was reviewed and placed on file.

The 2013 Marshfield Police Department Annual Report was reviewed and placed on file.

Fire and Police Commission Meeting Minutes  
March 13, 2014  
Page Two

**FP14-016** Motion by Meyers, second by Frankland to recommend the revised city bow hunting ordinance as presented by Chief Jepsen be brought before the Common Council for their approval. Roll call: Frankland yes, Keogh yes, Meyers yes, and Gershman yes.

**Motion carried.**

**FP014-017** Motion by Keogh, second by Frankland to table the Marshfield Police Department “Code of Conduct” policy revision at this time.

Motion carried.

**FP14-018** Motion by Frankland, second by Keogh to adjourn the meeting (time: 8:40 a.m.).

**Motion carried.**

**COMMISSIONER GERSHMAN IS SCHEDULED TO ATTEND THE COMMON COUNCIL MEETING SCHEDULED FOR TUESDAY, MARCH 25, 2014 AT 7:00 A.M.**

Marshfield Fire and Police Commission  
Andy Keogh, Vice President

**CENTRAL WISCONSIN STATE FAIR  
BOARD MINUTES  
March 17, 2014  
7:30 PM**

Meeting was called to order by President Larry Gilbertson at 7:34 p.m.

**ROLL CALL:**

Present:       **Board Members:** Larry Gilbertson, Bob Ashbeck, Dan McGiveron, Gary Cummings, Kathy Banks, Carol Berg-Kappel, Dennis Stroetz, Marilyn Heiman, Melissa Hanke, Gary Bymers, Ed Wagner and Andy Keogh. Late: Jeff Viergutz (7:44 pm)

**Executive Secretary/General Manager:** Heidi Born-Smith

Absent:       **Board members:** Tim Heeg and absent with notice, Keith Kay, John Garbisch

Secretary's report: Motion was made and seconded to accept the February 17, 2014 minutes as presented. Motion carried.

Treasurers Report: Gary Bymers read the Treasurers report. Approved as presented. Gary announced as of now, he is resigning as Treasurer. Resignation accepted.

Managers Report: Heidi Born-Smith reported that all Grandstand acts are confirmed. She presented the Board with the list and asked that these names would remain confidential until releases from artists could be obtained. Sponsorship money that has come into the office is \$18,850 with \$12,000 being sponsored for DockDogs. DockDogs has been confirmed as coming. Heidi asked Kyli from the Extension office if the counties 4-H clubs would be interested in utilizing the "Welcome Tent" Friday through Sunday at the fair. This would provide a service for them as this year marks the 100<sup>th</sup> anniversary of 4-H and our fair could supply the tent with Event Schedules and Maps of the fairgrounds. Nasonville Dairy has donated \$1000 to put into an endowment fund for Fairest of the Fair. This account will be at Forward Financial. The Environmental fee will be implemented this year for Open Class and the Junior Fair will be giving the fair \$1500 towards the manure disposal for 2014. This will need to be addressed with Junior Fair in 2015 as an actual fee may need to be implemented to entries. Shirley will be retiring after the 2014 fair and we are currently looking for a replacement. This person will serve as our summer help as well as being trained to do Shirley's position. We are hoping to fill this position by mid-April. It was moved and seconded to approve the Managers Report. Motion carried.

Committee Reports:

    \***Junior Fair**—Melissa Hanke (No meeting)

    \***Market Animal Report** – Larry reported the first youth education meeting March 11 was well attended. The new rules for the swine show were discussed. Next adult meeting will be in April.

**\*Draft Horse Committee** – Dennis Stroetz (No meeting) Dennis on behalf of Randy Meyer asked for \$3000 to use for promotional purposes. The request was referred to the Advertising committee to decide if this will fit into their allotted budget.

**\*Buildings and Grounds Committee** – John Garbisch (No meeting)

**\*Advertising Committee** – Jeff Viergutz said the committee will meet March 20<sup>th</sup> at 1:30 p.m. Jeff reiterated that Board members keep the Grandstand Entertainers confidential as we would like to release the information all at once to the public and get the most out of our advertising.

**\*Parking/Signage Committee** – Dan McGiveron (No meeting)

**\*Livestock Committee** – Larry Gilbertson (No meeting) Livestock issues were covered in the Market Sale report.

**\*Vendor Relations Committee** – John Garbisch (No meeting)

**\*Non Fair Activity Committee** – Heidi Born-Smith (No meeting)

**\*Fairest of the Fair Committee** – Marilyn Heiman said the committee will meet March 20<sup>th</sup> at noon

**\*Grandstand and Other Entertainment Committee** – Heidi Born-Smith (No meeting)

It was moved to approve the committee reports and was seconded. The motion carried.

**Fair Commission:** Bob Ashbeck (No meeting)

**Old Business:** No old business

**New Business:** The resignation of Treasurer was brought up by Dennis Stroetz. Discussion continued with the Board and it was suggested that we table the election to fill the remaining term until next month's meeting to allow Board members to decide if they would like to run for the position. No disagreement on postponing was voiced.

No other business.

Meeting adjourned at 7:52 p.m.

The next meeting will be held at 7:30 p.m. on April 21, 2014 at the MACCI Building.

Respectfully submitted by Heidi Born-Smith, Executive Secretary

**CABLE TV COMMITTEE MEETING MINUTES  
MARCH 24, 2014**

The meeting was called to order by Chairperson Holck at 5:05 p.m. in Room 108 of the City Hall Plaza.

**PRESENT:** Jim Daniels, Ed Gerl, George Holck, Dean Markwardt, Senen Siasoco and Alderperson Earll

**ALSO PRESENT:** City Administrator Steve Barg and Deputy Clerk Panzer

**ABSENT:** Shawn Warren (excused)

**PUBLIC COMMENTS**

None.

**APPROVAL OF MEETING MINUTES**

**CTV14-014** Motion by Markwardt, second by Earll to approve the minutes of the February 24, 2014 meeting as submitted.

**Motion carried**

**CORRESPONDENCE**

Breanna Speth received a thank you note from Lori Belongia, Library Director for sharing her time and talent to edit the Timeless Tales video.

**REVIEW AND APPROVAL OF AGREEMENT BETWEEN THE CITY OF MARSHFIELD AND VIDCOM LLC FOR CABLE PROGRAMMING SERVICES**

City Administrator Barg pointed out the following main modifications that were made to the last agreement:

- The compensation amount at the bottom of page 1 was adjusted to the correct compensation amount that the Cable Access Coordinator is currently receiving, \$71,460.
- The list of city and public meetings that the Cable Access Coordinator is responsible to broadcast on page 5 was revised to include selected meetings of the Marshfield Utilities Commission and the Fire and Police Commission.
- The phrase, “however, under no circumstances shall the contractor derive any personal profit from the use of City equipment or other resources.” was added under VII. Relationship of Parties, on pages 8 and 9 to make it clear that if the contractor uses city equipment to do something and if there are any proceeds or profit from that it needs to go back to the City of Marshfield.
- The insurance requirements were verified and are still accurate.
- A paragraph in regards to arbitration was removed.
- The (10) days advance notice under B.2.; in the middle of page 6 was changed to (3) days advance notice.

The agreement is a 3-year agreement with up to two additional 2-year extensions. Extensions require approval by both bodies, the City of Marshfield and Dan Kummer.

Discussion followed in reviewing the agreement.

Markwardt pointed out several InfoChannel, message board and CATV 10 references throughout the agreement. It was suggested to use the same terminology throughout the agreement.

Consensus of the Cable TV Committee was to make the following changes:

- Replace the word “Info-channel” in item #7 on page 3 with the words “electronic community message service”.
- Replace the words “a message board” in item #10 on page 4 with the words “an electronic community message service”.
- Remove the words “or, as necessary, CATV 10 produced information forums” at the end of item #2 on page 6.
- Replace the words “Cable Channel 10 InfoChannel system at no cost” in item #3 on page 7 with the words “electronic community message service.”

**CTV14-015** Motion by Siasoco, second by Earll to approve the Cable Access Coordinator’s Agreement with the changes suggested by the Cable TV Committee as mentioned above.

**Motion carried**

#### **UPDATE ON PROCESS TO AUDIT CHARTER COMMUNICATIONS**

Alderperson Earll read an email that he received from Finance Director Strey. He asked the auditors to put together a quote for us to audit Charter Communications and he is waiting for that quote.

Alderperson Earll will report back with the quote that Finance Director Strey receives at the next regular meeting.

#### **PUBLIC ACCESS COORDINATOR'S REPORT**

The Public Access Coordinator's Report for March 2014 was reviewed. (See attached report.)

Markwardt suggested that Dan Kummer start using the 900 series channel numbers in his report from now on since channels 96, 98 and 99 will no longer exist in the near future.

**CTV14-016** Motion by Gerl, second by Siasoco to receive and place on file the Public Access Coordinator's Report.

**Motion carried**

#### **REQUEST TO TRANSFER FUNDS ORIGINALLY BUDGETED FOR THE 2<sup>ND</sup> INTERN IN ORDER TO INCREASE THE AMOUNT OF FUNDING FOR THE PRODUCTION ASSISTANT POSITION REQUESTED BY DAN KUMMER, CABLE COORDINATOR**

**CTV14-017** Motion by Daniels, second by Siasoco to approve the request from Dan Kummer to transfer funds originally budgeted for the 2<sup>nd</sup> Intern in order to increase the amount of funding for the Production Assistant position.

**Motion carried**

**BILLS**

The bill query report was reviewed.

**CTV14-018** Motion by Earll, second by Siasoco to authorize payment of the following bills as presented:

Gannett Wisconsin Media	192.02
Charter Business	259.20
Charter Business	15.20
Granicus, Inc.	600.00
Marshfield Book & Stationery, Inc.	14.64
Wepak-n-Ship	26.97
Advanced Disposal	50.79
KC Enterprises Ltd./Digital Arts	15.00
Quill Corporation	17.98
Telephone (City Hall)	2.08
We Energies	67.39
Markertek Video Supply	50.38
VIDCOM, LLC (Invoices 263 & 265)	<u>6,102.25</u>

**Total**                    **\$7,413.90**

**Motion carried**

**FINANCIAL REPORTS**

The January, 2014 and February, 2014 balance sheets are not available until April, 2014.

**CTV14-019** Motion by Gerl, second by Siasoco to receive and place on file the post-closing financial report for the period of January 1, 2013 through December 31, 2013, the financial report for the period of January 1, 2014 through January 31, 2014 and the financial report for the period of January 1, 2014 through February 28, 2014.

**Motion carried**

**RECOMMENDED ITEMS FOR FUTURE AGENDAS**

- Follow up on auditing Charter Communications with a quote from city auditors, Schenck SC

**SET MEETING LOCATION FOR APRIL 28, 2014 MEETING**

It was decided to meet at City Hall in April and to continue with the strategic planning process at this meeting.

Next meeting is scheduled for April 28, 2014 at 5:00 p.m. in **Room 108** of the **City Hall Plaza**.

Motion by Gerl, second by Daniels to adjourn at 6:05 p.m.

**Motion carried**

Lori A. Panzer  
Deputy City Clerk

Public Access Coordinator's Report  
Cable TV Committee Meeting 3/24/13

New Shows March 2014 (Since 2/15/2014): for MCTV 98

- Library Corner: March 2014 Events
- Questions for Candidates: Tom Binder (Wood County Board)
- Questions for Candidates: Jerry Nelson (Wood County Board)
- Questions for Candidates: Dorothy Schnitzler (Mayor)
- Questions for Candidates: Chris Meyer (Mayor)
- Questions for Candidates: Dorothy Chaney (School Board)
- Questions for Candidates: Mark Konrardy (School Board)
- Questions for Candidates: Jason Angell (School Board)
- Questions for Candidates: Dennis Juncer (School Board)
- Insight: Ask the Mayor - 3/7/14 with Chief Jepsen & Tom Turchi
- Dr. Duke Pesta presents on "Common Core State Standards"
- Meeting Badger Rescue Animal Transport Services (BRATS)
- New Visions Gallery: An Overview with the Director
- Insight: Wood County Sheriff (& Guests, Mayor Chris Meyer, Alderman Gordy Earll)
- Central Chamber Chorale Concert Preview
- FOMPL's Timeless Tales: Mystery, Murder, & Mayhem
- Empty Bowls Fundraiser for Soup or Socks
- A Slice of Heaven with Ruth Elderbrook (Cooking Show): Episode 21
- A Slice of Heaven with Ruth Elderbrook (Cooking Show): Episode 22
- Pickleball at Oak Avenue Community Center
- A Slice of Heaven with Ruth Elderbrook (Cooking Show): Episode 23
- A Slice of Heaven with Ruth Elderbrook (Cooking Show): Episode 24
- MACCI "Friend of Agriculture Award" Presentation
- Giving Hope A Home: Episode 2 (Jim Daniels Edited)
- Friends of the Marshfield Public Library (FOMPL) Week Proclamation
- Sister Cities Program: Argentine Visitors 2014
- Donate to Polar Plunge 2014! PSA Video
- Common Core With Mary Carney & Jim Scott.

Channel 96 Meetings

- Common Council Preview
- Common Council
- Public Works
- Finance, Budget, Personnel
- City Plan Commission
- Parks, Recreation, & Forestry Committee
- Marshfield Utilities Commission
- Judiciary & License Commission
- Police & Fire Commission

Breanna Speth

- Furry Feature (formerly "Pet of the Week") (every week)

~~Don Kummer/Jared Goffron~~

- ~~Marshfield Tiger Football 2013 - Game 1 Wausau West vs. Marshfield~~
- ~~Tiger Football Game 2 2013 Wausau East 1st Half~~
- ~~Marshfield Tiger Football vs. Fond du Lac - 1st Half~~

Dana Speth

- New Visions Gallery: Emerging Talents Exhibit (Breanna edited)

John Beck

- Immanuel Lutheran Worship Service (weekly)
- Immanuel Lutheran Lentend Worship Service (weekly beginning Ash Wednesday)
- Immanuel Lutheran "Emmanuel Concert"

River Cities Community Access

- MSTC Board of Directors February 2014
- Wood County Board of Supervisors Meeting

Other

- LaCrosse Catholic Diocese Mass
- Eckankar
- House of Yahweh
- Conversations from St. Norberts
- Music & the Spoken Word

- 1) Our Current H.S. inter has requested not to continue his internship for the remainder of this school year due to school obligations with the hope of returning this fall.9 9NO intern expenses until fall unless the channel is moved back to the High School0
- 2) Mike Yakaites our production assistant is no longer with us due to personal reasons may become a volunteer in the near future
- 3) I have hired Brett Buttler to fill this position Brett comes highly recommended and has already begun his training and is progressing very well
- 4) I held a Community Producer Class last week and had 4 people, 3 from the fire Dept.
- 5) We had eliminated the 2<sup>nd</sup> intern in the original 2014 budget. The Cable TV Committee in a special budget meeting, added another intern back into the budget along with partial funding for some studio help as needed. I have requested that the intern money be used to supplement the studio help and make it a production assistant position for studiocamera help and any other help around channel 98. I plan to also use him at Channel 96 but he will be paid for those services out of the Cable Coordinators Contract for any of those services
- 6) at this time I do not have any information from any other municipalities who may have had their Cable Franchisee audited.

# CENTRAL WISCONSIN STATE FAIR ASSOCIATION

## BOARD OF DIRECTORS Special MEETING

*Monday March 31, 2014*

*7:30 PM*

A special meeting of the Board was called for the purpose of electing a treasurer to fill the remaining term and to discuss the resignation of the Fair Manager and how to proceed.

Meeting was called to order by President Larry Gilbertson at 7:35 pm.

All Board members were present: Larry Gilbertson, Bob Ashbeck, Dan McGiveron, Gary Cummings, Kathy Banks, Carol Berg- Kappel, Dennis Stroetz, Marilyn Heiman, Melissa Hanke, Gary Bymers, Ed Wagner, Andy Keogh, Jeff Viergutz, Tim Heeg, Keith Kay, and John Garbisch

First item was the election of Treasurer. It was announced that Marilyn Heiman has offered her name for the position. The floor was opened up for additional nominations. After a time of opportunity had past, Andy Keogh moved to close nominations and cast the unanimous ballot for Marilyn for Treasurer. Tim Heeg seconded the motion. A call for objections to the motion was made. No objections were voiced, so the chair declared Marilyn elected treasure.

The discussion than turned towards the Manager position. The letter of resignation was read by Larry Gilbertson. Discussion followed centering on the following questions:

- a) Why are we here?
- b) Are we going to continue with a Manager?
- c) Review job description
- d) Where to advertise?
- e) Who will review responses?
- f) Who will interview?

Following many questions and suggestions, Kathy Banks moved that we advertise the manager position without salary and hours stated. The salary will be determined considering experience and qualifications based on the job description. The motion was seconded, the motion carried.

Question of who will interview. The Executive Board along with volunteer Kathy Banks will serve the Board. This was approved by unanimous consensus.

Jeff Viergutz asked if he could announce Heidi's leaving. Tim Heeg moved to make Heidi's leaving public. Additional discussion took place before a second was made. The motion was lost. Following discussion, the Board agreed Jeff could make the information public. It was stated that the vacancy was already out. Certain Board members leaked the info.

A couple of other issues came forth but were ruled out of order due to the limitations of a Special Meeting.

Meeting adjourned.

Submitted by Larry Gilbertson.

**MINUTES  
FIRE AND POLICE COMMISSION/REGULAR MEETING  
APRIL 3, 2014**

The meeting was called to order by Commissioner Randy Gershman at 7:30 a.m. in the Marshfield Fire and Rescue Department training room located at 514 East Fourth Street, Marshfield, Wisconsin.

**PRESENT:** Commissioners Gershman, Keogh, Frankland, Mueller, and Meyers.

**ALSO PRESENT:** Fire Chief Haight, Deputy Fire Chief Owen, Firefighter/Paramedic Karnowski, and Police Chief Jepsen, Police Lieutenants Larson and Gramza, Councilman Earll, and various staff members of the fire department.

Councilman Earll provided a public comment about the portable radio communication issues and a new radio tower in the city.

**FP14-019** Motion by Frankland, second by Keogh to approve the minutes of the 03/13/14 regular meeting.

**Motion carried.**

The Oath of Office was administered to Firefighter/Paramedic Karnowski by Commissioner Gershman.

Firefighter/Paramedic Karnowski and various staff members of the fire department leave the meeting at 7:35 a.m.

**FP14-020** Motion by Keogh, second by Mueller to approve the police department bills in the amount of \$335,478.62.

Roll call: Frankland yes, Keogh yes, Mueller yes, Meyers yes, and Gershman yes.

**Motion carried.**

**FP14-021** Motion by Keogh, second by Frankland to approve the fire department bills in the amount of \$50,639.72.

Roll call: Frankland yes, Keogh yes, Mueller yes, Meyers yes, and Gershman yes.

**Motion carried.**

The police department activities, training reports, and correspondence packet was reviewed and placed on file.

The police code of conduct policy was tabled, pending appointment of new police chief.

The fire department activities, training reports, and correspondence packet was reviewed and placed on file.

Fire Chief Haight discussed the current portable radio communication issues with the commissioners, and based on the consensus of this group, this matter will be pursued further.

**FP14-022** Motion by Frankland, second by Meyers to approve the fire department budget resolution for purchase of 21 UHF portable radios to be submitted to the Common Council for their approval.

Roll call: Frankland yes, Keogh yes, Mueller yes, Meyers yes, and Gershman yes.

**Motion carried.**

Fire and Police Commission  
Meeting Minutes – April 3, 2014  
Page Two

**FP14-023** Motion by Keogh, second by Meyers to adjourn the meeting (time 8:03 a.m.)  
**Motion carried.**

**COMMISSIONER KEOGH IS SCHEDULED TO ATTEND THE COMMON COUNCIL  
MEETING SCHEDULED FOR TUESDAY, APRIL 22, 2014.**



**Marshfield Fire and Police Commission  
Nate Mueller, Secretary**

**City of Marshfield Committee on Aging  
Wildwood Regency, 1624 S. Roddis Ave.  
Meeting Minutes – April 3, 2014**

The monthly meeting of the Committee on Aging was called to order at 9:30 a.m. by Chair Mike Feirer.

**MEMBERS PRESENT:** Mike Feirer, Becky Huebner-Leu, Patty Ruder, Jean Doty, Dave Marsh, and Elsie Anderson

**ABSENT:** Kathy Dieck

**OTHERS:** Judy Carlson, Connie Jacobson, Janet Southworth, Kelly Cassidy, Amy Krogman, Celena Wauco-Netzow and residents of Wildwood Regency.

**MINUTES:** Motion by Marsh, 2<sup>nd</sup> by Ruder to approve the minutes from the March 6, 2014 meeting with the following corrections:

Kathy Dieck was absent

Wood County provides transportation, not ADRC

House of transportation are 8:30 a.m. – 2:30 p.m., not 12:30 p.m. to 2:30 p.m.

Motion Carried

**CITIZEN'S COMMENTS:**

Janet Southworth introduced Celena Wauco-Netzow, the new site manager at Parkview

Members of the committee introduced themselves.

**AGING AND DISABILITY RESOURCE CENTER OF CENTRAL WISCONSIN UPDATE:** Jennifer Cummings was not able to attend the meeting so Connie Jacobson gave her update.

**WOOD COUNTY TRANSPORTATION UPDATE:** Connie Jacobson updated the committee.

**FORUM 55+:** Judy Carlson updated the committee.

**LIBRARY & COMMUNITY CENTER PROJECT UPDATE:** Jean Doty updated the committee on the fundraising process.

**HEALTH FAIR UPDATE:** Committee discussed the presentation topic for the Health Fair. Several topics were discussed. The topic will be chosen at the May meeting. Dave Marsh had checked on the speaker system at the fair. He talked to PK Electric who had wired the system and was told the speakers in the building would not be adequate for our

needs. Dave will call him back and see what the cost would be set up a temporary system.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:** Kelly Cassidy reported that she has been contacted by a business who would like to come to the Senior Center and introduce themselves and their business. This will be discussed at the next MSCC meeting.

**FUTURE MEETING DATE:** The next meeting will be held at the Norris Manor on May 1<sup>st</sup> at 9:30 a.m.

Motion by Marsh, 2<sup>nd</sup> by Ruder to adjourn at 10:35 a.m.  
Motion Carried

Respectfully submitted,  
Amy Krogman

## **Economic Development Board meeting April 3, 2014**

Present: Ron Dickrell, Bill Sennholz, Ed Wagner, Diane Wolf , Tammy Meissner, Al Michalski  
Absent: Pete Hendler,  
Others: Jason Angell, Karen Olson, Denise Sonnemann, Amy Krogman, Bill Penker (left at 3:14 p.m.), Steve Barg (arrived at 3:16 p.m.), and Chris Meyer (arrived at 3:16 p.m.)

Sennholz called the meeting to order at 3:00 p.m. in Room 108 of City Hall.

### **Approve minutes**

**EDB14-14** Motion by Meissner, second by Wolf, to approve the March 20, 2014 minutes as presented.

**Motion carried**

### **Conflicts of interest**

None

### **Citizens Comments:**

Bill Penker, 600 S. Sycamore spoke regarding the Housing Study and the Marshfield Brand

### **Update on economic development activities**

Olson reported on the following:

1. SCORE is hosting "Where's The Money" program
2. ICSC (International Council For Shopping Centers) - Marathon County is hosting an event on August 7<sup>th</sup>. Hoping to draw interest in Marshfield.
3. The Images Magazine is being published by Premiere Printing.

Angell reported on the Penny Court Building remodel cost is approximately \$900,000. They applied for a grant through CWED and were approved for \$200,000. This project should begin once the snow melts.

### **Creation on Business Incentive Fund for Mill Creek Business Park**

Angell reported that he has been working with Dave Pawlish, SCS Engineers. This fund will be developed to give incentives to businesses who building Business Park. Once developed EDB will oversee the funds. Dave will attend the next meeting.

## **Community Housing Study and Needs Assessment**

The information for the public presentation has been distributed and Angell felt there will be a good turnout.

### **2014/2015 Budget**

Angell went over the funds spent from the 2014 budget. He will report on the budget on a quarterly basis.

The committee discussed any projects that they would like to fund in the 2015 budget. The projects are:

- Funding an economic development staff member
- Business owners who retired but have no buyers
- Potential Lake – UWSP will come in May and present their findings
- Creating an amphitheater downtown or make connection to Columbia Park to bring people downtown.
- Large spec building
- Shovel ready sites
- Vision 20/20 which is out of Austin, MN. It's a community buy-in program which is everything from festivals to economic development.

### **Establish date and time for next Board meeting**

- 1) Wednesday, April 9<sup>th</sup> at 5:30 p.m. – Public presentation for Housing Study, UW – Marshfield/Wood County
- 2) Thursday, May 1<sup>st</sup> at 3:00 p.m., Room 108, City Hall – regular meeting

Motion by Wolf, 2<sup>nd</sup> by Wagner to adjourn at 4:21 p.m.

Respectfully submitted,

Amy Krogman, Administrative Assistant III

**CITY OF MARSHFIELD  
BOARD OF CANVASSERS  
SPRING ELECTION OF APRIL 7, 2014**

The City of Marshfield Board of Canvassers convened at 8:15 a.m. on Monday, April 7, 2014 in the 5<sup>th</sup> Floor Conference Room, located in City Hall Plaza. The Board of Canvassers consists of Deb M. Hall, Brenda Hanson and Amy Krogman.

The Board of Canvassers convened to process and count late-arriving absentee and provisional ballots and to canvass the results of the municipal offices from the April 1, 2014 Spring Election. 2011 Act 75 provides that absentee ballots may be counted if postmarked no later than Election Day and received no later than 4:00 p.m. on the Friday following the election. Additionally, 2011 Act 23 provides that voters who cast provisional ballots may provide whatever documentation is required no later than 4:00 p.m. on the Friday after the election in order for their provisional ballot to be counted.

All electronically tabulated documentation and all handwritten tally sheets from every voting district within the City of Marshfield were checked against the tabular statement of votes prepared.

The following are the findings, by reporting unit, of the board upon review of the election records:

OAK AVENUE COMMUNITY CENTER

District 1 (Wards 1 & 11): 135 Voters – Poll book indicates 135 people voted & DS200 tape indicates 134 ballots were counted. Poll workers counted 135 ballots on Election night.

Outstanding provisional ballots: 0

Outstanding absentee ballots: 6 (Ward 1 = 2; Ward 11 = 4)

District 2 (Ward 2): 151 Voters – Poll book & DS200 tape match.

Outstanding provisional ballots: 0

Outstanding absentee ballots: Ward 2 = 2

District 3 (Wards 3 & 13): 370 Voters – Poll book & DS200 tape match.

Outstanding provisional ballots: 0

Outstanding absentee ballots: 3 (Ward 3 = 2; Ward 13 = 1)

District 4 (Wards 4 & 14): 316 Voters – Poll book & DS200 tape match.

Outstanding provisional ballots: 0

Outstanding absentee ballots: 1 (Ward 4 = 0; Ward 14 = 1)

District 10 (Ward 10): 169 Voters – Poll book & DS200 tape match.

Outstanding provisional ballots: 0

Outstanding absentee ballots: Ward 10 = 7

Wards 12, 20, 21 & 24 (Marathon County): 59 Voters – Poll book & DS200 tape match.  
Outstanding provisional ballots: 0  
Outstanding absentee ballots: 0

#### WILDWOOD STATION

District 5 (Ward 5 & 15): 201 Voters – Poll book & DS200 tape match.  
Outstanding provisional ballots: 0  
Outstanding absentee ballots: 4 (Ward 5 = 2; Ward 15 = 2)

District 6 (Wards 6 & 16): 194 Voters – Poll book & DS200 tape match.  
Outstanding provisional ballots: 0  
Outstanding absentee ballots: 3 (Ward 6 = 3; Ward 16 = 0)

District 7 (Wards 7 & 17): 289 Voters – Poll book & DS200 tape match.  
Outstanding provisional ballots: 0  
Outstanding absentee ballots: 4 (Ward 7 = 2; Ward 17 = 2)

#### SENIOR CENTER

District 8 (Wards 8, 18 & 23): 239 Voters – Poll book & DS200 tape match.  
Outstanding provisional ballots: 0  
Outstanding absentee ballots: 0 (Ward 8 = 0; Ward 18 = 0; Ward 23 = 0)

District 9 (Wards 9, 19 & 22): 163 Voters – Poll book & DS200 tape match.  
Outstanding provisional ballots: 0  
Outstanding absentee ballots: 3 (Ward 9 = 3; Ward 19 = 0; Ward 22 = 0)

#### Provisional Ballots

There were no provisional ballots for absentee voters issued at the Oak Avenue Community Center, Senior Center or Wildwood Station according to the GAB-123r for each location.

#### Late-Arriving Absentee Ballots

Ward 11 received one absentee ballot from Betty Schultz, 109 N. Oak Avenue, Apt. L.

The Board found the certificate envelope to be sufficient so a voter number was assigned, #136, and the ballot was counted.

New Totals for Wards 1 & 11 (Oak Avenue Community Center) after Board of Canvassers:

Court of Appeals Judge, District 4  
Gary E. Sherman: 98  
Write-In: 0

Circuit Court Judge, Branch 1  
Gregory J. Potter: 106  
Write-In: 0

County Supervisor District 2  
Donna Rozar: 63  
Write-In: 0

County Supervisor District 3  
Michael J. Feirer: 40  
Write-In: 0

Mayor  
Chris L. Meyer: 100  
Dorothy Schnitzler: 32  
Write-In (Eric Whitrock): 1

Aldersperson, District 1  
Michael J. Feirer: 103  
Write-In (Eric Whitrock): 1

School Board Member  
Jason Angell: 56  
Dorothy Chaney: 66  
Mark Konrardy: 81  
Dennis Juncer: 56  
Write-In: 0

Totals for Wards 2, 3 & 13, 4 & 14 and 10 – Wood County and Wards 12, 20, 21 & 24 – Marathon County (Oak Avenue Community Center) remain the same as Election night.

Ward 5 received one absentee ballot from Kathryn Hastreiter, 1708 S. Balboa Avenue.

The Board found the certificate envelope to be sufficient so a voter number was assigned, #202, and the ballot was counted.

Ward 15 received one absentee ballot from Ann Onufer, 606 S. Walnut Avenue, Apt. 402.

The Board found the certificate envelope to be sufficient so a voter number was assigned, #203, and the ballot was counted.

New Totals for Wards 5 & 15 (Wildwood Station) after Board of Canvassers:

Court of Appeals Judge, District 4  
Gary E. Sherman: 152  
Write-In: 1

Circuit Court Judge, Branch 1  
Gregory J. Potter: 162  
Write-In: 1

County Supervisor District 3  
Michael J. Feirer: 40  
Write-In: 0

County Supervisor District 4  
Ed Wagner: 131  
Write-In: 1

Mayor  
Chris L. Meyer: 154  
Dorothy Schnitzler: 45  
Write-In (Michael Meyer): 1

Aldersperson, District 5  
Ed Wagner: 170  
Write-In: 1

School Board Member  
Jason Angell: 92  
Dorothy Chaney: 103  
Mark Konrardy: 128  
Dennis Juncer: 62  
Write-In: 2

Ward 6 received one absentee ballot from Dorothy L. Dean, 1604 S. Cedar Avenue.

The Board found the certificate envelope to be sufficient so a voter number was assigned, #195, and the ballot was counted.

New Totals for Wards 6 & 16 (Wildwood Station) after Board of Canvassers:

Court of Appeals Judge, District 4  
Gary E. Sherman: 145  
Write-In: 0

Circuit Court Judge, Branch 1  
Gregory J. Potter: 150  
Write-In: 1

County Supervisor District 4  
Edward Wagner: 151  
Write-In: 2

Mayor  
Chris L. Meyer: 141  
Dorothy Schnitzler: 51  
Write-In (Robert Halle): 2

School Board Member  
Jason Angell: 102  
Dorothy Chaney: 110  
Mark Konrardy: 114  
Dennis Juncer: 56  
Write-In: 1

Totals for Wards 7 & 17 (Wildwood Station) remain the same as Election night.

Ward 9 received two absentee ballots (one from Roberta Wagner, 601 S. Cedar Avenue, Apt. 312 and one from Kelly J. Barrow, 601 S. Cedar Avenue, Apt. 110).

The Board found the certificate envelope of Roberta Wagner to be sufficient so a voter number was assigned, #164, and the ballot was counted.

The Board found the postmarked date on Kelly J. Barrow's certificate envelope to be April 2, 2014, the day after the Spring Election. The ballot was rejected.

New Totals for Wards 9, 19 & 22 (Senior Center) after Board of Canvassers:

Court of Appeals Judge, District 4  
Gary E. Sherman: 104  
Write-In: 1

Circuit Court Judge, Branch 1  
Gregory J. Potter: 108  
Write-In: 1

County Supervisor District 3  
Michael J. Feirer: 107  
Write-In: 3

Mayor  
Chris Meyer: 121  
Dorothy Schnitzler: 37  
Write-In: 0

Aldersperson, District 9  
Tom Buttke: 120  
Write-In (Bob Keys - 2 & Alan Guenther - 1): 3

School Board Member  
Jason Angell: 81  
Dorothy Chaney: 80  
Mark Konrardy: 85  
Dennis A. Juncer: 42  
Write-In: 1

Totals for Wards 8, 18 & 23 (Senior Center) remain the same as Election night.

There were no other late-arriving absentee ballots.

A total of six late-arriving absentee ballots were received. Of those six late-arriving absentee ballots, five were counted and one was rejected.

The votes were recorded on duplicate tally sheets.

The absentee ballots were secured in ballot bags. All paperwork was signed by the Board of Canvassers.

The Board declared the following as the winning candidates:

Mayor	Chris L. Meyer
Aldersperson	
District 1	Michael J. Feirer
District 3	Chris Jockheck
District 5	Ed Wagner
District 7	Gary Cummings
District 9	Tom Buttke

Certification statement signed.

The Board adjourned at 9:24 a.m.

Lori A. Panzer, WCMC  
Deputy City Clerk

**MARSHFIELD UTILITIES, A MUNICIPAL UTILITY  
MARSHFIELD UTILITY COMMISSION  
April 7, 2014**

**COMMISSION MEETING MINUTES**

A regular meeting of the Marshfield Utility Commission was called to order by President Mike Eberl at 4:00 pm on April 7, 2014 in the downstairs meeting room of the utility office. Present were Commissioners Harry Nienaber, Mike Eberl, Patrick Ott, George Holck, and Aaron Pitzenberger. Also present were the Utility staff.

**UC/14-24** Motion by Nienaber, seconded by Ott, to dispense with reading the minutes of the previous meetings and accept them as submitted. All ayes, motion carried.

**UC/14-25** Motion by Ott, seconded by Nienaber, to approve payroll for March in the amount of \$229,394.99 and general bills for March in the amount of \$3,859,563.16. All ayes, motion carried.

**UC/14-26** Motion by Ott, seconded by Holck, to approve the following job order(s):

- |           |   |
|-----------|---|
| JO #17747 | Enbridge new facility - town of Cameron sections 29, 30, 31, 32; town of Richfield section 5: extend 24.9 KV ckt 1 mile south on U.S. Hwy 10 and ½ mile east on Klondike Dr. Rebuild existing 13.2 KV ckt as underbuild to 24.9 KV ckt. \$604,909 |
| JO #7448  | M.U. west employee parking lot reconstruction: removing old parking lot material, regarding, installation breaker run, base coarse and asphalt paving. \$292,000  |
| JO #5689  | Hume Avenue Reservoir: Install SolarBee GS-12 mixer and control box. \$18,784.12  |
| JO #17751 | Washington Ave. 1 ph OH Rebuild, S. of Mill Creek: Rebuilding a single phase overhead primary line that is currently #6 copper. Building ¼ mile of new line in order to remove ½ mile of #6 copper that has no customers. \$138,848               |
| JO #5688  | Park St (7 <sup>th</sup> to Spruce): Replace water main, valves, & hydrants. \$38,139.52  |
| JO #5690  | North St (Wood Ave – St. Joseph’s Ave): North St reconstruction. \$143,870.61   |

All ayes, motion carried.

Jon Trautman with Schenck SC presented the annual audit results.

**UC/14-27** Motion by Pitzenberger, seconded by Nienaber, to approve the audit. All ayes, motion carried.

**February 2014 Financial Statement Notes**

**Electric Utility**

- Net income was \$306 thousand for the month, with a net income of \$362 thousand year-to-date.
- Net operating income was \$443 thousand for the month. Year-to-date net operating income was \$636 thousand, compared to budgeted net operating income of \$720 thousand.
- After removing the effects of the PCAC timing, the net operating income was \$297 thousand for the month and \$674 thousand year-to-date.
- Operating expenses included \$22 thousand for legal fees regarding M-1 air compliance permitting to the Wisconsin DNR.
- February consumption was up 1.89% from February 2013, with year-to-date consumption up 6.32%. Year-to-date energy losses were -2.11%, compared to prior year losses of -0.36%.

**Water Utility**

- Net income was \$862 for the month, with a net income of \$177 year-to-date.

- Net operating income was \$21 thousand for the month, compared to budgeted net operating income of \$58 thousand. Year-to-date net operating income was \$41 thousand, compared to budgeted net operating income of \$106 thousand.
- Operating expenses for the month included \$14 thousand for street repairs due to main breaks.
- February consumption was up 1.43% from February 2013, with year-to-date consumption up 0.68%. Year-to-date water losses were 12.52%, compared to prior year losses of 8.47%.

#### Communication Utility

- Net income was \$5,528 for the month, compared to budgeted net income of \$13,931. Year-to-date net income was \$12,654, compared to budgeted net income of \$25,134.
- Operating expenses included \$7 thousand for the City of Marshfield's portion of fiber installation. These costs along with any additional costs incurred will be billed to the City after the project is completed.
- The General Manager and department managers reviewed noteworthy projects including:
  - Electric: a planned annual outage for M1 to occur this spring.
  - Water: Verizon received the letter stating they can proceed with the tower installation. The process should take approximately 5 weeks to complete.
  - Technical Services: The Focus on Energy annual report showed that the utility invested \$106,000 and the community benefited 5 times that amount as a result in savings.
- The General Manager and Office Manager discussed information on a simplified water rate case.

**UC/14-28** Motion by Pitzenberger, seconded by Holck, to authorize to proceed with a simplified water rate case. All ayes, motion carried.

- The General Manager reviewed the draft strategic plan and changes were made accordingly.

**UC/14-29** Motion by Nienaber, seconded by Ott, to approve the strategic plan as updated during the meeting. All ayes, motion carried.

**UC/14-30** Motion by Pitzenberger, seconded by Holck, to go into closed session per Wisconsin State Statutes 19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session for the purpose of discussing the purchase of real estate.

All ayes, motion carried. Closed session at 5:00 p.m.

Open session resumed at 5:23 p.m.

**UC/14-31** Motion by Pitzenberger, seconded by Ott, to adjourn. All ayes, motion carried. Meeting adjourned at 5:23 p.m.

  
\_\_\_\_\_  
Patrick Ott, Secretary

**Department: Electric**  
**Manager: Nicolas Kumm**  
Contributing: Greg Geiger  
Month: March 2014

- The M-1 generator did not run during the month of March.
- MEUW conducted safety training Session 5 on Safety Leadership on March 5<sup>th</sup>.
- Kris Zwicky, MEUW Regional Safety Director reviewed the work zone safety program with employees on March 19<sup>th</sup>.
- Nicolas Whipple attended the 2014 ESRI Utility Users Group (MWEUUG) Conference in Rochester, MN on March 26<sup>th</sup> and 27<sup>th</sup>. Various topics were covered all pertaining to using the ArcGIS software.
- Derrek Caflisch has been working on Washington Ave south rebuild project.
- Don Rogers has been working on Robin Road rebuild and new customer line extensions.
- Faith Schmidt is handling all purchase orders while other staff is on leave. She is also sending out letters for the water meter AMI change-outs and scheduling appointments with customers for the water meter AMI change-out.
- Nicolas Whipple has been working on automating the electric meter change out process in our billing system. He is also beginning to analysis feeder loading balance and capacitor bank needs and placement.
- Tim Habermeyer and Robert Olwell attended week three of year one in their lineworker apprenticeship program in Chippewa Valley.
- Jeff Holbrook, Ryan Steffen, Mike Vanderwyst, Robert Olwell and Tim Habermeyer have been working on the Peach street rebuild. Although weather has hampered their efforts, good progress has been made.
- Jeff Irish and Randy Ayer have been handling customer requests, services, and street lighting.
- Greg has been evaluating bids and getting material ordered. He also met with the local emergency planning committee where they participated in a tabletop disaster that was a result of major ice storm hitting the area. The drills are designed to test protocols and interdepartmental responses.
- The electric department has been working with Frontier and Charter on upcoming plans for spring underground projects, including material levels, contractor relationships, pricing and past customer concerns.

**Department:** Office  
**Manager:** Kent Mueller  
**Month:** March 2014

- Kent contacted Wood County Energy Assistance personnel to discuss past due customers as they face the end of the winter disconnection moratorium on April 15<sup>th</sup>. Delinquent electric balances of \$132 thousand are the highest that we have seen at the end of March.
- In March, customers that are on our budget payment plan received their reconciliation bill. As a result of the extreme weather, many customers used more electricity than what was included in their budget amount, resulting in larger reconciliation amounts.
- Final 2013 audited financial reports were received from Schenck SC and will be presented at the April 7<sup>th</sup> Commission meeting.
- Patti completed work on the 2013 Annual Reports to the PSC for the electric, water and communications utilities. The documents provide a comprehensive database of electric, water, and communications utility operations. Our reports (along with the annual reports of all other regulated utilities in the state) are available for review at the PSC's web site.
- A large deposit was provided by a commercial customer for a line extension. Since the majority of this could be refunded back to the customer as an embedded allowance, a separate account at LGIP has been set up to segregate these funds.
- On March 17<sup>th</sup> and 18<sup>th</sup>, Melissa Barnes provided customer service training to the Office Department.

**Department: Technical Services**

**Manager: Cathy Lotzer**

**Contributing: Heather Young, Shawn Marsh, Jim Benson**

**Month: March 2014**

- Cathy and Shawn attended Session F of the MEUW Management Certification Series.
- Cathy and Dave organized our annual Groundwater Guardian meeting which included several guest speakers who spoke on increasing chlorides levels in groundwater and what impact this might have on drinking water.
- Cathy, Heather, Shawn, and Jim participated in the utilities Website Committee and are working on several updates as well as researching opportunities with various social media sites.
- Cathy and Shawn are testing a new Digital Signage communication system.
- Cathy is working to report information to the PSC and MRETS (Midwest Renewable Energy Tracking System) for our 2013 renewable requirements. Our MRO Self-Certification for 2013 has been submitted.
- Cathy and Jim are working with the Girl Scouts on a new Groundwater Guardian project.
- Cathy has been working with Kris Zwicky on reviewing and updating our written programs.
- Heather has been working to prepare the GHG (Green House Gas) Report for the 2013 submission and has updated data in the air emissions inventory for the 2013 RY.
- Shawn and Heather worked to remove the review ability from our Facebook page in preparation of upcoming more extensive usage.
- Shawn is working with Priority Business Systems on virtualizing servers and troubleshooting errors. He is also setting up advanced server security for M1 and is working to connect the AMI system to the new tower.
- Shawn has been working with Ray to utilize ODC for disposal of various used equipment.
- Jim – Focus on Energy Annual Report 2013. This was a record year for FOE customer participation. MU invested \$106,707 to participate in FOE. Our residential customers received \$222,112. Our business community received \$345,527. Total incentives paid back to our customer base were \$567,639. The increased activity is due to our continued communication with the contractors, customers, and FOE implementers.
- Jim is working with our HVAC contractors updating older failing parts and equipment.

**Department:** Water  
**Manager:** Dave Wasserburger  
**Month:** March 2014

Crews have repaired 11 water main breaks in March. We have repaired 53 water main breaks since November 30.

We report for a year on a schedule from July 1st to June 30<sup>th</sup>. Since last July 1st we have had 62 main breaks as of 3/30/2014. The total for the entire year of 2013 was 32 and 35 for the year of 2012. The highest ever recorded for a year was 72 in 1992.

We have 157 customers with water running to prevent their services from freezing. The office is adjusting these water bills per PCS regulations.

We have thawed 46 services that froze up. They are part of the 157 with water running. None of those 46 services that froze have ever previously frozen.

We had 3 new frozen water services reported during the week of March 24-28. We do not foresee us being able to turn them off for several weeks yet.

We were forced to put the AMI water meter installation/cross connection inspection project on hold for most of the winter. We will start sending out appointment cards again on April 4th.

An all-employee meeting was held March 13<sup>th</sup>. Item discussed included changes to FMLA, changes to Workers Compensation, the Residency Policy, use of the new security system and a change to the language in the Retirement Policy.

Bids were opened at City Hall for the North Street Reconstruction Project. Haas Builders was the apparent low bidder. This project includes replacement of approximately 1200 feet of 1926 vintage 4" water main with 8" ductile iron water main.

John and I met with our engineers, S.E.H., to review the Adler Cure-in-place-pipe project. We laid out the details concerning where the access pits we be placed, where new hydrants will be installed and where valves to be installed, eliminated or replaced. Temporary water service plans were reviewed for the project. Bid ads are scheduled to be placed April 28<sup>th</sup> and 29<sup>th</sup> with the bid opening scheduled for May 7<sup>th</sup> at Marshfield Utilities.

John and I met with the Airport Committee on March 20<sup>th</sup> to discuss the new water tower. The Airport Committee denied our application for a variance to exceed the 1399 height restriction within a 3 mile construction a new water tower.

### **Groundwater Guardians**

A banquet was held on March 11 at Marshfield Hotel for the Groundwater Guardian Group. We had presentations from Abigail Cantor, P.E., of Process Research, John Jansen, R.P.E., PhD, of Leggette, Brashears and Graham, and from John Richmond with the Leadership Marshfield

Group. All 3 presentations discussed chlorides, their continued rising presence and the impacts of chlorides to drinking water and to metal concentrations in drinking water.

**HISTORIC PRESERVATION COMMITTEE MINUTES**  
**OF APRIL 7, 2014 MEETING**

Meeting called to order by Chairperson Wood at 4:01 P.M. in Conference Room 108 of City Hall Plaza.

**PRESENT:** Ken Wood; Alderperson Gary Cummings; Bill Penker; Carl Scott; Vickie Schnitzler; Ken Bargender; and, Keith Meacham.

**ABSENT:**

**ALSO**

**PRESENT:** Denise Sonnemann, Director of Main Street; Brian Hopperdietzel, Marshfield Monument; Matt McLean, Director of Convention and Visitor's Bureau; Steve Barg, City Administrator; Josh Miller, Planner/Zoning Administrator; and, Sam Schroeder, Planning Intern.

**Approval of the Minutes of March 3, 2014 Meeting.**

**HP14-09** Motion by Penker second by Scott to approve the minutes of the 3/3/2014 meeting.  
**Motion Carried.**

**Citizen Comments.**

Steve Barg talked about how city staff and the Common Council had explored of possibility of eliminating some of the committees including the Historic Preservation Committee. Some of the committees will be eliminated, but after meeting with staff and Ken Wood, staff feels the Committee should remain as part of the City's function. Steve will be presenting a recommendation to the Common Council that the Committee remain.

Carl Scott stated that this would be his last meeting after three terms and he thanked the Committee for their commitment to Historic Preservation.

Vickie Schnitzler said that the posters are being printed for Historic Preservation Month.

**Update with Information Regarding Plaques for Downtown.**

Miller gave an update on the plaques.

Wood said signs in Tennessee (as well as Illinois, Iowa, and Missouri) were made of wood that were light weight on some of buildings. The owners put out the signs. The only metal sign was an oval sign for the State register.

Brian Hopperdietzel said that a lot of the material used indoors is not suitable for outdoors. There are not a lot of options for outdoor signs that are UV protected and will withstand weather.

He said he could do similar to the clock, but there is no guarantee it would last with the salt and UV. Anodized aluminum doesn't have a guarantee and could not estimate a life span.

Brian did present a low maintenance, durable option for a granite sign with aluminum frame plaque. The cost was \$290 installed (10" x 12").

Sam Schroeder put together the plaque information and said it was difficult to find places or companies that offered wood sign options.

Brian Hopperdietzel said that a bronze plaque can get very heavy. The Aluminum is nice and light, but it costs almost as much as cast bronze now.

Other colors of aluminum frame would be options. The granite is black and the writing and laser is white. We talked about laser to a picture. The cost for pictures would be \$275. This type of plaque can't be larger than 12" x 12".

### **Discussion of Which Historic Structures, Sites, and Districts Could Be Marketed for Tourism.**

The Committee is looking at maybe 5-6 buildings downtown. Make sure we get the owner and tenant on the same page.

Miller said the following buildings were being considered: Hotel Charles, Bank Building at 3rd and Central, Noll Hardware, Theil Building, Daily Grind, Chestnut Center, Purdy Building, Thomas House, and Tower Hall. Scott suggest we should add Brown's Living office space (Penny Court).

Matt McLean mentioned the historic Yellowstone Trail to try to include that component or tie in if they had some relevance to that period. Said they should consider tying in an event with the plaque for more impact.

Wood said he'd like to see the first doctor's office is Drach Chiropractic office.

Schnitzler said other buildings could be tied into the Yellowstone Trail: Round Barn, Hotel Charles, the Blodgett Garage (Victory Garage), the Blodgett Butter and Egg Company, and St. John's Church.

Matt McLean said if the Committee is trying to tie in with tourism, try not to focus on the Hotel Charles or other building if they can't really be toured or if they aren't well maintained. He suggested putting together a list of buildings and how the buildings tied into tourism and the Yellowstone Trail.

Does the Convention and Visitor's Bureau (CVB) see any potential for using the walking tour brochures as a tourism element? Matt McLean felt it was an added activity, but not really bringing people into town. We would need to tie in events or activities to bring in a focus.

Wood said the person in the visitor's center in Missouri, was a local historian and knew about the history of many of the buildings.

Next month, the Committee will put together a list of buildings could draw in tourists and will send that list over to the CVB for their input.

Scott recommended attending the spring conference in Waupaca as they have a session on .

### **Review of Stewardship Award Nomination – Chestnut Center for the Arts; Bridget O'Brien and Mark Nelson.**

Miller read the supporting comments on the nomination form.

Penker asked if we have any other supporting evidence. Penker said the statement is anecdotal. Do we have evidence or plans showing before and after? Penker said there was nothing supplied with the application.

Wood we have never required additional supporting materials to be turned in with the application. Penker call to question.

**HP14-10** Motion by Scott second by Meacham to approve the Stewardship Award for the Chestnut Center for the Art, Bridget O'Brien and Mark Nelson.

**Motion Carried. Penker voted – No.**

Agenda item for next month to require submitted materials for what is going to be necessary to change the policy

### **Review of Historic Preservation Month Activities Including Installing Yard Signs.**

Schnitzler explained that the poster will be out soon and is being printed explaining the Historic Preservation Month Activities.

Wood stated that Stoney River and the Aster are willing to use their buses to take people on a tour of the historic districts. He will be giving the tour.

Vickie asked if we could check with the City to block off parking stalls along Central for a tour of the Central Avenue Historic District.

Miller asked for volunteers to help put up the historic neighborhood signs on April 30<sup>th</sup> or May 1<sup>st</sup>. Bargender will help with 5<sup>th</sup>/6<sup>th</sup>. Schnitzler will help with Pleasant Hill, and Cummings will also help.

Bargender would like to see members of the Committee attend the Historic Preservation Month activities.

### **2014 Budget Update.**

Miller presented the budget and cautioned the Committee about spending too much money as the cost for the 2442 restoration is unknown.

### **Discussion to Renew the One Year QR Code Subscription for \$89.95.**

Matt McLean said they get free QR Codes for the occasional ones they use. Schnitzler said that with the subscription we can make changes, get unlimited QR Codes, and we get analytics from visitors scanning the codes.

**HP14-11** Motion by Scott second by Penker to renew the annual QR Code Subscription for \$89.95.

**Motion Carried. Vickie abstained.**

### **Discussion to Renew Membership to the National Trust for Historic Preservation for \$20.**

**HP14-12** Motion by Penker second by Cummings to renew membership to the National Trust for Historic Preservation for \$20.

**Motion Carried.**

## **Reconsideration of Sponsoring School District Art Display Awards.**

Vickie said some of the Historic Preservation Month Committee members were disappointed in the Committee's decision to not fund the awards this year and she wanted to bring this item back for discussion. They feel this year the event would tie into well with historic preservation. Helps encourage younger generations to participate.

In 2013, the Committee paid \$50 for ribbons, \$10 MACCI gift cards for the 10 winners that would go with those ribbons.

**HP14-13** Motion by Penker second by Bargender to sponsor the School District Art Display Awards for 10 MACCI gift cards at \$15 apiece for a total of \$150.

**Motion Carried.**

## **Update on the 2442 Soo Line Steam Locomotive Restoration Project.**

Miller asked if there was another contractor or carpenter that we could get an estimate on for the restoration of the 2442.

Bargender asked if we could put a notice out for bids. Preferably, the carpenter should be able to work with dimensional lumber. He suggested we ask Hank Zimmerman. Staff will look into options for getting estimates.

## **Set Meeting Date and Future Agenda Items.**

The next regular Historic Preservation Committee meeting will be held on Monday, May 5, 2014. The agenda of the next regularly scheduled meeting should include approval of the April 7, 2014 meeting minutes, the requirements for the Stewardship award, and discussion of updating the Goal No. 2 implementation section for the historic preservation plan.

## **Adjourn.**

Motion by Cummings, second by Penker to adjourn meeting at 5:06 P.M.

## **Motion Carried**

Respectfully submitted,



Josh Miller  
Planner/Zoning Administrator

## SUSTAINABLE MARSHFIELD COMMITTEE MEETING MINUTES, APRIL 8, 2014

Julie Schafer, Chairman, called the meeting to order at 5:30 p.m. in Executive Conference Room, City Hall Plaza.

**Members Present:** Jackie Ruby, Tom Buttke, Marty Anderson, Betsy Tanenbaum, and Julie Schafer

**Members Absent:** Randy Lueth

**Others Present:** Amy Krogman, Floreine Kurtzweil, and Steve Barg

**SMC14-07** Motion by Buttke, 2<sup>nd</sup> by Tanenbaum to approve the minutes from the February 11, 2014 meeting.

**Motion carried**

### **Citizen Comments:**

Floreine Kurtzweil shared the sustainable article from the Marshfield News Herald.

### **UPDATE ON RECYCLING NEEDS:**

The committee discussed what they could fund to help educate the public regarding the need to recycle. It was decided they would look into the following:

- 1) 2014 Leadership project Chloride Awareness and Reduction Program. Breanna Speth was invited to present this project at the May meeting.
- 2) Tape a show at Public Access regarding what happens to your garbage/recycling.
- 3) Developing an ordinance that all remodels and new builds have to recycle their construction materials.

### **PRESENTATION ON SMART METERS**

This item was postponed until the May meeting.

### **NATIONAL STEP WORKSHOP**

**SMC14-08** Motion by Anderson, 2<sup>nd</sup> by Buttke to fund two people to attend the workshop in Stevens Point on April 26, 2014.

**Motion carried**

### **WEBPAGE**

The City of Marshfield is launching a new webpage on April 22<sup>nd</sup>. The committee discussed their new page. The following suggestions were made:

- 1) Add information regarding the Fire Station.
- 2) Ask Jes Mannigel to develop a picture for the first page.
- 3) Check with Randy Lueth regarding Solarize Marshfield for stories from people who used the program.

## **NEWS HERALD ARTICLES**

May – Tom Buttke  
June – Randy Lueth  
July – Marty Anderson  
August – Jackie Ruby

## **Future agenda items**

Smart Meters  
Web Page Update  
Leadership Marshfield Presentation  
Public Access

Motion by Buttke, 2<sup>nd</sup> by Lueth to adjourn at 6:37 p.m.

Respectfully submitted,  
Amy Krogman  
Administrative Assistant III

**Economic Development Board meeting  
April 9, 2014**

Present: Dickrell, Meissner, Michalski, Sennholz, Wagner  
Absent: Hendler, Wolf  
Others: Angell, Barg

Sennholz called the meeting to order at 4:48 p.m. in Room 127 of UW Marshfield/Wood County.

**Conflicts of interest**

No members indicated that they had a conflict of interest with anything on the agenda.

**Request for funding – grant applications for Library & Community Center project**

Angell advised that the Library & Community Center Committee wants to apply for two grants (USDA, CDBG) related to their project. With a short timeline for submitting these applications, the project fundraising consultant suggested REAL Development Initiatives, LLC, a company that has helped other clients secure the necessary funding to allow their projects to move ahead. He highlighted the proposal, showing a maximum fee of \$29,000 for the grants – \$20,000 for the USDA request; \$9,000 for the CDBG request. Angell and Barg noted there are still a few questions to clarify certain details of the proposal.

Members expressed support, but with reservations on how much of the project constitutes “economic development”. It was agreed that at least some funding for this request should come from another source.

Wagner moved and Dickrell seconded the motion to release \$20,000 from the economic development budget (from a line item designated for the grant writer position) to the City Administrator to be available to cover the USDA grant application fee, with approval by the Council. Motion carried 5-0.

**Announce next Board meeting date/time**

Sennholz noted that the next EDB meeting will be held on Thursday, May 1<sup>st</sup> at 3:00 p.m. in Room 108 of the City Hall Plaza.

With no other business before the EDB, Meissner moved and Dickrell seconded a motion to adjourn. Motion carried 5-0. Sennholz declared the meeting adjourned at 5:11 p.m.

Respectfully submitted,  
Steve Barg, City Administrator

## Parks, Recreation, and Forestry Committee Minutes of April 10<sup>th</sup>, 2014

Meeting called to order by Jim Wein, Chairperson, at 6:55 p.m. in the Council Chambers in City Hall Plaza, 630 S. Central Avenue.

**Present:** Jim Wein, John White, Jane Yaeger, Ali Luedtke, Kristy Palmer, and Alderman Tom Buttke

**Excused:** Chris Viegut

**Absent:**

**Also Present:** Ed Englehart, Parks and Recreation Director; Ben Steinbach, Parks and Recreation Maintenance Supervisor; Kelly Cassidy Parks & Recreation Supervisor; and Jeff Bahling and Rebecca Ramirez, Rettler Corporation.

**PR14-08** Motion by Buttke, seconded by Luedtke to approve the minutes of the March 13, 2014 meeting.

**Motion Carried** 6-0

**Public Comments:** None

The committee set Thursday, May 8, 2014 at 6:00 p.m. as the date and time of their next meeting.

Englehart presented a plaque to Jim Wein for his 27 years of service as a member of the Parks, Recreation and Forestry Committee, with over 23 years as the chairman of the committee. Jim has informed the Mayor that he is not interested in serving another term. Chris Viegut has indicated to the Mayor that he would be willing to serve another term and the Mayor has indicated to Chris that he is planning to reappoint him.

Jeff Bahling from Rettler Corporation reviewed the Comprehensive Outdoor Recreation Plan Open House information that took place prior to the meeting and updated the committee on the next steps in the process of updating the Comprehensive Outdoor Recreation Plan. Information and comments collected at this evening's Open House and the information from the on-line survey will be used to establish the draft plan that Rettler Corporation will present to the committee at their June meeting. Preliminary information will be shared with the committee members in May as it is developed.

Englehart informed the committee that the Common Council adopted the 2015-2019 Capital Improvement Program without making any changes from what was recommended by the C.I.P. Committee. Discussion followed regarding the ability to modify projects in the future. Englehart explained that each year presents an opportunity to modify the projects and funding requests that are submitted for consideration by the C.I.P. Committee.

**Information Items:** Staff updated the Committee on their respective areas of responsibility and answered questions regarding the monthly reports. Buttke and Palmer shared information on the Zoological Society store at the zoo, the upcoming Zoo Education week program, and activities scheduled at the zoo in the coming weeks.

**Committee Member Questions, Comments, and Suggestions:** Jim Wein commented that the water area under the park bench in the southeast corner of Braem Park needs to be corrected. It is ponding under the bench. Tom Buttke commented on the Wisconsin Municipal Zoo meeting that was hosted by the Parks and Recreation Department and held in the Wildwood Station building earlier today. He was impressed with the knowledge shared by the zoo representatives at the meeting. It was beneficial to both department staff and the Zoological Society officers.

**Future Agenda Items:** Comprehensive Outdoor Recreation Plan update, Upper Pond improvements.

**Communications:** Staff shared information they had received from the public regarding facilities and programs.

Jim Wein thanked staff and committee members for all their support and efforts over the years and said he would truly miss serving on the Parks, Recreation and Forestry Committee.

**PR14-09 Motion** by Wein, seconded by Palmer to adjourn the meeting.

**Motion Carried** 6-0 Meeting adjourned at 8:15 p.m.

Ed Englehart, Parks & Recreation Director

**BOARD OF PUBLIC WORKS MINUTES**  
**OF APRIL 14, 2014**

Meeting called to order by Chairman Feirer at 5:30 PM in the Council Chambers of City Hall Plaza.

**PRESENT:** Mike Feirer, Tom Buttko, Gary Cummings, Gordon Earll and Ed Wagner

**EXCUSED:** None

**ALSO PRESENT:** Alderperson Smith; City Administrator Barg; Director of Public Works Knoeck; City Engineer Turchi; Assistant City Engineer Cassidy; Cemetery Coordinator Baltus; Bill Penker; Lavonne Lindner; Liz Welter, Marshfield News Herald; and others.

**PW14-56** Motion by Cummings, second by Earll to recommend approval of the minutes of the March 31, 2014 Board of Public Works meeting.

**Motion Carried**

**Citizen Comments:**

- Bill Penker, 600 South Sycamore Avenue, He reviewed the audio and visual from the last meeting and can't see why somebody wants to close the Maple Avenue crossing. If you go back to the recent newspaper article, there is a key quotation from the State Railroad Commissioner stating that we have an unsafe crossing here. He asked why is it unsafe and when did it become unsafe. We have not been told anything like that and he feels that the Railroad Commissioner owes the public that might be impacted a clear explanation as to why. Was this a design problem that after 10 years suddenly became apparent? Nobody knows. It is also noted in the article that all the recent crashes have been due to driver error. This is not a good reason to close a major intersection. The article also states that the Railroad Commission said there have been too many near misses. What is a near miss, how many were there and when did they occur? If Maple is closed and traffic switches to Vine and then you have the same occurrences at Vine are they going to close Vine Street? Or if it happens at Chestnut or Central will they be closed? It doesn't make sense. There are no firm answers and too many what-ifs. You are between a rock and a hard place on this one. There must be some type of intermediate answer. The public needs to know what the data is. He would like to see the Board get some type of negotiated settlement in part to allow data collection before a temporary closure. He also asked if a modified quiet zone could be considered. He feels decision making on too little information is not good.
- City Engineer Turchi stated that the April 22, 2014 Common Council meeting will include a presentation on storm water and will include a drawing for a free rain barrel from those present and signed up.
- Lavonne Lindner, 622 North Plum Avenue, said that people have come up to her recently and a person named Michelle was on main street and Veterans Parkway and she had to back up and turn diagonal to get out of where she was and another person told her that they almost had one too so there are times when it's not known what is happening.

**Motion PW14-53 was postponed from the previous meeting.**

**PW14-53** Motion by Wagner, second by Earll to recommend implementation of a temporary closure of Maple Avenue from Depot Street to Veterans Parkway effective May 1, 2014 for a minimum length of two months.

Knoeck presented results of his discussions with area businesses that would be impacted by the closure and reported that CN is planning to do some crossing maintenance at Central Avenue this spring which would affect scheduling of a temporary closure, should it be approved.

**PW14-57** Motion by Wagner, second by Cummings to recommend amending Motion PW14-53 to close Maple Avenue on a date to be determined by the Director of Public Works based on the timing of planned improvements to the Central Avenue railroad crossing.

**Cummings, Earll & Buttke voted 'No' Motion Failed**

**Vote on original motion PW14-53**

**Cummings, Earll & Buttke voted 'No' Motion Failed**

**PW14-58** Motion by Wagner, second by Earll to recommend approval to pursue the renewal of the Cemetery Maintenance Contracts with both Catholic and Lutheran cemeteries.

**Motion Carried**

**PW14-59** Motion by Buttke, second by Earll to recommend approval of revisions to Chapter 25 of the Municipal Code – Construction Site Erosion Control – as presented and request an ordinance be drafted for Common Council consideration.

**Motion Carried**

**PW14-60** Motion by Buttke, second by Earll to recommend that a construction manager be hired for the Library & Community Center project and that a selection committee be established to develop a Request for Proposals and undertake the selection process.

**Wagner voted 'No' Motion Carried**

**PW14-61** Motion by Buttke, second by Earll to recommend “No Parking When the Band Shell is in Use” be posted on the south side of Arnold Street from Chestnut Avenue to 50 feet west of the west line of Walnut Avenue and that upon approval the Administrative Code of Traffic and Parking Regulations be amended accordingly.

**Motion Carried**

**PW14-62** Motion by Cummings, second by Earll to adjourn to closed session at 6:48 PM pursuant to Wisconsin Statute Chapter 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

- Purchase of right-of-way for Hume Avenue Street Opening

**Roll call vote, all 'Ayes' Motion Carried**

**Present in Closed Session:** Aldermen Feirer, Cummings, Wagner, Buttke, Earll & Smith; City Administrator Barg; Director of Public Works Knoeck; City Engineer Turchi.

**PW14-63** Motion by Cummings, second by Buttke to reconvene in open session at 6:56 PM.

**Roll call vote, all 'Ayes' Motion Carried**

There was no action taken in open session on the closed session item.

**Recommended items for future agendas - None**

Motion by Buttke, second by Wagner that the meeting be adjourned at 6:56 PM.

**Motion Carried**

**JUDICIARY AND LICENSE COMMITTEE**  
**MINUTES OF APRIL 15, 2014**

Meeting called to order by Chairperson Wagner at 5:00 p.m., in the Common Council Chambers, City Hall Plaza.

**PRESENT:** Alderpersons Ed Wagner, Alanna Feddick-Goodwin and Gordon Earll

**EXCUSED:** None

**ALSO PRESENT:** Police Chief Jepsen, Lt. Gramza, City Clerk Hall, Lori Belongia and Ronald Zais

**JLC14-032** Motion by Feddick-Goodwin, second by Earll to approve the minutes of the April 1, 2014 meeting.

**Motion carried**

**CITIZEN COMMENTS**

None

**JLC14-033** Motion by Earll, second by Feddick-Goodwin to approve by unanimous consent the following:

- a) Six (6) Beverage Operator Licenses for the 2013-2015 license year to: Wanda Axtman, Jordan Derfus, Dustin Hasenohrl, Amanda Niles, Ellen Pichler and Daniel Spencer.
- b) Temporary Class "B"/"Class B" Retailer's License to the Kiwanis Club of Marshfield for April 25, 2014.
- c) Temporary Class "B"/"Class B" Retailer's License to the Friends of Marshfield Public Library, Inc. for April 26, 2014.
- d) Temporary Class "B" Retailer's License to the Marshfield Baseball Association for various dates.
- e) Temporary Class "B" Retailer's License to the American Legion for August 27 – September 1, 2014.
- f) Temporary Class "B" Retailer's License to the American Legion for September 13 - 14, 2014.

**Motion carried**

**JLC14-034** Motion by Feddick-Goodwin, second by Earll to grant a Beverage Operator License to Jason Schultz with 25 demerit points assessed for failure to list his violations.

**Motion carried**

**JLC14-035** Motion by Feddick-Goodwin, second by Earll to grant a Beverage Operator License to Kelsea Jensen with 0 demerit points assessed.

**Motion carried**

**JLC14-036** Motion by Feddick-Goodwin, second by Earll to go into closed session pursuant to Wisconsin Statute chapter 19.85 (1)(b) considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person. Specifically, the Chairperson had requested a closed session in order to hold a reconsideration hearing regarding the beverage operator application of Ronald Zais. Roll call vote, all ayes. (Time: 5:10 p.m.)

**Motion carried**

Present in closed session: Alderpersons Wagner, Feddick-Goodwin and Earll, Police Chief Jepsen, Lt. Gramza, City Clerk Hall and Ronald Zais.

Police Chief Jepsen, Lt. Gramza and Ronald Zais left the closed session at 5:17 p.m.

**JLC14-037** Motion by Feddick-Goodwin, second by Earll to return to open session. Roll call vote, all ayes. (Time: 5:21 p.m.)

**Motion carried**

**JLC14-038** Motion by Earll, second by Feddick-Goodwin to grant a Beverage Operator License to Ronald Zais with 25 demerit points assessed for failure to list his violations.

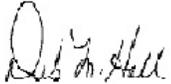
**Motion carried**

Future Agenda Items

None

Motion by Earll, second by Feddick-Goodwin to adjourn at 5:25 p.m.

**Motion carried**



Deb M. Hall  
City Clerk

**CITY PLAN COMMISSION  
MARSHFIELD, WISCONSIN  
MINUTES OF APRIL 15, 2014**

Meeting called to order by Chairman Meyer at 7:19 PM in the Council Chambers of City Hall Plaza.

**PRESENT:** Mayor Meyer; Dan Knoeck, Ken Wood, John Beck; Ed Wagner and Chris Jockheck

**ABSENT:** None

**ALSO PRESENT:** Aldermen Earll, Buttke, Feirer and Cummings; City Administrator Barg; Planning & Economic Development Director Angell; City Planner Miller; Zoning Administrator Schroeder; Bill Penker; Laura Mazzini; and others.

**PC14-23** Motion by Beck, second by Wood to recommend approval of the minutes of the March 18, 2014 City Plan Commission meeting.

**Motion Carried**

**PUBLIC HEARING** – Rezoning request by PCO Real Estate Investment Company to change the zoning from “LI” Light Industrial to “CMU” Community Mixed Use District, located at 2505-2515 West Veterans Parkway.

**COMMENTS:**

- Shawn Gaffney, proposed buyer, spoke in favor of the proposed rezoning request and is available to answer questions.

**PC14-24** Motion by Jockheck, second by Beck to recommend approval of the rezoning request by PCO Real Estate Investment Company to change the zoning from “LI” Light Industrial to “CMU” Community Mixed Use District, located at 2505-2515 West Veterans Parkway with the understanding that the existing uses are allowed at their present use and area and direct staff to prepare an ordinance for Common Council consideration.

**Motion Carried**

**PUBLIC HEARING** - Conditional Use Request by PCO Real Estate Investment Company for an exception to the hard surfacing requirements for off-street parking and traffic circulation areas, located at 2505-2515 West Veterans Parkway, currently zoned “LI” Light Industrial District, proposed to be rezoned to “CMU” Community Mixed Use District.

**COMMENTS: None**

**PC14-25** Motion Wood, second by Wagner to recommend approval of the Conditional Use Request by PCO Real Estate Investment Company for an exception to the hard surfacing requirements for off-street parking and traffic circulation areas, located at 2505-2515 West Veterans Parkway, currently zoned “LI” Light Industrial District, proposed to be rezoned to “CMU” Community Mixed Use District, subject to the following conditions:

1. An exception shall be granted to allow the proposed land use changes without hard surfacing the additional required parking spaces.
2. An exception shall be granted to permit the expansion of the gravel path between the rear of the building to the back parking lot.
3. Any expansion of the parking area except described in No. 2 above must be hard surfaced.
4. The landscaping in the back, adjacent to the residentially zoned properties, may not be reduced to less than the standards for the required bufferyard.
5. The propane area and gravel path in the rear of the development must be completed within 365 days of Common Council approval.
6. If any failure or washout situations occur regarding the gravel driveway, staff may require a review of the Conditional Use Permit, or may require improvements to be made to prevent future washouts from happening.

**Motion Carried**

**PUBLIC HEARING** – Conditional Use Request by Wood County to install a 156 foot Communication Tower and Antenna, exceeding the 150 foot maximum height, and allow a 288 square foot equipment shelter, located on the parcel west of 1600 North Chestnut Avenue (parcel 33-03211AF), zoned “CMU” Community Mixed Use Commercial District.

**COMMENTS:** None

**PC14-26** Motion Wagner, second by Beck to recommend approval of the Conditional Use Request by Wood County to install a 156 foot Communication Tower and Antenna, exceeding the 150 foot maximum height, and allow a 288 square foot equipment shelter, located on the parcel west of 1600 North Chestnut Avenue (Parcel 33-03211AF), zoned “CMU” Community Mixed Use Commercial District, subject to the following conditions:

1. The site plan is approved as presented with a flexibility to allow the tower to be moved 10 feet in either direction of the proposed location.
2. The equipment shelter must be screened from residential uses with either a 6-foot solid fence or vegetative screen.
3. The tower and attached antenna may exceed the 150 foot height limitation, allowing up to a 156 foot tall tower.
4. If lighting is required, it must meet the FAA standards.
5. The tower must be constructed within 365 days of Common Council approval.

**PC14-27** Motion by Wagner, second by Jockheck to recommend modifying Condition No. 2 above to state that the screening must comply with the existing Municipal Code with the understanding that the existing perimeter vegetation around the site can be considered as adequate screening.

**Beck voted ‘No’ Motion Carried**

**Vote on Motion PC14-26**

**Jockheck voted ‘No’ Motion Carried**

**PUBLIC HEARING** – Conditional Use Request by Prairie Run Group to construct two – 4 unit townhouse style multiplex buildings as part of a group development, including an exception to the parking lot design standards, in the designated commercial area within the Prairie Run “PUD” Planned Unit Development, zoned “PD” Planned Development, located on the property just west of the Prairie Drive and Wildflower Drive intersection (Parcel 33-0MM072).

**COMMENTS:**

- Randy Leuth, 1826 Pheasant Run Drive and Landscape Architect, stated that the developer has struggled over the years with development plans and this one appears to be the best one. The homeowners association has met twice and supports this project.

**PC14-28** Motion by Beck, second by Wood to recommend approval of the Conditional Use Request by Prairie Run Group to construct two – 4 unit townhouse style multiplex buildings as part of a group development, including an exception to the parking lot design standards, in the designated commercial area within the Prairie Run “PUD” Planned Unit Development, zoned “PD” Planned Development, located on the property just west of the Prairie Drive and Wildflower Drive intersection (Parcel 33-0MM072), subject to the following conditions:

1. The property must be subdivided through a Certified Survey Map.
2. The townhouses may be constructed at the presented setbacks from the street.

3. The building footprint may be modified plus or minus 5% of the size shown on the proposed site plan, provided the minimum setbacks are met (building separation, street and yard).
4. The buildings, parking area and trash enclosure may be shifted to the west up to an additional 4 feet and south up to an additional 8 feet, provided the bufferyard not be reduced to less than 15 feet along the main drive aisle (excluding the south visitor parking area).
5. Landscaping plan is approved as presented.
6. Construction of the proposed development must be initiated within 2 years of Common Council approval.
7. An exception is allowed for the parking lot and drive aisle to be approved as presented with a 40 foot wide parking area and 20 foot wide drive aisle.
8. The development may exceed 25 percent over the minimum required stalls as presented.

**PC14-29** Motion by Beck, second by Wood to recommend amending Motion PC14-28 to require that landscaping plant selection is to meet City of Marshfield Municipal Code requirements.

**Motion Carried**

**Vote on Motion PC14-28 as amended.**

**Motion Carried**

**PUBLIC HEARING** – Municipal Code Amendment Request by the City of Marshfield to amend Section 18-158 and 18-159 the City of Marshfield Municipal Code to increase the distance to which parties-of-interest are mailed a notice of a public hearing, define who can request a zoning amendment, and to specify when a map is needed in the notice.

**COMMENTS: None**

**PC14-30** Motion by Wood, second by Beck to recommend approval of the Municipal Code Amendment Request by the City of Marshfield to amend Section 18-158 and 18-159 the City of Marshfield Municipal Code to increase the distance to which parties-of-interest are mailed a notice of a public hearing, define who can request a zoning amendment, and to specify when a map is needed in the notice, and direct staff to prepare an ordinance for Common Council consideration.

**Motion Carried**

**PUBLIC HEARING** – Municipal Code Amendment Request by the City of Marshfield to amend Section 18-159 and 18-160 of the City of Marshfield Municipal Code to clarify the language for majority vote of the Common Council for a zoning amendment in the circumstance that there is protest petition or adverse recommendation by the Plan Commission.

**COMMENTS:**

- Mayor Meyer read the following email into the record:  
Dear Mayor Meyer:  
I hereby register my opposition to the proposed amendment to change the 3/4 vote from the entire council to a 3/4 vote of council members in attendance as indicated by proposed Section 18-159-Zoning Amendment.

1. The proposed amendment will weaken the citizen's right of petition and a fair hearing by the entire City Council. This is a direct slap in the face of the citizens along East McMillan Street and their concerns about zoning changes. This is not a clarification but a change to process.
2. Important decisions need to be approved by 3/4 vote by the entire City Council not just a 3/4 vote by a minimum quorum.
3. Developers need to do a better job of presenting their projects. They need to spend more time in presenting their development plans and the City needs more time to investigate what is in the best interests of citizens.

Changing the present Municipal code in the favor of developers will not create jobs or meet housing needs. We do not want to repeat the City of Wausau's \$650,000 mistake because proper procedure, proper review and citizen information is not followed.

Respectfully,

Carl Scott

1002 W. 8th Street

Marshfield, WI

**PC14-31** Motion by Wood, second by Jockheck to recommend approval of the Municipal Code Amendment Request by the City of Marshfield to amend Section 18-159 and 18-160 of the City of Marshfield Municipal Code to clarify the language for majority vote of the Common Council for a zoning amendment in the circumstance that there is protest petition or adverse recommendation by the Plan Commission, and direct staff to prepare an ordinance for Common Council consideration.

**Motion Carried**

**PUBLIC HEARING** – Municipal Code Amendment Request by the City of Marshfield to amend Section 18-26 through 18-32, 18-54, and 18-65 of the City of Marshfield Municipal Code, pertaining to Onsite Ancillary Uses. The amendment is being proposed to permit and define onsite ancillary uses for nonresidential and multifamily uses in the “SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, and MR-24” residential zoning districts.

**COMMENTS: None**

**PC14-32** Motion by Wagner, second by Jockheck to recommend approval of the Municipal Code Amendment Request by the City of Marshfield to amend Section 18-26 through 18-32, 18-54, and 18-65 of the City of Marshfield Municipal Code, pertaining to Onsite Ancillary Uses. The amendment is being proposed to permit and define onsite ancillary uses for nonresidential and multifamily uses in the “SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, and MR-24” residential zoning districts, and direct staff to prepare an ordinance for Common Council consideration.

**Motion Carried**

**PC14-33** Motion by Wagner, second by Jockheck to recommend approval of the Alternative Sign Request by Karen Mueller of Mueller Investment Properties, LLC., for a wall mounted sign with an exception to extend above the roofline and be mounted on the parapet on top of the roof, located at 601 South Central Avenue, zoned “DMU” Downtown Mixed Us District, subject to the following conditions:

1. The sign may be attached to the parapet located above the roof line and approved as presented.

2. The presented parapet sign shall not be internally illuminated, but may be externally illuminated.

**Motion Carried**

The appointment of a new town of McMillan Joint Plan Commission Member will be held over to the May 21, 2014 City Plan Commission meeting.

Motion by Jockheck, second by Wagner that the meeting be adjourned at 7:57 PM.

**Motion Carried**

**Daniel G. Knoeck, Secretary**  
**CITY PLAN COMMISSION**



# City of Marshfield Memorandum

---

DATE: April 16, 2014  
TO: Mayor Meyer & City Council  
FROM: Steve Barg, City Administrator  
RE: Second Reading of Ordinance No. 1274 (committee reductions)

## **Background**

On March 20<sup>th</sup>, staff reported on the possibility of eliminating certain committees/boards. After that, we refined this list, pulling off 3 of them below for the reasons noted:

1. Building Code Board of Appeals: operates as part of the Zoning Board of Appeals, once considered for elimination, but the City Attorney noted that we're required to maintain a separate Zoning Board of Appeals.
2. Committee on Youth: concerns were raised by members of the Council, and we recommend setting this one aside for further review.
3. Historic Preservation Committee: concerns were raised about official roles already given to this committee on grants, historic districts, etc., and how eliminating HPC may affect current projects/activities. We recommend setting this one aside for further review.

## **Revised proposal**

Attached Ordinance No. 1274, which is being provided for second reading and adoption, would eliminate the following 3 boards and committees:

- Electrical Board – assigning its duties to Board of Public Works
- Industrial Park Authority – assigning its duties to Economic Development Board
- Committee on Health – assigning its duties to Council, keeping a “Health Officer” to provide guidance and direction on an “as needed” basis

Staff also suggested removing a code requirement that the Public Works Director must be a voting member of Plan Commission, adding one more citizen member, and keeping the Public Works Director as the Commission's secretary.

At the first reading on April 8<sup>th</sup>, no specific issues/concerns were raised by the Council.

## **Recommendation**

Staff recommends that the Council conduct the second reading and adopt Ordinance No. 1274 (copy attached), thereby eliminating these 3 board/committees, and making the one change with respect to membership on the Plan Commission.



# City of Marshfield Memorandum

---

DATE: April 3, 2014  
TO: Mayor Meyer & City Council  
FROM: Steve Barg, City Administrator  
RE: First Reading of Ordinance No. 1274 (committee reductions)

## **Background**

On March 20<sup>th</sup>, staff offered a report on the possibility of eliminating certain committees. (Based on Councilmember Feddick's request, we have provided the attached information on each one.) We have refined our list, pulling off 3 of them below for the reasons noted:

1. Building Code Board of Appeals: operates as part of the Zoning Board of Appeals, once considered for elimination, but the City Attorney noted that we're required to maintain a separate Zoning Board of Appeals.
2. Committee on Youth: concerns were raised by members of the Council, and we recommend setting this one aside for further review and consideration.
3. Historic Preservation Committee: concerns have been raised about official roles already given to this committee on grants, historic districts, etc., and how eliminating HPC may affect current projects and activities. As with the Committee on Youth, we recommend setting this one aside for further review and consideration.

## **Revised proposal**

The attached ordinance presented for first reading would eliminate the following 3 boards and committees, since the Council did not appear to have any questions or concerns:

- Electrical Board – assigning its duties to Board of Public Works
- Industrial Park Authority – assigning its duties to Economic Development Board
- Committee on Health – assigning its duties to Council, keeping a "Health Officer" to provide guidance and direction on an "as needed" basis

Staff also suggests eliminating the code requirement that the Public Works Director must be a voting member of the Plan Commission, and to instead add another citizen member, but keep the Public Works Director as the Commission secretary.

## **Recommendation**

Staff recommends that the Council conduct the first reading of Ordinance No. 1274 (copy attached), and direct staff to continue evaluating possible elimination of both the Historic Preservation Committee and the Committee on Youth.

### **Sec. 2-101. Industrial park authority.**

(1) *Management.* The industrial park authority shall take charge, manage and supervise the operation of the city-owned industrial park districts under the general control and supervision of the council. The authority shall consist of five members as follows: the mayor, who shall be its presiding officer; the director of public works; an alderperson; and two citizen members, who shall be persons of recognized experience and qualification. The alderperson member of the authority shall be elected by a two-thirds vote of the council upon creation of the authority and during each April thereafter. The two citizen members shall be appointed by the mayor for a term of two years in alternate years. The city's director of planning and economic development will serve as an ex officio member in an advisory capacity only.

(2) *Organization and operation.* The members shall choose, from among their own number, a vice-chairman, a secretary and other such officers as in their judgment are necessary. The authority shall employ experts and such staff as may be necessary and pay for their services. They shall make rules for all their proceedings and for the government of the authority. The authority shall meet as often as is necessary to carry out its duties.

(3) *Powers.* The authority shall have such general powers in the construction, extension, improvement and operation of the industrial park districts as may be designated by the council and until such time shall have the power to:

- (a) Conduct surveys;
- (b) Purchase options upon real estate;
- (c) Give options upon real estate located in the city-owned industrial parks subject to the confirmation of the council;
- (d) Establish certain rules, conditions and controls on the sale and use of real estate subject to the confirmation of the council;
- (e) Make recommendations to the council;
- (f) Use the funds set aside in the fund designated "industrial park fund."

(4) *Purchase of real estate.* All acquisitions of real estate shall be in the name of the city and shall not be made without the approval of the council.

(5) *Finances.* The authority shall have the power to incur expenditures within its annual budget as set by the council. All expenditures from the budget shall only be made upon approval of the expenditures by a majority of the authority and submitted to the finance director with the voucher for payment of same.

### **Sec. 17-36. Board of electrical examiners.**

(1) *Composition.* The board of electrical examiners shall consist of seven members as follows:

- (a) One electrical contractor or master electrician.
- (b) Three electricians.
- (c) One alderperson.
- (d) One citizen member.
- (e) One employee from the electric department of the Marshfield Utilities.

(2) *Appointment.* The electrical inspector shall act as secretary for the electrical board without any vote. All members of the board shall be appointed by the mayor, subject to the confirmation of the council, at the

organizational meeting of the council in each year, and shall hold office for three years, commencing May 1. The electrical contractor/master electrician member and the electrician members shall, if possible, be rotated each year from those electrical contracting firms or businesses that perform electrical work within the city.

(3) *Qualifications.* All members of the board of electrical examiners excepting the citizen member and the alderperson shall be qualified in accordance with the requirements governing their classification before their appointment and confirmation by the council.

(4) *Vacancy.* Vacancies on the board of electrical examiners shall be filled by appointment by the mayor and shall be confirmed by the council.

(5) *Quorum.* Four members of the board shall constitute a quorum for the transaction of business. ,

(6) *Meetings.* The board of electrical examiners shall meet at least quarterly for the consideration of applications and any other business coming before the board.

(7) *Role.* The role of the board of electrical examiners shall be to review the municipal electrical code in order to keep it up to date with changes in technology or the state electrical code; act in an advisory role to the electrical inspector; be an informational conduit to the electrical contractors, the general public, and the council; and recommend electrical permit fees, subject to approval by the council.

**Sec 3-66 (9). *Committee on health.*** Membership, jurisdiction and powers of the committee on health shall be as follows: a. *Membership.* This committee shall be composed of four members appointed by the mayor, subject to approval of the council, three of whom shall be alderpersons. The fourth member shall be an expert on health issues and shall be an ex officio, nonvoting member of the committee.

b. *Jurisdiction, power.* The committee shall be responsible for formulating policies and general regulations regarding the preservation of the health of the citizens of Marshfield.

**Sec 3-66 (10). *Committee on Youth.*** This Committee shall be composed of 25 voting members appointed by the Mayor and confirmed by the Council. Two representatives of each class, grades 7 through 12, from each middle and high school shall be appointed to a one year term commencing September 15th of each year. One alderman shall be appointed to a one (1) year term commencing May 1st of each year. The Committee shall:

a. Encourage youth participation and leadership through volunteerism and community involvement.

b. Conduct surveys to determine input from youth in the community regarding areas of interest and other needs of youth.

c. Listen, clarify, and prioritize the needs of young people in Marshfield and make plans to respond to those needs in a comprehensive and effective manner.

d. Identify concerns and issues of special importance and communicate those issues by making recommendations to the Mayor and the City Council on matters affecting youth in the community.

e. Explore avenues to promote mutual understanding, respect and community involvement amongst youth of all cultures and backgrounds.

f. Educate the community on youth issues, programs and activities, and enhance the positive image of youth in the community.

g. Promote programs, activities and other resources available to youth in the community.

- i. Assist in planning, recommending and implementing youth activities.
- j. Further enhance the line of communication between youth, youth serving agencies, organized recreation programs and adults in the community.

Student committee members shall be selected based upon recommendations from staff at Marshfield Senior High School and Columbus High School.

A youth committee member may be re-appointment from year to year if interested. There is no limit to the number of terms an individual may serve.

The Committee will elect a Chairman, Vice Chairman, and Secretary at the October meeting.

Action taken and recommendations made by the Committee on Youth will be subject to the approval of the Common Council.

### **Section 18-141: Historic Preservation Committee**

Composition of the Historic Preservation Committee shall be as follows:

(1) Composition and Qualifications.

(a) A Historic Preservation Committee is hereby created, consisting of 7 members. Of the membership, one shall be a registered architect or an individual with building design background; one shall be a historian or an individual with historical background; one shall be a member of the Plan Commission; 3 shall be citizen members, and one shall be an alderperson. Each member shall have, to the highest extent practicable, a demonstrated interest or background in historic preservation. The City Director of Planning and Economic Development shall serve as ex officio member. The mayor shall appoint the Committee subject to confirmation by the Council. Of the initial members so appointed, 2 shall serve a term of one year, 2 shall serve a term of 2 years, and 3 shall serve a term of 3 years. Thereafter, the term for each member shall be 3 years except for the alderperson, whose term shall be limited to one year.

(b) Training. In order to ensure continued Historic Preservation Committee expertise and credibility, the Committee shall designate at least one meeting each year for training to be provided by a recognized specialist in historic preservation.

(2) Powers and Duties. The Historic Preservation Committee shall have the following powers and duties:

(a) To develop appropriate criteria and standards for identifying and evaluating historic structures, sites and districts.

(b) To collect necessary data, including photographs, drawings, descriptions, recorded interviews and written documentation, and to survey and permanently record the origin, development, use and historical significance of structures, sites and districts.

(c) To recommend the designation of historical structures, sites and districts within the City limits. Such historic structures, sites and districts shall be subject to all the provisions of this Article.

h. Promote core values of: Inclusion, Engagement, Empowerment, Leadership and Teamwork amongst Committee participants.

(d) To cooperate with federal, state and local agencies in the nomination of locally designated historic structures, sites and districts to the National Register of Historic Places.

(e) To recommend legislation and programs which provide economic incentives for historic preservation.

(f) To review certificates of appropriateness and to adopt policies and procedures for this function.

(g) To recommend appropriate markers or plaques for historic structures, sites and districts.

(h) To receive and solicit gifts and contributions for historic preservation in the City, to be placed in a special account.

(i) To promote among the citizens of Marshfield continuing public awareness and support for the heritage of the City, as exemplified by its historic structures, sites and districts

**ORDINANCE NO. 1274**

An Ordinance repealing, Section 2 – 100 and Section 17-36, Board of Electrical examiners, 2-101, Industrial Park Authority, 3-66(9) Committee on Health, and amending Section 2-99, Plan Commission of the City of Marshfield Municipal Code

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1, Section 2-99(2), Plan Commission, of the Marshfield Municipal Code is hereby amended as follows:

(2) *Composition.* The city plan commission is established pursuant to § 62.23(1) Wis. Stats. And shall consist of seven members. All members of the commission shall be appointed by the mayor, who shall also choose the presiding officer. The mayor may appoint himself or herself to the commission and may appoint other city elected or appointed officials, except that the commission shall always have at least ~~three~~ four citizen members who are not city officials. Citizen members shall be persons of recognized experience and qualifications. The director of public works ~~shall be a member of the commission or his designee shall act as a nonvoting secretary and shall act as secretary~~ of the commission. The members of the commission shall be appointed to hold office for a period of three years. Appointments shall be made by the mayor during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term. Citizen members shall take the official oath required by § 19.01 Wis. Stats. which shall be filed with the city clerk.

SECTION 2. Section 2-100, Board of Electrical Examiners, of the Marshfield Municipal Code is hereby repealed.

SECTION 3. Section 2-101, Industrial Park Authority, of the Marshfield Municipal Code is hereby repealed.

SECTION 4. Section 3-66(9), Committee on Health, of the Marshfield Municipal Code is hereby repealed.

SECTION 5. Section 17-36, Board of Electrical Examiners, of the Marshfield Municipal Code is hereby repealed.

SECTION 6. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 7. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 8. This ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: \_\_\_\_\_

Chris L. Meyer, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

Deb M. Hall, City Clerk

**ORDINANCE NO. 1279**

An Ordinance repealing and re-enacting Chapter 25 of the City of Marshfield Municipal Code pertaining to Construction Site Erosion Control.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Section 25 of the Marshfield Municipal Code is hereby repealed and re-enacted to read as follows:

**Chapter 25**

**CONSTRUCTION SITE EROSION CONTROL**

**Article I. Construction Site Erosion Control**

- Sec. 25-01 Authority
- Sec. 25-02 Findings of Fact
- Sec. 25-03 Purpose
- Sec. 25-04 Applicability and Jurisdiction
- Sec. 25-05 Definitions
- Sec. 25-06 Technical Standards
- Sec. 25-07 Performance Standards for Construction Sites Under One Acre
- Sec. 25-08 Performance Standards for Construction Sites of One Acre or More
- Sec. 25-09 Permitting Requirements, Procedures and Fees
- Sec. 25-10 Erosion and Sediment Control Plan, Statement and Amendments
- Sec. 25-11 Fee Schedule
- Sec. 25-12 Inspection
- Sec. 25-13 Enforcement
- Sec. 25-14 Appeals

**Article II. Post-Construction Storm Water Management**

- Sec. 25-21 Authority
- Sec. 25-22 Findings of Fact
- Sec. 25-23 Purpose and Intent
- Sec. 25-24 Applicability and Jurisdiction
- Sec. 25-25 Definitions
- Sec. 25-26 Technical Standards
- Sec. 25-27 Performance Standards
- Sec. 25-28 Permitting Requirements, Procedures and Fees
- Sec. 25-29 Storm Water Management Plan
- Sec. 25-30 Maintenance Agreement
- Sec. 25-31 Financial Guarantee
- Sec. 25-32 Fee Schedule
- Sec. 25-33 Enforcement
- Sec. 25-34 Appeals
- Sec. 25-35 Severability
- Sec. 25-36 Effective Date

## **CONSTRUCTION SITE EROSION CONTROL**

### **Article I. Construction Site Erosion Control**

#### **Sec. 25-01. AUTHORITY.**

(1) This ordinance is adopted under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in s. 62.234 Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Common Council hereby designates the Director of Public Works or his designee to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

(a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.

(b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

#### **Sec. 25-02. FINDINGS OF FACT.**

The Common Council finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in City of Marshfield.

#### **Sec. 25-03. PURPOSE.**

It is the purpose of this ordinance to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the City of Marshfield.

#### **Sec. 25-04. APPLICABILITY AND JURISDICTION.**

(1) **APPLICABILITY.**

(a) This ordinance applies to the following land disturbing construction activities except as provided under sub. (b):

1. Construction sites for which the Wisconsin Department of Natural Resources received a notice of intent in accordance with subch. III of ch. NR 216 on or after [reviser replace with date of adoption].
2. Construction sites for which a bid has been advertised or construction contract signed for which no bid was advertised, on or after [reviser replace with date of adoption]. ..

(b) This ordinance does not apply to the following:

1. A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.
2. Nonpoint discharges from agricultural facilities and practices.
3. Nonpoint discharges from silviculture activities.
4. Routine maintenance for project sites under 5 acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to construction sites of any size that, in the opinion of the Director of Public Works or his designee, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

## (2) JURISDICTION.

This ordinance applies to land disturbing construction activity on construction sites located within the boundaries and jurisdiction of the City of Marshfield.

## (3) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

**Sec. 25-05. DEFINITIONS.**

- (1) “Administering authority” means a governmental employee, or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.
- (2) “Agricultural facilities and practices ” has the meaning in s. 281.16(1), Wis. Stats.
- (3) “Average annual rainfall” means a typical calendar year of precipitation as determined by the department for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.
- (4) "Best management practice" or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (5) “Business day” means a day the office of the Director of Public Works or his designee is routinely and customarily open for business.
- (6) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (7) “Construction site” means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a 20-year transportation improvement plan, is not a common plan of development.
- (8) “Division of land” means the creation from one parcel, two or more parcels regardless of size where such creation occurs at one time or through the successive partition within a 5 year period.
- (9) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
- (10) “Erosion and sediment control plan” means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction 25-09.
- (11) “Extraterritorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (12) “Final stabilization” means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been

established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

(13) “Governing body” means Common Council of the City of Marshfield.

(14) “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(15) “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

(16) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(17) “Permit” means a written authorization made by the Director of Public Works or his designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(18) “Permit administration fee” means a sum of money paid to the Director of Public Works or his designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

(19) “Pollutant” has the meaning given in s. 283.01 (13), Wis. Stats.

(20) “Pollution” has the meaning given in s. 281.01 (10), Wis. Stats.

(21) “Responsible party” means any entity holding fee title to the property or performing services to meet the performance standards of this ordinance through a contract or other agreement.

(22) “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(23) “Sediment” means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

(24) “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm

drains, which meets all of the following criteria:

- (a) Is designed or used for collecting water or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.
- (d) Discharges directly or indirectly to waters of the state.

(25) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

(26) “Stop work order” means an order issued by the Director of Public Works or his designee which requires that all construction activity on the site be stopped.

(27) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(28) “Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

(29) “Waters of the state” has the meaning given in s. 283.01 (20), Wis. Stats.

#### **Sec. 25-06. TECHNICAL STANDARDS.**

(1) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS. All BMPs required to comply with this ordinance shall meet the design criteria, standards and specifications based on any of the following:

(a) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(b) For this ordinance, soil loss is calculated using the appropriate rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance. The following year and location has been selected as average annual rainfall: Green Bay, WI, 1969 (Mar 29 – Nov 25).

(2) OTHER STANDARDS. Other technical standards not identified or developed in sub. (1), may be used provided that the methods have been approved by the Director of Public Works or his designee.

**Sec. 25-07. PERFORMANCE STANDARDS FOR CONSTRUCTION SITES UNDER AN ACRE**

(1) **RESPONSIBLE PARTY.** The landowner of the construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain construction site BMPs is the responsible party and shall comply with this section.

(2) **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.**

(a) **EROSION AND SEDIMENT CONTROL PRACTICES.** Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

1. The deposition of soil from being tracked onto streets by vehicles.
2. The discharge of sediment from disturbed areas into on-site storm water inlets.
3. The discharge of sediment from disturbed areas into adjacent waters of the state.
4. The discharge of sediment from drainage ways that flow off the site.
5. The discharge of sediment by dewatering activities.
6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
7. The discharge of sediment from erosive flows at outlets and in downstream channels.
8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

(3) **LOCATION.** The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

(4) **IMPLEMENTATION.** The BMPs used to comply with this section shall be implemented as follows:

- (a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.
- (b) Erosion and sediment control practices shall be maintained until final stabilization.
- (c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding 14 calendar days.

(e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

**Sec. 25-08. PERFORMANCE STANDARDS FOR CONSTRUCTION SITES OF ONE ACRE OR MORE**

(1) RESPONSIBLE PARTY. The responsible party shall implement an erosion and sediment control plan, developed in accordance with Sec. 25-10 that incorporates the requirements of this section.

(2) PLAN. A written plan shall be developed in accordance with Sec. 25-10 and implemented for each construction site.

(3) EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS. The plan required under sub. (2) shall include the following:

(a) EROSION AND SEDIMENT CONTROL PRACTICES. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

1. The deposition of soil from being tracked onto streets by vehicles.
2. The discharge of sediment from disturbed areas into on-site storm water inlets.
3. The discharge of sediment from disturbed areas into adjacent waters of the state.
4. The discharge of sediment from drainage ways that flow off the site.
5. The discharge of sediment by dewatering activities.
6. The discharge of sediment eroding from soil stockpiles existing for more than 7 days.
7. The discharge of sediment from erosive flows at outlets and in downstream channels.
8. The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

9. The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(b) **SEDIMENT PERFORMANCE STANDARDS.** In addition to the erosion and sediment control practices under par. (a), the following erosion and sediment control practices shall be employed:

1. BMPs that, by design, discharge no more than 5 tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.

2. No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

3. Notwithstanding subd. 1), if BMPs cannot be designed and implemented to meet the sediment performance standard, the plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) **PREVENTIVE MEASURES.** The plan shall incorporate all of the following:

1. Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

2. Minimization of soil compaction and preservation of topsoil.

3. Minimization of land disturbing construction activity on slopes of 20% or more.

4. Development of spill prevention and response procedures.

(4) **LOCATION.** The BMPs used to comply with this section shall be located prior to runoff entering waters of the state.

(5) **ALTERNATE REQUIREMENTS.** The Director of Public Works or his designee may establish storm water management requirements more stringent than those set forth in this section if the Director of Public Works or his designee determines that an added level of protection is needed for sensitive resources.

**Sec. 25-09. PERMITTING REQUIREMENTS, PROCEDURES AND FEES.**

(1) **PERMIT REQUIRED.** No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Director of Public Works or his designee.

(2) **PERMIT APPLICATION AND FEES.** At least one responsible party desiring to undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of Sec. 25-09 and shall pay a non-refundable application fee as set by the Board of Public Works to the Director of Public Works or his designee. By submitting an application, the applicant is authorizing the Director of Public Works or his designee to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Director of Public Works or his designee shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(a) Within twenty (20) business days of the receipt of a complete permit application, as required by sub. (2), the Director of Public Works or his designee shall inform the applicant whether the application and plan are approved or disapproved based on the requirements of this ordinance.

(b) If the permit application and plan are approved, the Director of Public Works or his designee shall issue the permit.

(c) If the permit application or plan is disapproved, the Director of Public Works or his designee shall state in writing the reasons for disapproval.

(d) The Director of Public Works or his designee may request additional information from the applicant. If additional information is submitted, the Director of Public Works or his designee shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

(e) Failure by the Director of Public Works or his designee to inform the permit applicant of a decision within thirty five (35) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(4) **SURETY BOND.** As a condition of approval and issuance of the permit, the Director of Public Works or his designee may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion control plan and any permit conditions.

- (5) PERMIT REQUIREMENTS. All permits shall require the responsible party to:
- (a) Notify the Director of Public Works or his designee within 48 hours of commencing any land disturbing construction activity.
  - (b) Notify the Director of Public Works or his designee of completion of any BMPs within 14 days after their installation.
  - (c) Obtain permission in writing from the Director of Public Works or his designee prior to any modification pursuant to Sec. 25-10(3) of the erosion and sediment control plan.
  - (d) Install all BMPs as identified in the approved erosion and sediment control plan.
  - (e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.
  - (f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log.
  - (g) Inspect the BMPs within 24 hours after each rain of 0.5 inches or more which results in runoff during active construction periods, and at least once each week, make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.
  - (h) Allow the Director of Public Works or his designee to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site.
- (6) PERMIT CONDITIONS. Permits issued under this section may include conditions established by Director of Public Works or his designee in addition to the requirements set forth in sub. (5), where needed to assure compliance with the performance standards in Sec. 25-07 or Sec. 25-08.
- (7) PERMIT DURATION. Permits issued under this section shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Director of Public Works or his designee may extend the period one or more times for up to an additional 180 days. The Director of Public Works or his designee may require additional BMPs as a condition of the extension if they are necessary to meet the requirements of this ordinance.
- (8) MAINTENANCE. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

**Sec. 25-10 EROSION AND SEDIMENT CONTROL PLAN, STATEMENT, AND AMENDMENTS.**

(1) EROSION AND SEDIMENT CONTROL PLAN.

(a) An erosion and sediment control plan shall be prepared and submitted to the Director of Public Works or his designee.

(b) The erosion and sediment control plan shall be designed to meet the performance standards in Sec. 25-07, Sec. 25-08 and other requirements of this ordinance.

(c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:

1. The name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.
2. Description of the site and the nature of the construction activity.
3. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
4. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
5. Calculations to show compliance with the required performance standards.
6. Existing data describing the surface soil as well as subsoils.
7. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.
8. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic maps.

(d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than 100 feet per inch and at a contour interval not to exceed five feet.

1. Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified 100-year flood plains, flood fringes and floodways shall also be shown.
2. Boundaries of the construction site.
3. Drainage patterns and approximate slopes anticipated after major grading activities.
4. Areas of soil disturbance.
5. Location of major structural and non-structural controls identified in the plan.
6. Location of areas where stabilization practices will be employed.
7. Areas which will be vegetated following construction.
8. Area and location of wetland acreage on the construction site and locations where storm water is discharged to a surface water or wetland within one-quarter mile downstream of the construction site.

(e) Each erosion and sediment control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity and the timing during the construction process that the measures will be implemented. The description of erosion controls shall include, when appropriate, the following minimum requirements:

1. Description of interim and permanent stabilization practices, including a practice implementation schedule. The erosion control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.
2. Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Director of Public Works or his designee, structural measures shall be installed on upland soils.
3. Management of overland flow at all sites, unless otherwise controlled by outfall controls.
4. Trapping of sediment in channelized flow.
5. Staging construction to limit bare areas subject to erosion.

6. Protection of downslope drainage inlets where they occur.
7. Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.
8. Clean up of off-site sediment deposits.
9. Proper disposal of building and waste material.
10. Stabilization of drainage ways.
11. Control of soil erosion from dirt stockpiles.
12. Installation of permanent stabilization practices as soon as possible after final grading.
13. Minimization of dust to the maximum extent practicable.

(f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(2) EROSION AND SEDIMENT CONTROL PLAN STATEMENT. For each construction site identified under Sec. 25-04 (1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Director of Public Works or his designee. The control plan statement shall briefly describe the site, including a site map. Further, it shall also include the best management practices that will be used to meet the requirements of the ordinance, including the site development schedule.

(3) AMENDMENTS. The applicant shall amend the plan if any of the following occur:

(a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the state and which has not otherwise been addressed in the plan.

(b) The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff.

(c) The Director of Public Works or his designee notifies the applicant of changes needed in the plan.

**Sec. 25-11 FEE SCHEDULE.**

The fees referred to in other sections of this ordinance shall be established by the Board of Public Works on an Annual Basis. A schedule of the fees established by the Board of Public Works shall be available for review in the office of the City Engineer.

**Sec. 25-12 INSPECTION.**

If land disturbing construction activities are being carried out without a permit required by this ordinance, the Director of Public Works or his designee may enter the land pursuant to the provisions of ss. 66.0119(1), (2), and (3), Wis. Stats.

**Sec. 25-13 ENFORCEMENT.**

(1) The Director of Public Works or his designee may post a stop-work order if any of the following occurs:

- (a) Any land disturbing construction activity regulated under this ordinance is being undertaken without a permit.
- (b) The erosion and sediment control plan is not being implemented in a good faith manner.
- (c) The conditions of the permit are not being met.

(2) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Director of Public Works or his designee may revoke the permit.

(3) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Director of Public Works or his designee, or if a responsible party violates a stop-work order posted under sub. (1), the Director of Public Works or his designee may request the City attorney to obtain a cease and desist order in any court with jurisdiction.

(4) After posting a stop-work order under sub. (1), the Director of Public Works or his designee may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Director of Public Works or his designee may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Director of Public Works or his designee, plus interest at the rate authorized by Common Council shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

(5) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of billable damages plus a penalty as provided by Sec. 1-05 of the City of Marshfield Municipal

Code, together with the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(6) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

#### **Sec. 25-14. APPEALS.**

(1) Zoning Board of Appeals.

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works or his designee in administering this ordinance except for cease and desist orders obtained under Sec. 25-12 (3).

(b) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) WHO MAY APPEAL. Appeals to the Zoning Board of Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Marshfield affected by any decision of the Director of Public Works or his designee.

### **POST-CONSTRUCTION STORM WATER MANAGEMENT**

#### **Article II. Post-Construction Storm Water Management**

#### **Sec. 25-21. AUTHORITY.**

(1) This ordinance is adopted by the Common Council under the authority granted by s. 62.234, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 62.23, Wis. Stats., that relate to storm water management regulations. Except as otherwise specified in s. 62.234, Wis. Stats., s. 62.23, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Common Council hereby designates the Director of Public Works or his designee to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent storm water management requirements that may be imposed by any of the following:

(a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under ss. 281.16 and 283.33, Wis. Stats.

(b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under s. NR 151.004, Wis. Adm. Code.

**Sec. 25-22. FINDINGS OF FACT.**

The Common Council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

(1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(4) Reduce the quality of groundwater by increasing pollutant loading.

(5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.

(6) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.

(7) Undermine floodplain management efforts by increasing the incidence and levels of flooding.

**Sec. 25-23. PURPOSE AND INTENT.**

(1) PURPOSE. The general purpose of this ordinance is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

(a) Further the maintenance of safe and healthful conditions.

(b) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

(c) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(2) INTENT. It is the intent of the City of Marshfield that this ordinance regulates post-construction storm water discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The City of Marshfield recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under s. 281.16, Wis. Stats., for regional storm water management measures and have been approved by the Common Council, it is the intent of this ordinance that the approved plan be used to identify post-construction management measures acceptable for the community.

#### **Sec. 25-24. APPLICABILITY AND JURISDICTION.**

##### **(1) APPLICABILITY.**

(a) Where not otherwise limited by law, this ordinance applies after final stabilization to a site of land disturbing construction activity meeting any of the criteria in this paragraph, unless the site is otherwise exempt under paragraph (b).

1. A post construction site that had 1 or more acres of land disturbing construction activity.

(b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance.

1. A post-construction site with less than 10% connected imperviousness based on complete development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than one acre.

2. Nonpoint discharges from agricultural facilities and practices.

3. Underground utility construction but not including the construction of any above ground structures associated with utility construction.

(c) Notwithstanding the applicability requirements in paragraph (a), this ordinance applies to post-construction sites of any size that, in the opinion of the Director of Public Works or his designee, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter or that endangers property or public safety.

(2) JURISDICTION.

This ordinance applies to post construction sites within the boundaries and jurisdiction of the City of Marshfield.

(3) EXCLUSIONS.

This ordinance is not applicable to activities conducted by a state agency, as defined under s. 227.01 (1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2), Wis. Stats.

**Sec. 25-25. DEFINITIONS.**

(1) “Administering authority” means a governmental employee, or a regional planning commission empowered under s. 62.234, Wis. Stats., that is designated by the Common Council to administer this ordinance.

(2) “Agricultural facilities and practices” has the meaning given in s. 281.16, Wis. Stats.

(3) “Average annual rainfall” means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as SLAMM, P8, or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

(4) “Best management practice” or “BMP” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

(5) “Business day” means a day the office of the Director of Public Works or his designee is routinely and customarily open for business.

(6) “Cease and desist order” means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.

(7) “Combined sewer system” means a system for conveying both sanitary sewage and storm water runoff.

(8) “Connected imperviousness” means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious flow path, or a minimally pervious flow path.

- (9) “Design storm” means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall.
- (10) “Development” means residential, commercial, industrial or institutional land uses and associated roads.
- (11) “Division of land” means the creation from one parcel of two or more parcels or building sites of two or fewer acres each in area where such creation occurs at one time or through the successive partition within a 5 year period.
- (12) “Effective infiltration area” means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.
- (13) “Erosion” means the process by which the land’s surface is worn away by the action of wind, water, ice or gravity.
- (14) "Exceptional resource waters" means waters listed in s. NR 102.11, Wis. Adm. Code.
- (15) “Extraterritorial” means the unincorporated area within 3 miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.
- (16) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform, perennial, vegetative cover has been established, with a density of at least 70% of the cover, for the unpaved areas and areas not covered by permanent structures, or employment of equivalent permanent stabilization measures.
- (17) “Financial guarantee” means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Director of Public Works or his designee by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.
- (18) “Governing body” means Common Council of the City of Marshfield.
- (19) “Impervious surface” means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.
- (20) “In-fill area” means an undeveloped area of land located within existing development.
- (21) “Infiltration” means the entry of precipitation or runoff into or through the soil.
- (22) “Infiltration system” means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

(23) “Karst feature” means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

(24) “Land disturbing construction activity” means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(25) “Maintenance agreement” means a legal document that provides for long-term maintenance of storm water management practices.

(26) “MEP” or “maximum extent practicable” means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

(27) “New development” means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(28) “Off-site” means located outside the property boundary described in the permit application.

(29) “On-site” means located within the property boundary described in the permit application.

(30) "Ordinary high-water mark" has the meaning given in s. NR 115.03(6), Wis. Adm. Code.

(31) “Outstanding resource waters” means waters listed in s. NR 102.10, Wis. Adm. Code.

(32) “Percent fines” means the percentage of a given sample of soil, which passes through a # 200 sieve.

(33) “Performance standard” means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(34) “Permit” means a written authorization made by the Director of Public Works or his designee to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(35) “Permit administration fee” means a sum of money paid to the Director of Public Works or his designee by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

(36) “Pervious surface” means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

(37) “Pollutant” has the meaning given in s. 283.01(13), Wis. Stats.

(38) “Pollution” has the meaning given in s. 281.01(10), Wis. Stats.

(39) “Post-construction site” means a construction site following the completion of land disturbing construction activity and final site stabilization.

(40) “Pre-development condition” means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(41) “Preventive action limit” has the meaning given in s. NR 140.05(17), Wis. Adm. Code.

(42) “Redevelopment” means areas where development is replacing older development.

(43) “Responsible party” means any entity holding fee title to the property or other person contracted or obligated by other agreement to implement and maintain post-construction storm water BMPs.

(44) “Runoff” means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(45) “Separate storm sewer” means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

(a) Is designed or used for collecting water or conveying runoff.

(b) Is not part of a combined sewer system.

(c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

(d) Discharges directly or indirectly to waters of the state.

(46) “Site” means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

(47) “Stop work order” means an order issued by the Director of Public Works or his designee which requires that all construction activity on the site be stopped.

(48) “Storm water management plan” means a comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization

following completion of the construction activity.

(49) “Storm water management system plan” is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

(50) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(51) “Top of the channel” means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12% continually for at least 50 feet. If the slope of the land is 12% or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

(52) “TR-55” means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986.

(53) “Type II distribution” means a rainfall type curve as established in the “United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published 1973”. The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

(54) “Waters of the state” has the meaning given in s. 283.01 (20), Wis. Stats.

#### **Sec. 25-26. TECHNICAL STANDARDS.**

The following methods shall be used in designing the water quality, peak flow shaving and infiltration components of storm water practices needed to meet the water quality standards of this ordinance:

(1) Technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards may be used provided that the methods have been approved by the Director of Public Works or his designee.

(3) In this ordinance, the following year and location has been selected as average annual rainfall: Green Bay, 1969 (Mar. 29-Nov. 25).

#### **Sec. 25-27. PERFORMANCE STANDARDS.**

(1) RESPONSIBLE PARTY. The landowner of the post-construction site or other person contracted or obligated by other agreement with the landowner to implement and maintain post-construction storm water BMPs is the responsible party and shall comply with this ordinance.

(2) PLAN. A written storm water management plan in accordance with Sec. 25-29 shall be developed and implemented for each post-construction site.

(3) REQUIREMENTS. The plan required under sub. (2) shall include the following:

(a) TOTAL SUSPENDED SOLIDS. BMPs shall be designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

1. BMPs shall be designed in accordance with Table 1., or to the maximum extent practicable as provided in sub. (3). The design shall be based on an average annual rainfall, as compared to no runoff management controls.

<b>Table 1. TSS Reduction Standards</b>	
<b>Development Type</b>	<b>TSS Reduction</b>
New Development	80 percent
In-fill development	80 percent
Redevelopment	40 percent of load from parking areas and roads

2. MAXIMUM EXTENT PRACTICABLE. If the design cannot meet a total suspended solids reduction performance standard of Table 1., the storm water management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable. No person shall be required to exceed the applicable total suspended solids reduction performance standard to meet the requirements of maximum extent practicable.

3. OFF-SITE DRAINAGE. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(b) PEAK DISCHARGE.

1. By design, BMPs shall be employed to maintain or reduce the 1-year, 24-hour , 2-year, 24-hour, 10-year, 24-hour, 25-year, 24-hour, 50-year, 24-hour and the 100-year, 24-hour post-construction peak runoff discharge rates to the 1-year, 24-hour , 2-year, 24-hour, 10-year, 24-hour, 25-year, 24-hour, 50-year, 24-hour and the 100-year, 24-hour pre-development peak runoff discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2. Shall be used to represent the actual pre-development conditions

Table 2 – Maximum Pre-Development Runoff Curve Numbers

Pre-development condition	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

2. This subsection of the ordinance does not apply to any of the following:

- a. A post-construction site where the discharge is directly into a lake over 5,000 acres or a stream or river segment draining more than 500 square miles.
- b. A redevelopment post-construction site.
- c. An in-fill development area less than 5 acres.

(c) INFILTRATION.

1. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:

- a. *Low imperviousness.* For development up to 40 percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 90 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one percent of the post-construction site is required as an effective infiltration area.
- b. *Moderate imperviousness.* For development with more than 40 percent and up to 80 percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 75 percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than 1 percent of the post-construction site is required as an effective infiltration area.
- c. *High imperviousness.* For development with more than 80 percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least 60 percent of the pre-development infiltration volume, based on an average annual rainfall. However,

when designing appropriate infiltration systems to meet this requirement, no more than 2 percent of the post-construction site is required as an effective infiltration area.

2. Pre-development. Pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.

3. Source areas.

*a.Prohibitions.* Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions of Wisconsin Department of Natural Resources groundwater standards in NR151.124(6):

i. Areas associated with a tier 1 industrial facility identified in s. NR 216.21(2)(a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.

ii. Storage and loading areas of a tier 2 industrial facility identified in s. NR 215.21(2)(b).

iii. Fueling and vehicle maintenance areas. Rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.

*b.Exemptions.* Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:

i. Parking areas and access roads less than 5,000 square feet for commercial development.

ii. Parking areas and access roads less than 5,000 square feet for industrial development not subject to the Prohibitions under par a. of this ordinance.

iii. In-fill development areas less than 5 acres

iv. Roads on commercial, industrial and institutional land uses, and arterial residential roads.

4. Location of Practices.

a. *Prohibitions.* Infiltration practices may not be located in the following areas:

i. Areas within 1000 feet upgradient or within 100 feet downgradient of direct conduits to groundwater.

- ii. Areas within 400 feet of a community water system well as specified in s. NR 811.16(4) or within the separation distances listed in s. NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.
- iii. Areas where contaminants of concern, as defined in s. NR 720.03(2), are present in the soil through which infiltration will occur.

b. *Separation distances.*

- i. Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 3:

Table 3. Separation Distances and Soil Characteristics		
Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer
Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	
All Other Impervious Source Areas	3 feet or more	Filtering Layer

- ii. Notwithstanding par. b., applicable requirements for injection wells classified under ch. NR 815 shall be followed.

c. *Infiltration rate exemptions.* Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:

- i. Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.
- ii. Where the least permeable soil horizon to 5 feet below the proposed bottom of the infiltration system using the U. S. Department of

Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

5. Alternate Use. Where alternate uses of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

6. Groundwater Standards.

a. Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

b. Notwithstanding par. a., the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

7. Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with sub. 6. Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

8. Maximum Extent Practicable. Where the conditions of subs. 3. and 4. limit or restrict the use of infiltration practices, the performance standard of s. NR 151.124 shall be met to the maximum extent practicable.

#### (d) PROTECTIVE AREAS

1. Definition. In this section, “protective area” means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, “protective area’ does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.

a. For outstanding resource waters and exceptional resource waters, 75 feet.

b. For perennial and intermittent streams identified on a U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, 50 feet.

c. For lakes, 50 feet.

d. For wetlands not subject to par. e. or f., 50 feet.

e. For highly susceptible wetlands, 75 feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.

f. For less susceptible wetlands, 10 percent of the average wetland width, but no less than 10 feet nor more than 30 feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.

g. In pars. d. to f., determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in s. NR 103.03.

h. Wetland boundary delineation shall be made in accordance with current Wisconsin Department of Natural Resources procedures. This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

i. For concentrated flow channels with drainage areas greater than 130 acres, 10 feet.

j. Notwithstanding pars. a. to i., the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

2. Applicability. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to sub 4.

3. Requirements. The following requirements shall be met:

a. Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating

an impervious surface in the protective area, the storm water management plan shall contain a written, site-specific explanation.

b. Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of 70 percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.

c. Best management practice such as filter strips, swales, or wet detention ponds, that are designed to control pollutants from non-point sources, may be located in the protective area.

4. Exemptions. This section does not apply to any of the following:

a. In-fill development areas less than 5 acres.

b. Structures that cross or access surface water such as boat landings, bridges, and culverts.

c. Structures constructed in accordance with s. 59.692(1v), Stats.

d. Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

(e) **FUELING AND VEHICLE MAINTENANCE AREAS.** Fueling and vehicle maintenance areas shall have BMPs designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable

(f) **SWALE TREATMENT FOR TRANSPORTATION FACILITIES.**

1. Requirement. Except as provided in sub 2., transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:

a. Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

b. Swales shall comply with the Wisconsin Department of Natural Resources technical standard 1005 “Vegetated Infiltration Swales”, dated May 2007, or a superseding document.

2. Other requirements.

a. Notwithstanding sub 1., the Director of Public Works or his designee may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than 2,500 and where the initial surface water of the state that the runoff directly enters is an of the following:

i. An outstanding resource water.

ii. An exceptional resource water.

iii. Waters listed in section 303 (d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.

iv. Water where targeted performance standards are developed pursuant to s. NR 151.004.

b. The transportation facility authority shall contact the Director of Public Works or his designee to determine if additional BMPs beyond a water quality swale are needed under this subsection.

(4) GENERAL CONSIDERATIONS FOR ON-SITE AND OFF-SITE STORM WATER MANAGEMENT MEASURES. The following considerations shall be observed in managing runoff:

(a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the extent possible, to meet the requirements of this section.

(b) Emergency overland flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(5) LOCATION AND REGIONAL TREATMENT OPTION.

(a) The BMPs may be located on-site or off-site as part of a regional storm water device, practice or system.

(b) Post-construction runoff within a non-navigable surface water that flows into a BMP, such as a wet detention pond, is not required to meet the performance standards of this ordinance. Post-construction BMPs may be located in non-navigable surface waters.

(c) Except as allowed under par. (d), post-construction runoff from new development shall meet the post-construction performance standards prior to entering a navigable surface water.

(d) Post-construction runoff from any development within a navigable surface water that flows into a BMP is not required to meet the performance standards of this ordinance if:

1. The BMP was constructed prior to the effective date of this ordinance and the BMP either received a permit issued under ch. 30, Stats., or the BMP did not require a ch. 30, Wis. Stats., permit; and

2. The BMP is designed to provide runoff treatment from future upland development.

(e) Runoff from existing development, redevelopment and in-fill areas shall meet the post-construction performance standards in accordance with this paragraph.

1. To the maximum extent practicable, BMPs shall be located to treat runoff prior to discharge to navigable surface waters.

2. Post-construction BMPs for such runoff may be located in a navigable surface water if allowable under all other applicable federal, state and local regulations such as ch. NR 103, Wis. Adm. Code and ch. 30, Wis. Stats.

(f) The discharge of runoff from a BMP, such as a wet detention pond, or after a series of such BMPs is subject to this chapter.

(g) The Director of Public Works or his designee may approve off-site management measures provided that all of the following conditions are met:

1. The Director of Public Works or his designee determines that the post-construction runoff is covered by a storm water management system plan that is approved by the City of Marshfield and that contains management requirements consistent with the purpose and intent of this ordinance.

2. The off-site facility meets all of the following conditions:

- a. The facility is in place.

- b. The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

c. The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(h) Where a regional treatment option exists such that the Director of Public Works or his designee exempts the applicant from all or part of the minimum on-site storm water management requirements, the applicant shall be required to pay a fee in an amount determined in negotiation with the Director of Public Works or his designee. In determining the fee for post-construction runoff, the Director of Public Works or his designee shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(6) **ALTERNATE REQUIREMENTS.** The Director of Public Works or his designee may establish storm water management requirements more stringent than those set forth in this section if the Director of Public Works or his designee determines that an added level of protection is needed to protect sensitive resources.

(7) **MAINTENANCE OF EFFORT:** For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of NR 151 in effect on or after October 1, 2004, the responsible party shall maintain the existing level of control for TSS, infiltration and peak flow reduction, or meet the redevelopment standards of ss. NR 151.122 to 151.125, whichever is more stringent.

#### **Sec. 25-28. PERMITTING REQUIREMENTS, PROCEDURES AND FEES.**

(1) **PERMIT REQUIRED.** No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Director of Public Works or his designee prior to commencing the proposed activity.

(2) **PERMIT APPLICATION AND FEES.** Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Director of Public Works or his designee a permit application made on a form provided by the Director of Public Works or his designee for that purpose.

(a) Unless otherwise excepted by this ordinance, a permit application must be accompanied by a storm water management plan, a maintenance agreement and a non-refundable permit administration fee.

(b) The storm water management plan shall be prepared to meet the requirements of Sec.25-27 and 25-29, the maintenance agreement shall be prepared to meet the requirements of Sec.25-30, the financial guarantee shall meet the requirements of Sec.25-31, and fees shall be those established by the Common Council as set forth in Sec. 25-32.

(3) **REVIEW AND APPROVAL OF PERMIT APPLICATION.** The Director of Public Works or his designee shall review any permit application that is submitted with a storm water

management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(a) Within twenty (20) business days of the receipt of a complete permit application, including all items as required by sub. (2), the Director of Public Works or his designee shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

(b) If the storm water permit application, plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of storm water management practices is made, the Director of Public Works or his designee shall issue the permit.

(c) If the storm water permit application, plan or maintenance agreement is disapproved, the Director of Public Works or his designee shall detail in writing the reasons for disapproval.

(d) The Director of Public Works or his designee may request additional information from the applicant. If additional information is submitted, the Director of Public Works or his designee shall have ten (10) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

(e) Failure by the Director of Public Works or his designee to inform the permit applicant of a decision within thirty five (35) business days of a required submittal shall be deemed to mean approval of the submittal and the applicant may proceed as if a permit had been issued.

(4) **PERMIT REQUIREMENTS.** All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Director of Public Works or his designee may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Director of Public Works or his designee to suspend or revoke this permit may be appealed in accordance with Sec. 25-34.

(a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.

(b) The responsible party shall design and install all structural and non-structural storm water management measures in accordance with the approved storm water management plan and this permit.

(c) The responsible party shall notify the Director of Public Works or his designee at least three (3) business days before commencing any work in conjunction with the storm water management plan, and within three (3) business days upon completion of the storm water management practices. If required as a special condition under sub. (5), the responsible party shall make additional notification according to a schedule set forth by the Director of

Public Works or his designee so that practice installations can be inspected during construction.

(d) Practice installations required as part of this ordinance shall be certified "as built" by a licensed professional engineer. Completed storm water management practices must pass a final inspection by the Director of Public Works or his designee or its designee to determine if they are in accordance with the approved storm water management plan and ordinance. The Director of Public Works or his designee or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

(e) The responsible party shall notify the Director of Public Works or his designee of any significant modifications it intends to make to an approved storm water management plan. The Director of Public Works or his designee may require that the proposed modifications be submitted to it for approval prior to incorporation into the storm water management plan and execution by the responsible party.

(f) The responsible party shall maintain all storm water management practices in accordance with the storm water management plan until the practices either become the responsibility of the Common Council, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(g) The responsible party authorizes the Director of Public Works or his designee to perform any work or operations necessary to bring storm water management measures into conformance with the approved storm water management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wis. Stats., or to charging such costs against the financial guarantee posted under Sec. 25-31.

(h) If so directed by the Director of Public Works or his designee, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved storm water management plan.

(i) The responsible party shall permit property access to the Director of Public Works or his designee or its designee for the purpose of inspecting the property for compliance with the approved storm water management plan and this permit.

(j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Director of Public Works or his designee may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

(k) The responsible party is subject to the enforcement actions and penalties detailed in Sec. 25-33, if the responsible party fails to comply with the terms of this permit.

(5) PERMIT CONDITIONS. Permits issued under this subsection may include conditions established by Director of Public Works or his designee in addition to the requirements needed to meet the performance standards in Sec. 25-27 or a financial guarantee as provided for in Sec. 25-31.

(6) PERMIT DURATION. Permits issued under this section shall be valid from the date of issuance through the date the Director of Public Works or his designee notifies the responsible party that all storm water management practices have passed the final inspection required under sub. (4)(d).

#### **Sec. 25-29 STORM WATER MANAGEMENT PLAN.**

(1) PLAN REQUIREMENTS. The storm water management plan required under Sec. 25-28 (2) shall contain at a minimum the following information:

(a) Name, address, and telephone number for the following or their designees: landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water management practices prior to the transfer, if any, of maintenance responsibility to another party.

(b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(c) Pre-development site conditions, including:

1. One or more site maps at a scale of not less than 1 inch equals 50 feet. The site maps shall show the following: site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed 2 feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all storm water conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site; limits of the 100 year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to s. NR 811.16, Wis. Adm. Code.

2. Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(d) Post-development site conditions, including:

1. Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

2. Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.

3. One or more site maps at a scale of not less than 1 inch equals 50 feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed 2 feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all storm water conveyance sections; location and type of all storm water management conveyance and treatment practices, including the on-site and off-site tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

4. Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

5. Results of investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross-sections and profiles of all permanent storm water conveyance and treatment practices.

(e) A description and installation schedule for the storm water management practices needed to meet the performance standards in Sec. 25-27.

(f) A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.

(g) Cost estimates for the construction, operation, and maintenance of each storm water management practice.

(h) Other information requested in writing by the Director of Public Works or his designee to determine compliance of the proposed storm water management measures with the provisions of this ordinance.

(i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

(2) ALTERNATE REQUIREMENTS. The Director of Public Works or his designee may prescribe alternative submittal requirements for applicants seeking an exemption to on-site storm water management performance standards under Sec. 25-27 (5).

**Sec. 25-30. MAINTENANCE AGREEMENT.**

(1) MAINTENANCE AGREEMENT REQUIRED. The maintenance agreement required under Sec.25-30 (2) for storm water management practices shall be an agreement between the Director of Public Works or his designee and the responsible party to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.

(2) AGREEMENT PROVISIONS. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by Sec. 25-29(1)(f):

(a) Identification of the storm water facilities and designation of the drainage area served by the facilities.

(b) A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required under Sec. 25-28 (2).

(c) Identification of the responsible party(s) responsible for long term maintenance of the storm water management practices identified in the storm water management plan required under Sec. 25-28 (2).

(d) Requirement that the responsible party(s) shall maintain storm water management practices in accordance with the schedule included in par. (b).

(e) Authorization for the Director of Public Works or his designee to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(f) A requirement on the Director of Public Works or his designee to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.

(g) Agreement that the party designated under par. (c), as responsible for long term maintenance of the storm water management practices, shall be notified by the Director of

Public Works or his designee of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Director of Public Works or his designee.

(h) Authorization of the Director of Public Works or his designee to perform the corrected actions identified in the inspection report if the responsible party designated under par. (c) does not make the required corrections in the specified time period. The City Clerk shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.

**Sec. 25-31. FINANCIAL GUARANTEE.**

(1) ESTABLISHMENT OF THE GUARANTEE. The Director of Public Works or his designee may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Director of Public Works or his designee. The financial guarantee shall be in an amount determined by the Director of Public Works or his designee to be the estimated cost of construction and the estimated cost of maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Director of Public Works or his designee the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the Director of Public Works or his designee that the requirements of this ordinance have not been met.

(2) CONDITIONS FOR RELEASE. Conditions for the release of the financial guarantee are as follows:

(a) The Director of Public Works or his designee shall release the portion of the financial guarantee established under this section, less any costs incurred by the Director of Public Works or his designee to complete installation of practices, upon submission of "as built plans" by a licensed professional engineer. The Director of Public Works or his designee may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(b) The Director of Public Works or his designee shall release the portion of the financial guarantee established under this section to assure maintenance of storm water practices, less any costs incurred by the Director of Public Works or his designee, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

**Sec. 25-32. FEE SCHEDULE.**

The fees referred to in other sections of this ordinance shall be established by the Board of Public Works on an annual basis. A schedule of the fees established by the Board of Public Works shall be available for review in office of the City Engineer.

**Sec. 25-33. ENFORCEMENT.**

- (1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.
- (2) The Director of Public Works or his designee shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.
- (3) Upon receipt of written notification from the Director of Public Works or his designee under sub. (2), the responsible party shall correct work that does not comply with the storm water management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Director of Public Works or his designee in the notice.
- (4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Director of Public Works or his designee may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Director of Public Works or his designee plus interest and legal costs shall be billed to the responsible party.
- (5) The Director of Public Works or his designee is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the City Attorney to obtain a cease and desist order in any court with jurisdiction.
- (6) The Director of Public Works or his designee may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.
- (7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Director of Public Works or his designee or by a court with jurisdiction.
- (8) The Director of Public Works or his designee is authorized to refer any violation of this ordinance, or of a stop work order or cease and desist order issued pursuant to this ordinance, to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.
- (9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of billable damages plus a penalty as provided in Sec. 1-05 of the City of Marshfield Municipal Code, together with the costs of prosecution for each violation. Each day that the violation exists shall constitute a separate offense.

(10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(11) When the Director of Public Works or his designee determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the storm water management plan, or has failed to comply with schedules set forth in said storm water management plan, the Director of Public Works or his designee or a party designated by the Director of Public Works or his designee may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Director of Public Works or his designee shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to Sec. 25-31 of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed. In the event the responsible party fails to pay the amount due, the City Clerk shall enter the amount due in the tax rolls and collect as a special assessment against the property pursuant to subchapter VII of ch. 66, Wis Statutes.

#### **Sec. 25-34. APPEALS.**

(1) Zoning Board of Appeals. The Zoning Board of Appeals of the City of Marshfield ordinances pursuant to s. 62.23(7)(e), Wis. Stats, shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Director of Public Works or his designee in administering this ordinance. The board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

(2) WHO MAY APPEAL. Appeals to the Zoning Board of Appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the City of Marshfield affected by any decision of the Director of Public Works or his designee.

SECTION 2. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 3. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 4. This ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

\_\_\_\_\_  
Chris L. Meyer, Mayor

ATTEST: \_\_\_\_\_  
Deb M. Hall, City Clerk



# City of Marshfield Memorandum

---

TO: Mayor Meyer & Common Council  
FROM: Josh Miller, Planning/Zoning Administrator  
DATE: April 22, 2014

RE: First Reading Ordinance No. 1275 rezoning request by PCO Real Estate Investment Company to change the zoning from “LI” Light Industrial District to “CMU” Community Mixed Use District, located at 2505-2515 West Veterans Parkway.

## **Background**

PCO Real Estate Investment Company is requesting to rezone one parcel located at 2505-2515 West Veterans Parkway from “LI” Light Industrial District to “CMU” Community Mixed Use District. The existing property is used for warehousing, light industrial, and has some vacant office space. The Applicant has an interested buyer that would use the property for the sale/repair of recreational vehicle, office space, storage space, and to sell/store/fill propane. The current tenants (light manufacturing and warehousing) would remain and would be considered grandfathered in for the use of their present space.

## **Analysis**

Reviewing the 2007 City of Marshfield 20 year Comprehensive Plan, this area is identified as General Commercial, which includes a wide variety of retail, lodging, office uses. The proposed use of the property is in harmony of the Comprehensive Plan.

Looking at the neighborhood context and the surrounding land uses this property should be rezoned to Community Mixed Use. Both adjacent properties with abutting side yards are zoned Commercial. The property to the north is currently occupied by Prosthetics Plus, a company that makes prosthetic limbs for people that have suffered an amputation. The property to the south is a vacant woodland parcel. The property directly abutting the rear yard is zoned “TR-6” Two-Family Residential. A small part of the north boundary is also abutting property zoned “SR-3” Single-Family Residential. Residential properties normally do not directly adjoin industrial uses but often transition from commercial uses. There are still types of commercial uses that can be intense adjacent to residentially zoned properties, which are usually solved by requiring specific landscape requirements. For instance, in-vehicle sales and services such as fuel stations

(propane) require an opacity of 0.5 between that type of use and residential used property. Currently, there is adequate buffer between the subject property and the abutting residential properties.

The Community Mixed Use District will permit the Applicant/Owner to conduct in-vehicle sales or service, vehicle sales/service/repair, and have office space by right. The existing uses (light industrial and warehousing) would be grandfathered in at their present location and would be considered legal nonconforming. The limitation there is they would not be able to expand and if the use or intended use is discontinued for a period of 12 months, the use would no longer be allowed. The CMU district allows light industrial uses as a conditional use if there would be a need to expand the light industrial component for the existing tenant.

### **Plan Commission Recommendation**

A public hearing was held on April 15, 2014 where the potential buyer spoke in favor of the rezoning. The Plan Commission recommends approval of the rezoning of the parcel from "LI" Light Industrial District to "CMU" Community Mixed Use District.

### **Council Options**

The Common Council can take the following actions:

1. Approval of the request with any exceptions, conditions, or modifications the Council feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Council.
3. Table the request for further study.

### **Recommendation**

None at this time unless the rules are suspended; final action will be requested after the second reading scheduled for the May 13, 2014 Common Council meeting.

### **Attachments**

1. Ordinance 1275
2. Location Map

Concurrence:



Jason Angell  
Planning and Economic Development Director



Steve Barg  
City Administrator

**ORDINANCE NO. 1275**

**AN ORDINANCE REZONING ONE PARCEL LOCATED AT 2505-2515 WEST VETERANS PARKWAY FROM THE "LI" LIGHT INDUSTRIAL DISTRICT TO "CMU" COMMUNITY MIXED USE COMMERCIAL DISTRICT WITH THE UNDERSTANDING THAT THE EXISTING USES ARE ALLOWED AT THEIR PRESENT USE AND AREA.**

WHEREAS, the Common Council of the City of Marshfield, having reviewed the recommendation of the City Plan Commission regarding the proposed change in zoning classification for the property described below; and

WHEREAS, the City Clerk, having published a Notice of Public Hearing regarding such change in zoning and, pursuant thereto, a public hearing having been held on the 15<sup>th</sup> day of April, 2014 at 7:00pm, and the Plan Commission having heard all interested parties or their agents and attorneys;

NOW, THEREFORE, the Common Council of the City of Marshfield, Wisconsin, do ordain as follows:

**SECTION I. Zoning**

The following described property is hereby rezoned from "LI" Light Industrial District to "CMU" Community Mixed Use Commercial District, as set forth in, and regulated by, the provisions of Chapter 18, Marshfield Municipal Code:

Part of Lot 1 of Certified Survey Map Number 5137, recorded in Volume 19, on Page 5, as Document Number 895187, in the Marathon County Register of Deeds Office, located in the NE 1/4 of the SE 1/4, and part of the NE 1/4 of the SE 1/4, all in Section 36, Township 26 North, Range 2 East, City of Marshfield, Marathon County, Wisconsin, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 36, thence S 00°04'49" W, coincident with the East line of said Southeast 1/4, 411.53 feet; thence N 89°55'11" W, 804.29 feet to the East line of said Lot 1 and the point of beginning; thence S 00°03'03" S, coincident with said East line of lot 1, 349.15 feet to the Southeast corner of said Lot 1; thence S 45°41'09" W, coincident with the South line of said Lot 1 and the extension thereof, 372.81 feet to the East right-of-way line of West Veterans Parkway; thence N 67°10'52" W, coincident with said East right-of-way line, 13.10 feet to the beginning of a curve concave to the Northeast; thence 130.87 feet coincident with said East right-of-way line and the arc of said curve, said curve having a radius length of 328.10 feet, a central angle of 22°51'11", and a chord that bears N 55°34'53" W, for a distance of 130.00 feet; thence N 44°13'10" W, coincident with said East right-of-way line, 110.43 feet to the Southwest corner of Lot 1 of Certified Survey Map Number 14570, recorded in Volume 65, on Page 32, as Document Number 1461834, in the Marathon County Register of Deeds Office, thence N 45°43'15" E, coincident with the South line of said Lot 1 of Certified Survey Map Number 14570, the South line of Lot 1 of Certified Survey Map Number 14571, recorded in Volume 65, on Page 33, as Document Number 1461835, in the Marathon County Register of Deeds Office, and the extension thereof, 647.25 feet to said East line of Lot 1 of Certified Survey Map Number 5137 and the point of beginning.

**SECTION II. Effective Date**

This Ordinance shall be effective upon passage and publication as required by law and the Zoning Administrator is hereby directed to make the necessary changes to the Zoning Maps forthwith.

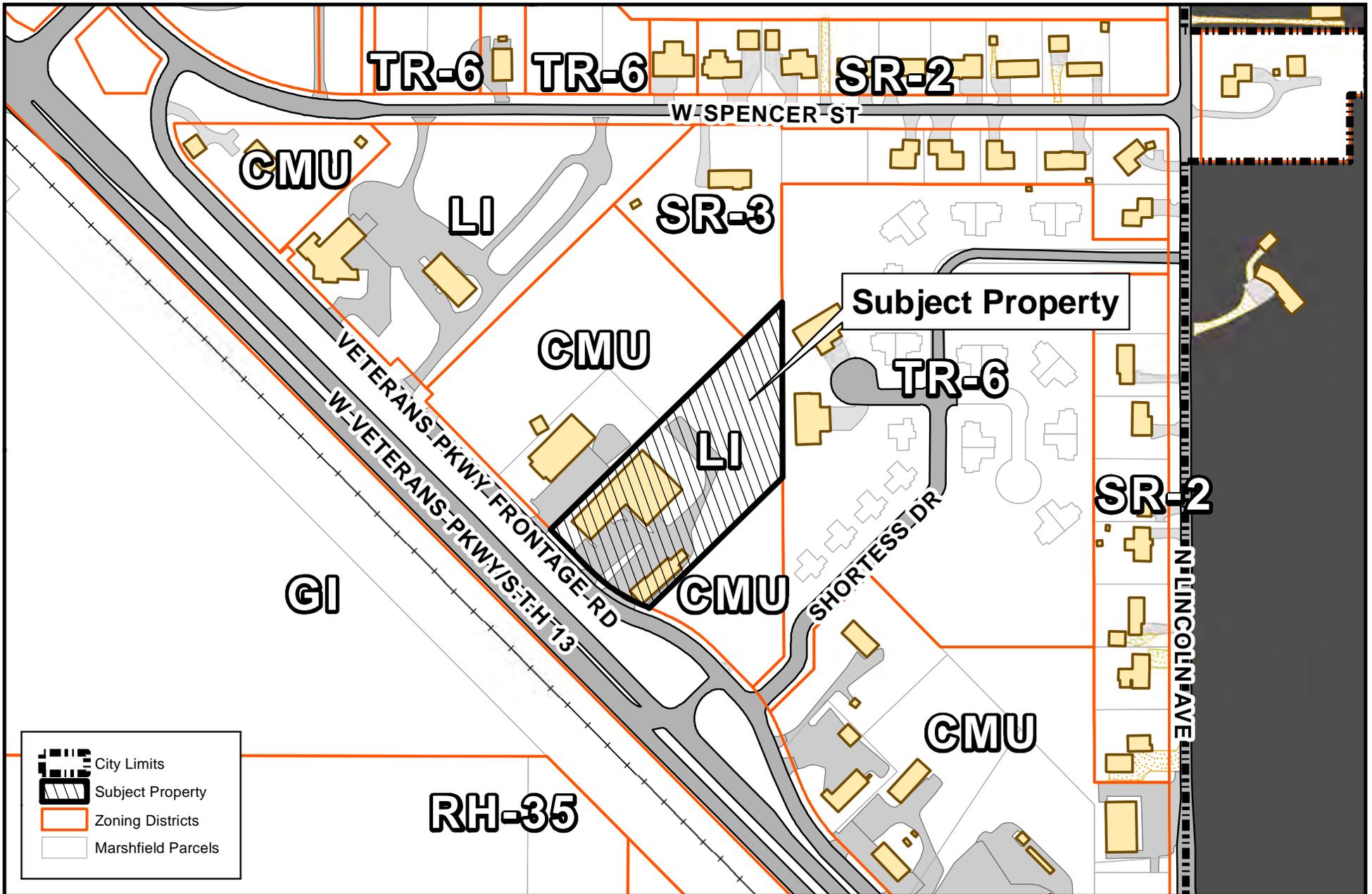
ADOPTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

\_\_\_\_\_  
Chris L. Meyer, Mayor

ATTEST: \_\_\_\_\_  
Deb M. Hall, City Clerk



**Rezoning Request: "LI" to "CMU"**  
**City of Marshfield - Plan Commission**  
**Meeting Date: April 15, 2014**

Map Not To Scale  
 For Reference Only

ATTENTION: The representation of data presented herein is intended for reference purposes only; the City of Marshfield assumes no responsibility for the accuracy of the information provided. Any duplication without consent is prohibited.



# City of Marshfield Memorandum

---

TO: Mayor Meyer & Common Council  
FROM: Josh Miller, Planner/Zoning Administrator  
DATE: April 22, 2014

RE: First Reading Ordinance No. 1276, Municipal Code Amendment to amendment to Section 18-26 through 18-32, 18-54, and 18-65 of the City of Marshfield Municipal Code pertaining to permitted Onsite Ancillary Uses. The amendment is being proposed to permit and define onsite ancillary uses for nonresidential and multifamily uses in the “SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, and MR-24” residential zoning districts.

## **Background**

Reviewing the ordinance, staff found that onsite ancillary uses such as a concession stand are not allowed in any of the residentially zoned districts. In some cases the underlying land use isn't necessarily residential. It may be a park or some sort of institutional use. Prohibiting onsite ancillary uses in all residential districts prohibits accessory uses such as a concession stand in a park or a bookshop in a church. In the new Zoning Code, staff's intention was to accommodate these types of situations, not prohibit them.

Staff is proposing an amendment to permit onsite ancillary uses within the residential zoned districts, when the principal use of the property is nonresidential or multifamily, such as a park or school. The ordinance amendment will allow onsite ancillary uses within the residential districts as a permitted by right accessory use, update the table of land uses and clarify the language of the land use – Onsite Ancillary Use.

## **Analysis**

Staff is proposing to amend the language throughout the code including Sections 18-26 through 18-32, 18-54, and 18-65, pertaining to Onsite Ancillary Uses. These changes include:

- Include “Onsite Ancillary Use” as a permitted accessory use in the following district: SR-2, SR-3, SR-4, SR-6, TR-6, MR-12, and MR-24.
- Update the table of uses to show that onsite ancillary uses is permitted in

- all districts.
- Allow detached ancillary use structures when part of a group development or public park.
  - Rid the minimum parking requirements.
  - Add a regulation to restrict onsite ancillary uses in residentially zones districts and list give common examples.

The proposed changes are summarized in the attached draft ordinance.

### **Plan Commission Recommendation**

A public hearing was held on April 15, 2014 where no comments were made. The Plan Commission recommended approving the proposed ordinance as presented.

### **Council Options**

The Common Council can take the following actions:

1. Approval of the request with any exceptions or conditions the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

### **Recommendation**

None at this time unless the rules are suspended; final action will be scheduled at the May 13, 2014 meeting.

### **Attachments**

1. Ordinance 1276
2. Redline Ordinance 1276

Concurrence:



---

Jason Angell  
Planning and Economic Development Director



---

Steve Barg  
City Administrator

**ORDINANCE NO. 1276**

An Ordinance amending Section 18-26 through 18-32, 18-54, and 18-65 of the City of Marshfield Municipal Code pertaining to Onsite Ancillary Use.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Section 18-26(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(n) Onsite Ancillary Use

SECTION 2. Section 18-27(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(n) Onsite Ancillary Use

SECTION 3. Section 18-28(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(n) Onsite Ancillary Use

SECTION 4. Section 18-29(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(n) Onsite Ancillary Use

SECTION 5. Section 18-30(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(m) Onsite Ancillary Use

SECTION 6. Section 18-31(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(m) Onsite Ancillary Use

SECTION 7. Section 18-32(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(m) Onsite Ancillary Use

SECTION 8. Section 18-54, Accessory Land Uses section in the Table of Land Uses - of the Marshfield Municipal Code is hereby amended to read as follows:

																	Accessory Land Uses	
P	P	P	P	P					P	P	P	P						(1) Minor Home Occupation
C									P	P	P	P						(2) Conditional Home Occupation
P	P	P	P	P	P	P	P	P	P		P					P	P	(3) In-Home Daycare 4-8 Children
P	P	P	P	P	P	P	P	P	P		P							(4) In-Family Suite
					C	C	C	C	C		C							(5) Accessory Dwelling Unit
P																		(6) Farm Residence
C																		(7) Migrant Employee Housing
P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	(8) Residential Accessory Building

P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(9) Nonresidential Accessory Building
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(10) Recreational Facility
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(11) Landscape Feature
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(12) Deck
P	P	P	P	P	P	P	P	P	P	P									(13) Residential Kennel
P																			(14) Residential Stable
P													P	P	P				(15) Outdoor Wood Boiler
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(16) On-Site Parking
P									P	P	P	P	P	P	P	P			(17) Company Cafeteria
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(18) Onsite Ancillary Use

SECTION 9. Section 18-56(18) of the Marshfield Municipal Code is hereby amended to read as follows:

- (18) Onsite Ancillary Use: Uses incidental to the principal uses, including the sale and display of merchandise or equipment outside of an enclosed building, indoor sales, concession stands, and light industrial activities.

Regulations:

- (a) Ancillary uses shall not exceed 25 percent of gross floor area of principal building(s) on the site.
- (b) Ancillary uses may be in detached structures when part of a group development or public park.
- (c) Onsite Ancillary Uses in Residentially zoned districts. All onsite ancillary uses shall be permitted in residentially zoned districts only if the principal use of the property is multifamily or institutional and when the use is intended for those already on the premises.
  - a. Common examples for multifamily include indoor or outdoor gather spaces and on-site recreation facilities.
  - b. Common examples for institutional uses include concession stands, small indoor sales, and personal service space in parks, schools, churches, large community living arrangements, and similar institutional uses.

SECTION 10. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 11. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 12. This ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: \_\_\_\_\_

Chris L. Meyer, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

Deb M. Hall, City Clerk

**REDLINE ORDINANCE NO. 1276**

An Ordinance amending Section 18-26 through 18-32, 18-54, and 18-65 of the City of Marshfield Municipal Code pertaining to Onsite Ancillary Use.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Section 18-26(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(n) Onsite Ancillary Use

SECTION 2. Section 18-27(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(n) Onsite Ancillary Use

SECTION 3. Section 18-28(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(n) Onsite Ancillary Use

SECTION 4. Section 18-29(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(n) Onsite Ancillary Use

SECTION 5. Section 18-30(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(m) Onsite Ancillary Use

SECTION 6. Section 18-31(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(m) Onsite Ancillary Use

SECTION 7. Section 18-32(4) of the Marshfield Municipal Code is hereby amended to include the following land use:

(m) Onsite Ancillary Use

SECTION 8. Section 18-54, Accessory Land Uses section in the Table of Land Uses - of the Marshfield Municipal Code is hereby amended to read as follows:

																	Accessory Land Uses	
P	P	P	P	P					P	P	P	P						(1) Minor Home Occupation
C									P	P	P	P						(2) Conditional Home Occupation
P	P	P	P	P	P	P	P	P	P		P					P	P	(3) In-Home Daycare 4-8 Children
P	P	P	P	P	P	P	P	P	P		P							(4) In-Family Suite
					C	C	C	C	C		C							(5) Accessory Dwelling Unit
P																		(6) Farm Residence
C																		(7) Migrant Employee Housing
P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	(8) Residential Accessory Building

P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(9) Nonresidential Accessory Building
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(10) Recreational Facility
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(11) Landscape Feature
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(12) Deck
P	P	P	P	P	P	P	P	P	P	P								(13) Residential Kennel
P																		(14) Residential Stable
P												P	P	P				(15) Outdoor Wood Boiler
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(16) On-Site Parking
P									P	P	P	P	P	P	P	P		(17) Company Cafeteria
P	<u>P</u>	P	P	P	P	P	P	P	P	P	(18) Onsite Ancillary Use							

SECTION 9. Section 18-56(18) of the Marshfield Municipal Code is hereby amended to read as follows:

- (18) Onsite Ancillary Use: Uses incidental to the principal uses, including the sale and display of merchandise or equipment outside of an enclosed building, indoor sales, concession stands, and light industrial activities.

Regulations:

- (a) Ancillary uses shall not exceed 25 percent of gross floor area of principal building(s) on the site.
- (b) Ancillary uses may be in detached structures when part of a group development or public park.
- ~~(c) Minimum required parking: Adequate parking, per the requirements of similar uses, shall be provided for customers. Said parking shall be in addition to that required for the principal land use.~~
- (d) Onsite Ancillary Uses in Residentially zoned districts. All onsite ancillary uses shall be permitted in residentially zoned districts only if the principal use of the property is multifamily or institutional and when the use is intended for those already on the premises.
  - a. Common examples for multifamily include indoor or outdoor gather spaces and on-site recreation facilities.
  - b. Common examples for institutional uses include concession stands, small indoor sales, and personal service space in parks, schools, churches, large community living arrangements, and similar institutional uses.

SECTION 10. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 11. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 12. This ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: \_\_\_\_\_

Chris L. Meyer, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

Deb M. Hall, City Clerk



# City of Marshfield Memorandum

---

TO: Mayor Meyer & Common Council  
FROM: Josh Miller, Planner/Zoning Administrator  
DATE: April 22, 2014

RE: First Reading Ordinance No. 1277, Municipal Code Amendment to a Section 18-158 and 18-159 of the City of Marshfield Municipal Code to clarify language pertaining to public hearings, increase the required notice distance for public hearings from 100 feet to 200 feet and to clarify language and define who can request a zoning amendment and when a map is needed in the notice.

## **Background**

Staff is proposing an amendment to Sections 18-158 and 18-159 to clarify the language pertaining to public hearing notice and to increase the notice distance to which parties-of-interest are notified for a public hearing from 100 feet to 200 feet.

## **Analysis**

Staff is proposing to amend the language to Sections 18-158 and 159, pertaining to Public Hearing. These changes include:

- Increase the distance to which parties-of-interest are notified for a public hearing notice from 100 feet to 200 feet.
- Clarify language from “zoning change” to “zoning ordinance amendment”, so the term isn’t confused with zoning map amendment.
- Simplify ordinance, reducing unnecessary language.
- Add language to the code to permit zoning amendments to be made based upon errors, omission, corrections, and clarification of regulations.
- Correct reference.

The proposed changes are summarized in the attached draft ordinance.

## **Plan Commission Recommendation**

A public hearing was held on April 15, 2014 where no comments were made. The Plan Commission recommended approving the proposed ordinance as

presented.

### **Council Options**

The Common Council can take the following actions:

1. Approval of the request with any exceptions or conditions the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

### **Recommendation**

None at this time unless the rules are suspended; final action will be scheduled at the May 13, 2014 meeting.

### **Attachments**

1. Ordinance 1277
2. Redline Ordinance 1277

Concurrence:



---

Jason Angell  
Planning and Economic Development Director



---

Steve Barg  
City Administrator

## ORDINANCE NO. 1277

An Ordinance amending Section 18-158 and 18-159 of the City of Marshfield Municipal Code pertaining to the language of public hearings, increasing the required notice distance, and to clarify the language for when a map is needed.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Section 18-158(5) of the Marshfield Municipal Code is hereby amended to read as follows:

Notice of the public hearing shall be mailed to all parties-in-interest at least 10 days before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of all lands included in the petition and all lands, within City Limits lying within 200 feet of lands included in the petition; and the owner or operator of an airport lying within 3 miles of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by any of the aforementioned bodies. If the proposed amendments have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the amendment or a description of the property affected by the amendments and a statement that a map may be obtained from the City Clerk.

SECTION 2. Section 18-158(6) of the Marshfield Municipal Code is hereby amended to read as follows:

Except for hearings required for a zoning ordinance amendment, such request for a hearing shall be presented to the City Clerk in writing and shall be accompanied by a map or description clearly identifying the property involved and by a fee in accordance with the City fee schedule, payable to the City, to defray the cost of notification and holding of a public hearing.

SECTION 3. Section 18-159(2) of the Marshfield Municipal Code is hereby amended to read as follows:

Initiation of Request for Amendment. Proceedings for amendment of this Chapter may be initiated by: an application by any member of the general public; a recommendation by the Plan Commission to the Common Council; or by action of the Common Council.

SECTION 4. Section 18-159(4)(b)6. of the Marshfield Municipal Code is hereby amended to include the following language:

- d. Errors, omissions, corrections, and clarification of regulations.

SECTION 5. Section 18-159(4)(b)7. of the Marshfield Municipal Code is hereby amended to read as follows:

The Zoning Administrator shall prepare a written report addressing items listed in 4(b)1 - 6., above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

SECTION 6. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 7. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 8. This ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Chris L. Meyer, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

\_\_\_\_\_  
Deb M. Hall, City Clerk

## REDLINE ORDINANCE NO. 1277

An Ordinance amending Section 18-158 and 18-159 of the City of Marshfield Municipal Code pertaining to the language of public hearings, increasing the required notice distance, and to clarify the language for when a map is needed.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Section 18-158(5) of the Marshfield Municipal Code is hereby amended to read as follows:

Notice of the public hearing shall be mailed to all parties-in-interest at least 10 days before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of all lands included in the petition and all lands, within City Limits lying within ~~400~~ 200 feet of lands included in the petition; and the owner or operator of an airport lying within 3 miles of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by any of the aforementioned bodies. If the proposed amendments have the effect of changing the allowable use of any property within the city, the notice shall include either a map showing the property affected by the amendment or a description of the property affected by the amendments and a statement that a map may be obtained from the City Clerk.

SECTION 2. Section 18-158(6) of the Marshfield Municipal Code is hereby amended to read as follows:

Except for hearings required for a zoning ~~change ordinance amendment~~, such request for a hearing shall be presented to the City Clerk in writing and shall be accompanied by a map or description clearly identifying the property involved and by a fee in accordance with the City fee schedule, payable to the City, to defray the cost of notification and holding of a public hearing.

SECTION 3. Section 18-159(2) of the Marshfield Municipal Code is hereby amended to read as follows:

Initiation of Request for Amendment. Proceedings for amendment of this Chapter may be initiated by ~~one of the following 3 methods~~: an application by any member of the general public; a recommendation by the Plan Commission to the Common Council; or by action of the Common Council.

SECTION 4. Section 18-159(4)(b)6. of the Marshfield Municipal Code is hereby amended to include the following language:

d. Errors, omissions, corrections, and clarification of regulations.

SECTION 5. Section 18-159(4)(b)7. of the Marshfield Municipal Code is hereby amended to read as follows:

The Zoning Administrator shall prepare a written report addressing items ~~(2)a. through (2)f~~ listed in 4(b)1 - 6., above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

SECTION 6. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 7. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the

remainder of this Ordinance shall continue in full force and effect.

SECTION 8. This ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Chris L. Meyer, Mayor

APPROVED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

Deb M. Hall, City Clerk



# City of Marshfield Memorandum

---

TO: Mayor Meyer & Common Council  
FROM: Josh Miller, Planner/Zoning Administrator  
DATE: April 22, 2014

RE: First Reading Ordinance No. 1278, Municipal Code Amendment to amendment to Section 18-159 and 18-160 of the City of Marshfield Municipal Code to clarify language for a zoning amendment when there is a protest petition or adverse recommendation by the Plan Commission.

## **Background**

Staff is recommending amending the zoning code that clarifies the voting approval required by the Common Council in the event of a protest petition or adverse recommendation by the Plan Commission. Clarifying the rules will improve the administrative process and be more in line with state statutes.

## **Analysis**

Staff is proposing to amend the language in Sections 18-159, Zoning Ordinance Amendment, and Section 18-160, Zoning Map Amendment. These changes are to clarify the language to require the voting members of the council to have a favorable three-fourth vote to make a zoning map or ordinance amendment in the case that the amendment is an adverse recommendation by the Plan Commission or a protest petition was signed by defined parties-of-interest, opposing the amendment. The main reason for the amendment is to put the ordinance in line with the State Statute requirements. The proposed amendment also fixes an incorrect reference.

The proposed language will be referenced by the State Statute so if the Legislature decides to change the language, the City won't have to amend the ordinance. The underlined language in quotes below is the language taken from Wis. Stats. 62.23(7)(d)(2m)(a):

Any action to amend the Zoning Ordinance requires a ~~majority~~ two-thirds vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or "of a protest against such change duly signed and acknowledged by the owners of 20% or more

either of the areas of the land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the council voting on the proposed change.”

In the event of a protest petition or adverse recommendation by the Plan Commission, the current ordinance requires that the zoning ordinance or map amendment be approved by three-fourths approval of the entire Common Council. The proposed amendment requires approval of three-fourths of those voting on the proposed change. The original ordinance stated that an ordinance amendment required a majority vote, but State Statute requires a two-thirds vote for any ordinance amendment.

### **Plan Commission Recommendation**

A public hearing was held on April 15, 2014 where no comments were made, but a letter was read by the Mayor from a resident that opposed the amendment. The Plan Commission recommended approving the proposed ordinance as presented.

### **Council Options**

The Common Council can take the following actions:

1. Approval of the request with any exceptions or conditions the Commission feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Plan Commission.
3. Table the request for further study.

### **Recommendation**

None at this time unless the rules are suspended; final action will be scheduled at the May 13, 2014 meeting.

### **Attachments**

1. Draft Ordinance 1277

Concurrence:



---

Jason Angell  
Planning and Economic Development Director



---

Steve Barg  
City Administrator

**ORDINANCE NO. 1278**

An Ordinance amending Section 18-159 and 18-160 of the City of Marshfield Municipal Code pertaining to the language for a zoning amendment.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Section 18-159(7)(c) of the Marshfield Municipal Code is hereby amended to read as follows:

If the Common Council wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. Any action to amend the provisions of proposed amendment requires a majority vote of the Common Council. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment. Any action to amend the Zoning Ordinance requires a two-thirds vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change duly signed and acknowledged by the owners, shall meet the requirements of Wis. Stats. 62.23(7)(d)(2m)(a).

SECTION 2. Section 18-160(4)(c) of the Marshfield Municipal Code is hereby amended to read as follows:

The Zoning Administrator shall prepare a written report addressing items in 4(b)4., above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

SECTION 3. Section 18-160(7)(c) of the Marshfield Municipal Code is hereby amended to read as follows:

If the Common Council wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment. Any action to amend the Official Zoning Map requires a two-thirds vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change duly signed and acknowledged by the owners, shall meet the requirements of Wis. Stats. 62.23(7)(d)(2m)(a).

SECTION 4. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 5. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 6. This ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: \_\_\_\_\_

\_\_\_\_\_  
Chris L. Meyer, Mayor

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Deb M. Hall, City Clerk

## ORDINANCE NO. 1278

An Ordinance amending Section 18-159 and 18-160 of the City of Marshfield Municipal Code pertaining to the language for a zoning amendment.

The Common Council of the City of Marshfield do hereby ordain as follows:

SECTION 1. Section 18-159(7)(c) of the Marshfield Municipal Code is hereby amended to read as follows:

If the Common Council wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. Any action to amend the provisions of proposed amendment requires a majority vote of the Common Council. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment. Any action to amend the Zoning Ordinance requires a two-thirds vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change duly signed and acknowledged by the owners, shall meet the requirements of Wis. Stats. 62.23(7)(d)(2m)(a).

SECTION 2. Section 18-160(4)(c) of the Marshfield Municipal Code is hereby amended to read as follows:

The Zoning Administrator shall prepare a written report addressing items ~~4a. through 4d~~ in 4(b)4., above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

SECTION 3. Section 18-160(7)(c) of the Marshfield Municipal Code is hereby amended to read as follows:

If the Common Council wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Common Council action. ~~Any action to amend the Official Zoning Map requires a majority vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change signed and acknowledged by the owners of 20 percent of the frontage proposed to be changed or the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed, except by a 3/4 vote of all members of the Common Council.~~ The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment. Any action to amend the Official Zoning Map requires a two-thirds vote of the Common Council, except that in case of adverse recommendation by the Plan Commission or of a protest against such change duly signed and acknowledged by the owners, shall meet the requirements of Wis. Stats. 62.23(7)(d)(2m)(a).

SECTION 4. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

SECTION 5. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 6. This ordinance shall take effect and be in force from and after the day after its passage and publication as provided by law.

ADOPTED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

\_\_\_\_\_  
Chris L. Meyer, Mayor

ATTEST: \_\_\_\_\_  
Deb M. Hall, City Clerk



# City of Marshfield Memorandum

---

TO: Mayor Meyer & Common Council  
FROM: Josh Miller, Planner/Zoning Administrator  
DATE: April 22, 2014

RE: Resolutions 2014-24, 2014-25, and 2014-26 – April Conditional Use Permits.

## **Background**

On April 15<sup>th</sup>, the Plan Commission reviewed three Conditional Use Permit requests. The first request was for an exception to the hard surfacing requirements for off-street parking and traffic circulation areas, by PCO Real Estate Investment Company. The second request was for a “Communication Tower” to exceed the maximum height allowance for Wood County. The third request was to construct two- 4 unit townhouse style multiplex buildings with exceptions to the parking lot standards.

## **Analysis**

### **Resolution 2014-24**

- Conditional Use Request by PCO Real Estate Investment Company for an exception to the hard surfacing requirements for off-street parking and traffic circulation areas, located at 2505-2515 West Veterans Parkway, currently zoned “LI” Light Industrial District with a proposed zoning change to “CMU” Community Mixed Use District.

A public hearing was held on Tuesday, April 15, 2014 where no public comments were made.

The Plan Commission recommended the following action:

Approve the Conditional Use Request by PCO Real Estate Investment Company for an exception to the hard surfacing requirements for off-street parking and traffic circulation areas, located at 2505-2515 West Veterans Parkway, currently zoned “LI” Light Industrial District with a proposed zoning change to “CMU” Community Mixed Use District with the following conditions:

1. An exception shall be granted to allow the proposed land use changes without hard surfacing the additional required parking spaces.
2. An exception shall be granted to permit the expansion of the gravel path between the rear of the building to the back parking lot.
3. Any expansion of the parking area except described in No. 2 above must be hard surfaced.
4. The landscaping in the back, adjacent to the residentially zoned properties, may not be reduced to less than the standards for the required bufferyard.
5. The propane area and gravel path in the rear of the development must be completed within 365 days of Common Council approval.
6. If any failure or washout situations occur regarding the gravel driveway, staff may require a review of the Conditional Use Permit, or may require improvements to be made to prevent future washouts from happening.

The Clerk will submit the resolutions to the appropriate Register of Deeds upon approval by the Common Council.

#### **Resolution 2014-25**

- Conditional Use Request by Wood County to install a 156 foot Communication Tower, exceeding the 150 foot maximum height and allow a 288 square foot equipment shelter, located at 1600 North Chestnut Avenue, zoned "CMU" Community Mixed Use Commercial District.

A public hearing was held on Tuesday, April 15, 2014 where no public comments were made.

The Plan Commission did not include a requirement that the tower and antenna be lit, only that if it was lit, that it would be in compliance with FAA requirements. Since the public hearing, the Spirit (helicopter for the Hospital) said that the proposed tower does not have a direct impact on their approach, but due to its location, it would still be a hazard to them on a daily basis and therefore, they are opposed to the tower. If it is still approved, they have requested that it be lit. Staff has included a condition for the tower to be lit that was not part of the motion by the Plan Commission.

The Plan Commission recommended the following action:

Approve the Conditional Use Request by Wood County to install a 156 foot Communication Tower and Antenna, exceeding the 150 foot maximum height, and allow a 288 square foot equipment shelter, located at 1600 North Chestnut Avenue, zoned "CMU" Community Mixed Use Commercial District with the following conditions:

1. The site plan is approved as presented with a flexibility to allow the tower to be moved 10 feet in either direction of the proposed location.
2. The screening shall comply with the existing Municipal Code with the understanding that the existing perimeter vegetation around the site provides the screening
3. The tower and attached antenna may exceed the 150 foot height limitation, allowing up to a 156 foot tall tower.
4. If lighting is required, it must meet the FAA standards.
5. The tower must be constructed within 365 days of Common Council approval.

In light of the Spirit's concern, Staff is requesting that condition No. 4 be amended to state the following:

4. The tower must be lit and meet FAA standards for illumination.

The Clerk will submit the resolutions to the appropriate Register of Deeds upon approval by the Common Council.

#### **Resolution 2014-26**

- Conditional Use Request by Prairie Run Group to construct two – 4 unit townhouse style multiplex buildings as part of a group development, including an exception to the parking lot design standards, in the designated commercial area within the Prairie Run “PUD” Planned Unit Development, located on the property just west of the Prairie Run Drive and Wildflower Drive intersection (parcel 33-0MM072).

A public hearing was held on Tuesday, April 15, 2014 where Randy Lueth, neighboring property owner, spoke in favor of the project and said the homeowners association supported the project, but asked that the invasive species be removed from the landscape plan.

The Plan Commission recommended the following action:

Approve the Conditional Use Request by Prairie Run Group to construct two – 4 unit townhouse style multiplex buildings as part of a group development, including an exception to the parking lot design standards, in the designated commercial area within the Prairie Run “PUD” Planned Unit Development, located on the property just west of the Prairie Run Drive and Wildflower Drive intersection (parcel 33-0MM072) with the following conditions:

1. The property must be subdivided through a Certified Survey Map.
2. The townhouses may be constructed at the presented setbacks from the street.

3. The building footprint may be modified plus or minus 5% of the size shown on the proposed site plan.
4. The buildings, parking area, and trash enclosure may be shifted to the west up to an additional 4 feet and south up to an additional 8 feet, provided the bufferyard not be reduced to less than 15 feet along the main drive aisle (excluding the south visitor parking area).
5. Landscaping plan is approved as presented, but the plant selection must meet City of Marshfield Municipal Code requirements
6. Construction of the proposed development must be initiated within 2 years of Common Council approval.
7. An exception is allowed for the parking lot and drive aisle to be approved as presented with a 40 foot wide parking area and 20 foot wide drive aisle.
8. The development may exceed 25 percent over the minimum required stalls as presented.

The Clerk will submit the resolutions to the appropriate Register of Deeds upon approval by the Common Council.

### **Council Options**

The Common Council can take the following actions:

1. Approval of the request with any exceptions, conditions, or modifications the Council feels are justifiable and applicable to the request.
2. Denial of the request with justification stated by the Council.
3. Table the request for further study.

### **Recommendation**

Approve Resolution 2014-24, Resolution 2014-25, and Resolution 2014-26

### **Attachments**

1. Resolution 2014-24
2. Resolution 2014-25
3. Resolution 2014-26

Concurrence:



---

Jason Angell  
Planning and Economic Development Director



---

Steve Barg  
City Administrator

**RESOLUTION NO. 2014-24**

Document Title

Document Number

A Resolution approving a Conditional Use Permit request by PCO Real Estate Investment Company for an exception to the hard surfacing requirements for off-street parking and traffic circulation areas, located at 2505-2515 West Veterans Parkway, currently zoned "LI" Light Industrial District with a proposed zoning change to "CMU" Community Mixed Use District, City of Marshfield, Marathon County, Wisconsin.

**WHEREAS**, it is determined by the Plan Commission that the proposed conditional use and amendment meets the criteria listed in Section 18-161(6)(c) of the Marshfield Municipal Code; and

**WHEREAS**, the City Clerk, having published a Notice of Public Hearing regarding such conditional use application, pursuant thereto, a public hearing having been held on the 15<sup>th</sup> day of April, 2014 at 7:00 pm, and the Plan Commission having heard all interested parties or their agents and attorneys; and

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Marshfield, Wisconsin, do ordain as follows:

**SECTION 1.** That since the Common Council finds it in the public interest to allow the proposed conditional use permit, described in Section 2, on the following described property, subject to the conditions listed below:

See Attachment A: Legal Description for Resolution No. 2014-24

**SECTION 2.** The above described property, is permitted an exception to the hard surfacing requirements for off-street parking and traffic circulation areas, currently zoned "LI" Light Industrial District with a proposed zoning change to "CMU" Community Mixed Use District, located at 2505-2515 West Veterans Parkway.

**SECTION 3.** The conditional use permit is subject to the following conditions:

- An exception shall be granted to allow the proposed land use changes without hard surfacing the additional required parking spaces.
- An exception shall be granted to permit the expansion of the gravel path between the rear of the building to the back parking lot.
- Any expansion of the parking area except described in No. 2 above must be hard surfaced.
- The landscaping in the back, adjacent to residentially zoned properties, may not be reduced to less than the standards for the required bufferyard.
- The propane area and gravel path in the rear of the development must be completed within 365 days of Common Council approval.
- If any failure or washout situations occur regarding the gravel driveway, staff may require a review of the Conditional Use Permit, or may require improvements to be made to prevent future washouts from happening.

**SECTION 4.** The City Clerk is hereby directed to record a certified copy of this Resolution as the Conditional Use Permit in the office of the Register of Deeds of Wood County, Wisconsin, upon approval by the Common Council.

NOTE: This action is recommended by the City Plan Commission.

ADOPTED \_\_\_\_\_

CHRIS L. MEYER, Mayor

ATTEST:

APPROVED \_\_\_\_\_

DEB M. HALL, City Clerk

Drafted by: City of Marshfield, Joshua Miller  
Planning and Economic Development Department  
P. O. Box 727  
Marshfield, WI 54449-0727

STATE OF WISCONSIN COUNTY OF \_\_\_\_\_

Personally came before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ the above named **CHRIS L. MEYER & DEB M. HALL** to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Wood County, Wisconsin  
My Commission Expires: \_\_\_\_\_

Recording Area

Name and Return Address

**City of Marshfield**  
**Attn: City Clerk**  
**P. O. Box 727**  
**Marshfield, WI 54449-0727**

**33-0MS082A**

Parcel Identification Number (PIN)

## Attachment A: Legal Description for Resolution 2014-24

Part of Lot 1 of Certified Survey Map Number 5137, recorded in Volume 19, on Page 5, as Document Number 895187, in the Marathon County Register of Deeds Office, located in the NE 1/4 of the SE 1/4, and part of the NE 1/4 of the SE 1/4, all in Section 36, Township 26 North, Range 2 East, City of Marshfield, Marathon County, Wisconsin, more particularly described as follows:

Commencing at the East 1/4 corner of said Section 36, thence S 00°04'49" W, coincident with the East line of said Southeast 1/4, 411.53 feet; thence N 89°55'11" W, 804.29 feet to the East line of said Lot 1 and the point of beginning; thence S 00°03'03" W, coincident with said East line of lot 1, 349.15 feet to the Southeast corner of said Lot 1; thence S 45°41'09" W, coincident with the South line of said Lot 1 and the extension thereof, 372.81 feet to the East right-of-way line of West Veterans Parkway; thence N 67°10'52" W, coincident with said East right-of-way line, 13.10 feet to the beginning of a curve concave to the Northeast; thence 130.87 feet coincident with said East right-of-way line and the arc of said curve, said curve having a radius length of 328.10 feet, a central angle of 22°51'11", and a chord that bears N 55°34'53" W, for a distance of 130.00 feet; thence N 44°13'10" W, coincident with said East right-of-way line, 110.43 feet to the Southwest corner of Lot 1 of Certified Survey Map Number 14570, recorded in Volume 65, on Page 32, as Document Number 1461834, in the Marathon County Register of Deeds Office, thence N 45°43'15" E, coincident with the South line of said Lot 1 of Certified Survey Map Number 14570, the South line of Lot 1 of Certified Survey Map Number 14571, recorded in Volume 65, on Page 33, as Document Number 1461835, in the Marathon County Register of Deeds Office, and the extension thereof, 647.25 feet to said East line of Lot 1 of Certified Survey Map Number 5137 and the point of beginning.

**RESOLUTION NO. 2014-25**  
Document Title

Document Number

A Resolution approving a Conditional Use Permit request by Wood County to install a 156 foot Communication Tower and Antenna, exceeding the 150 foot maximum height and allow a 288 square foot equipment shelter, located at **1600 North Chestnut Avenue, zoned "CMU"** Community Mixed Use Commercial District, City of Marshfield, Wood County, Wisconsin.

**WHEREAS**, it is determined by the Plan Commission that the proposed conditional use and amendment meets the criteria listed in Section 18-161(6)(c) of the Marshfield Municipal Code; and

**WHEREAS**, the City Clerk, having published a Notice of Public Hearing regarding such conditional use application, pursuant thereto, a public hearing having been held on the 15<sup>th</sup> day of April, 2014 at 7:00 pm, and the Plan Commission having heard all interested parties or their agents and attorneys; and

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Marshfield, Wisconsin, do ordain as follows:

**SECTION 1.** That since the Common Council finds it in the public interest to allow the proposed conditional use permit, described in Section 2, on the following described property, subject to the conditions listed below:

All of Lot 1 of Certified Survey Map No. 9738 recorded in Volume 35 of CSMs on Page 38 and being part of the frac<sup>1</sup> NW ¼ of the NE ¼ of Section 5, Township 25 North, Range 3 East, City of Marshfield, Wood County, Wisconsin.

**SECTION 2.** The above described property, is permitted to install a 156 foot Communication Tower and Antenna, located at 1600 North Chestnut Avenue, zoned "CMU" Community Mixed Use Commercial District.

**SECTION 3.** The conditional use permit is subject to the following conditions:

- The site plan is approved as presented with a flexibility to allow the tower to be moved 10 feet in either direction of the proposed location.
- The screening shall comply with the existing Municipal Code with the understanding that the existing perimeter vegetation around the site provides the screening.
- The tower and attached antenna may exceed the 150 foot height limitation, allowing up to a 156 foot tall tower.
- The tower must be lit and meet FAA standards for illumination.
- The tower must be constructed within 365 days of Common Council approval.

**SECTION 4.** The City Clerk is hereby directed to record a certified copy of this Resolution as the Conditional Use Permit in the office of the Register of Deeds of Wood County, Wisconsin, upon approval by the Common Council.

NOTE: This action is recommended by the City Plan Commission.

ADOPTED \_\_\_\_\_

CHRIS L. MEYER, Mayor

ATTEST:

APPROVED \_\_\_\_\_

DEB M. HALL, City Clerk

Drafted by: City of Marshfield, Joshua Miller  
Planning and Economic Development Department  
P. O. Box 727  
Marshfield, WI 54449-0727

STATE OF WISCONSIN COUNTY OF \_\_\_\_\_

Personally came before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ the above named **CHRIS L. MEYER & DEB M. HALL** to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Wood County, Wisconsin  
My Commission Expires: \_\_\_\_\_

Recording Area

Name and Return Address

**City of Marshfield**  
**Attn: City Clerk**  
**P. O. Box 727**  
**Marshfield, WI 54449-0727**

**33-03211AD**

Parcel Identification Number (PIN)

**RESOLUTION NO. 2014-26**

Document Title

Document Number

A Resolution approving a Conditional Use Permit request by Prairie Run Group to construct two – 4 unit townhouse style multiplex buildings as part of a group development, including an exception to the parking lot design standards, in the designated commercial area within the **Prairie Run "PUD" Planned Unit Development, located on the property just west of the Prairie Run Drive and Wildflower Drive intersection (parcel 33-0MM072), City of Marshfield, Marathon County, Wisconsin.**

**WHEREAS**, it is determined by the Plan Commission that the proposed conditional use and amendment meets the criteria listed in Section 18-161(6)(c) of the Marshfield Municipal Code; and

**WHEREAS**, the City Clerk, having published a Notice of Public Hearing regarding such conditional use application, pursuant thereto, a public hearing having been held on the 15<sup>th</sup> day of April, 2014 at 7:00 pm, and the Plan Commission having heard all interested parties or their agents and attorneys; and

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Marshfield, Wisconsin, do ordain as follows:

**SECTION 1.** That since the Common Council finds it in the public interest to allow the proposed conditional use permit, described in Section 2, on the following described property, subject to the conditions listed below:

See Attachment A: Legal Description for Resolution No. 2014-26

**SECTION 2.** The above described property, is permitted to construct two – 4 unit townhouse style multiplex buildings, including an exception to the parking lot design standards, in the designated commercial area within the **Prairie Run "PUD" Planned Unit Development**, located on the property just west of the Prairie Run Drive and Wildflower Drive intersection (parcel 33-0MM072).

**SECTION 3.** The conditional use permit is subject to the following conditions:

- The property must be subdivided through a Certified Survey Map.
- The townhouses may be constructed at the presented setbacks from the street.
- The building footprint may be modified plus or minus 5% of the size shown on the proposed site plan.
- The buildings, parking area, and trash enclosure may be shifted to the west up to an additional 4 feet and south up to an additional 8 feet, provided the bufferyard not be reduced to less than 15 feet along the main drive aisle (excluding the south visitor parking area).
- Landscaping plan is approved as presented, where the plant selection meets the City of Marshfield Municipal Code Requirements.
- Construction of the proposed development must be initiated within 2 years of Common Council approval.
- An exception is allowed for the parking lot and drive aisle to be approved as presented with a 40 foot wide parking area and 20 foot wide drive aisle.
- The development may exceed 25 percent over the minimum required stalls as presented.

**SECTION 4.** The City Clerk is hereby directed to record a certified copy of this Resolution as the Conditional Use Permit in the office of the Register of Deeds of Wood County, Wisconsin, upon approval by the Common Council.

NOTE: This action is recommended by the City Plan Commission.

ADOPTED \_\_\_\_\_

CHRIS L. MEYER, Mayor

ATTEST:

APPROVED \_\_\_\_\_

DEB M. HALL, City Clerk

Drafted by: City of Marshfield, Joshua Miller  
Planning and Economic Development Department  
P. O. Box 727  
Marshfield, WI 54449-0727

STATE OF WISCONSIN COUNTY OF \_\_\_\_\_

Personally came before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ the above named **CHRIS L. MEYER & DEB M. HALL** to me known to be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, Wood County, Wisconsin  
My Commission Expires: \_\_\_\_\_

**Recording Area**

Name and Return Address

**City of Marshfield  
Attn: City Clerk  
P. O. Box 727  
Marshfield, WI 54449-0727**

**33-0MM072**

Parcel Identification Number (PIN)

Attachment A: Legal Description for Resolution 2014-26

Part of Block 7 of Prairie Run located in the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 31, Township 26 North, Range 3 East, City of Marshfield, Marathon County, Wisconsin, described as follows:

Beginning at the Northeasterly corner of said Block 7; thence N 59°25'18" W along the South line of Wildflower Drive 128.46 feet; thence S 36°33'42" W along the South line of Prairie Run Condominiums 207.66 feet; thence N 90°00'00" W 45.03 feet; thence S 1°31'38" E 379.38 feet to the West line of Prairie Drive; thence 232.84 feet along the West line of Prairie Drive and along the arc of a curve concave to the Southeast whose radius is 345.00 feet, whose central angle is 38°40'08" and whose chord bears N 17°48'27" E 228.45 feet; thence N 37°08'31" E along the West line of Prairie Drive 330.20 feet to the point of beginning.



# City of Marshfield Memorandum

---

DATE: April 17, 2014  
TO: Mayor Meyer & City Council  
FROM: Steve Barg, City Administrator  
RE: Budget Resolution No. 10-2014 transferring funds for grant application costs

## **Background**

On April 15<sup>th</sup>, the Council voted in favor of the request recommended for approval by the Economic Development Board (EDB) to use up to \$20,000 from EDB's "grant writer" line item for consulting costs for a USDA grant request. If successful, the result may be up to \$500,000 for the Library & Community Center project. Attached is a proposal from REAL Development Initiatives LLC, the firm recommended by the project's fundraising consultant.

## **Second grant application**

During the presentation, staff advised that the EDB decided not to recommend economic development funds for a second grant application for the CDBG program, at a cost up to \$9,000, and which may produce up to \$150,000 for this project. While the USDA grant is specifically for the library part of this project, the CDBG grant is more for the community center component. If the Council wants to fund this grant request, the \$9,000 could come from;

- General Fund Contingency (\$6,000)
- Parks & Recreation Administration (\$1,000)
- Recreation Programs (\$1,000)
- Aging/Senior Center (\$1,000)

## **Clarification on the fees**

As noted on page 4 of the proposal, the retainer is \$5,000 for the USDA grant request and \$3,000 for the CDBG grant request. The remaining fees (up to an additional \$15,000 and \$6,000 respectively) will be charged based upon the success of each of these applications, either full or pro-rated. I apologize that this wasn't made clear at our April 15<sup>th</sup> meeting.

**Budget resolution options**

For your review and consideration, I've attached a budget resolution that could fund 2 options. The first one transfers \$20,000 from the Economic Development budget to the Library & Community Center project fund for the consultant cost for the USDA grant. The second would transfer an additional \$9,000 from the four budgets listed above to the Library & Community Center project fund for the consultant cost for the CDBG grant application.

**Recommendation**

Staff recommends the Council approve one option of Budget Resolution No. 10-2014.

Concurrence:   
Steve Barg, City Administrator

  
Keith Strey, Finance Director

This is a confidential document of Real Development Initiatives, LLC, and it shall not be  
possessed or copied by any other parties without the written consent of RDI  
**Proposal: Marshfield, WI / Public Library**

1

## PROPOSAL AND AGREEMENT FOR SERVICES

Prepared for

**The City of Marshfield and the  
Marshfield Public Library and Community Center**

BY:

**REAL Development Initiatives, LLC**

March 30, 2014



# PROPOSAL FOR SERVICES

---

*Marshfield, WI-- Public Library*

## **I. OBJECTIVES**

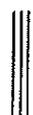
The proposal will define the specific services provided by REAL Development Initiatives, LLC.

- To research and recommend public funding sources for the new Marshfield Public Library & Community Center;
- Research, write, and submit necessary documents to request funding support from a variety of sources (as selected below)

Grant writing services to be completed within 60-120 days after the proposal for services has been accepted, and/or in a timely manner for submission specified by the granting organization.

## **II. SPECIFIC AREAS OF CONSULTATION--CDBG**

1. Research the specifics of CDBG funding for 2014 including discussions with current WI DOA staff;
2. Work with the City of Marshfield Administrator, the Library Director, and current Senior Center staff and volunteers ensure the CDBG program national goals and objectives are met by the Marshfield Public Library & Community Center project, with needed documentation.



3. Assist the City of Marshfield with the creation of the required Citizen Participation Committee. Consultant will work with the Citizen Participation Committee to implement the Citizen Participation Plan.

- Consultant will assist with applicable City Council approvals.
- Consultant will facilitate or assist as needed in the scheduled public hearings required by the CDBG application.

3. Research and write the CDBG-Public facilities grant application to secure funding for the Marshfield Public Library and Community Center. (To be completed in the first 60-120 days, depending upon client timely response to information requests by consultant and provided by client, and as according to grant guidelines).

- Research necessary data and determine impact on the constituents served by the Marshfield Library and Community Center including but not limited to quantifying the social returns and the community impact from the project.
- Write, submit, and follow-up as necessary to maximize the probability of receiving a grant award based on the application
- Advise client of necessary steps to address implementation needs upon receipt of grant

4. Consultant will advise the City of Marshfield and the Marshfield Library & Community Center Boards and staff of CDBG application status as well as any required action if the CDBG-PF grant is awarded if requested.

*All work detailed above will be performed by Julia Henley, Judith Wall, and JD Milburn, partners of REAL Development Initiatives, LLC. Reporting will be to Steve Barq, City of Marshfield Administrator and Lori Belongia, Marshfield Public Library Director.*

*REAL Development Initiatives, LLC shall be held harmless against any financial or legal liability arising out of this agreement and related activities provided that*



*REAL Development Initiatives, LLC acts lawfully and in compliance with this proposal.*

### **OPTIONAL OPPORTUNITIES**

5. Research and write the USDA Community Facilities application to secure funding for the Marshfield Public Library and Community Center. (To be completed in the first 60-90 days of the accepted proposal.)
6. Research and provide strategy for other grant and funding options for the project. (To be completed in the first 60-90 days of the accepted proposal.)

### **III. PERIOD OF CONSULTATION**

The time period for services shall be 60- 90 days from the date of the signed contract. Additional services requested shall be negotiated by a separate contract with associated costs and timelines.

### **IV. COMPENSATION** *(initial on selected services outlined below)*

- \* a. \_\_\_\_\_ Obtain data and craft narrative, submit grant—CDBG: \$3000 retainer, with a total limit of \$9000 fee. \*
- \* b. \_\_\_\_\_ Obtain data and craft narrative, submit grant—USDA Community Facilities: \$5000 retainer, with no more than \$20,000 total fee. \*
- c. \_\_\_\_\_ Research other funding options; contract will be amended to accommodate those other sources of funds.
- d. All expenses are included in this contract.
- e. Implementation of grants received, and services to provide implementation, such as project administration (financial & reporting) and project delivery are not part of this contract and would be engaged as a separate contract and paid through the grant according to the specific rules of the assistance provided and listed in the award letter. RDI would be engaged to perform this work in a separate agreement and after the

approval, and receiving the detail of the grant award. Additional agreements with RDI by the City of Marshfield, Marshfield Public Library will be negotiated separately. (Cost of administration & project delivery is dependent upon the specific award, state and federal rulings, as well as scope of the project based on a specific grant.)

#### VI. AUTHORITY TO SIGN DOCUMENT

The person(s) signing this Agreement certify and attest that they have full authority to bind the City of Marshfield, on whose behalf they are executing this agreement.

#### VII. TERMS

Retainer is paid upon signing of this proposal, and refers only to the selected services as noted. Please initial near the services selected. This serves as engaging RDI to do the services outlined. A copy of the signed contract will be provided to each party. Services will begin immediately.

By: \_\_\_\_\_  
Steve Barq,  
City of Marshfield Administrator

\_\_\_\_\_  
Date

By: \_\_\_\_\_  
Judith Wall  
REAL Developments Initiative, LLC

\_\_\_\_\_  
Date

March 30, 2014





DETAIL OF BUDGET RESOLUTION NO. 10-2014 BY OBJECT NUMBER

TRANSFERRED FROM:

<u>Economic Development Fund, a/c# 2055900008.080405:</u>		
1. 59240405 – Transfer to Capital Project Fund	\$	20,000
<u>Economic Development Fund EDB Budget, a/c# 2055673008.089000:</u>		
1. 52100 – Professional Services		20,000
<u>General Fund, a/c# 1015900008.080405:</u>		
1. 59240405 – Transfer to Capital Project Fund	\$	9,000
<u>General Fund, a/c# 1015156008.080000:</u>		
1. 57350 – Reserved for Contingency		6,000
<u>General Fund Aging/Senior Center Budget, a/c# 1015461050.500000:</u>		
1. 52500 – Repair & Maintenance		1,000
<u>General Fund Parks/Recreation Administration Budget, a/c# 1015531062.620000:</u>		
1. 52900 – Other Contractual Services		1,000
<u>General Fund Recreation Programs Budget, a/c# 1015532162.620000:</u>		
1. 52900 – Other Contractual Services		1,000

TRANSFERRED TO:

<u>Public Facilities Capital Outlay Fund, a/c# 4054900008.080205:</u>		
1. 49220 – Transfer from Special Revenue Fund	\$	20,000
<u>Public Facilities Capital Outlay Fund, a/c# 4055662070.706000:</u>		
1. 52100 – Professional Services		20,000
<u>Public Facilities Capital Outlay Fund, a/c# 4054900008.080101:</u>		
1. 49210 – Transfer from General Fund	\$	9,000
<u>Public Facilities Capital Outlay Fund, a/c# 4055662070.706000:</u>		
1. 52100 – Professional Services		9,000

\* \* \* \*

**Wisconsin Department of Administration**

Authorizing Resolution: CDBG-PF Application Submission – Community Development Block Grant

UNIT OF GENERAL LOCAL GOVERNMENT (UGLG) NAME: City of Marshfield

DOA-DOH Grant Agreement #: Not Yet Assigned

**AUTHORIZING RESOLUTION**

for the Submission of a  
Community Development Block Grant – Public  
Facilities (CDBG–PF) Application



Relating to the City of Marshfield participation in the  
*(County, City, Village, or Town)* *(UGLG/Unit of General Local Government's Name)*  
Community Development Block Grant – Public Facilities (CDBG–PF) program:

WHEREAS, Federal monies are available under the Community Development Block Grant (CDBG) program, administered by the Wisconsin Department of Administration (DOA) Division of Housing (DOH) for the purpose of the provision or improvement of public facilities; and

WHEREAS, after public meeting and due consideration, the Library and Community Center Committee  
*(Name of Appropriate Committee)*  
has recommended that an application be submitted to DOA for the following project(s):  
Marshfield Library and Community Center Project ; and  
*(CDBG-PF Proposed Project Title)*

WHEREAS, it is necessary for the Marshfield City Council to  
*(County Board, City Council, Village Board, Town Board)*  
approve the preparation and filing of an application for the City of Marshfield to  
*(County, City, Town, Village)*  
receive funds from this program; and

WHEREAS, the Marshfield City Council has reviewed the  
*(County Board, City Council, Village Board, Town Board)*  
need for the proposed project(s) and the benefit(s) to be gained there from;

NOW, THEREFORE, BE IT RESOLVED, that the Marshfield City Council  
*(City Council, County Board, Village Board, Town Board)*  
does hereby approve and authorize the preparation and filing of an application for the above-

**Wisconsin Department of Administration**

Authorizing Resolution: CDBG-PF Application Submission – Community Development Block Grant

named project(s); and that Mayor Chris Meyer is hereby  
*(Council President, Mayor, Board Chair, Village President)*  
authorized to sign all necessary documents on behalf of the City of Marshfield; and  
*(County, City, Village, Town)*  
that authority is hereby granted to Library and Community Center Committee  
*(Name of Appropriate Committee)*  
to take the necessary steps to prepare and file the application for funds under this program in  
accordance with this resolution.

ADOPTED on this 22 day of April, 2014. ATTEST: \_\_\_\_\_  
*(Day) (Month) (Year) (Signature of Clerk)*

The governing body of City of Marshfield has authorized the above resolution  
*(UGLG/Unit of General Local Government's Name)*  
by Resolution No.: \_\_\_\_\_, dated April 22, 2014.

\_\_\_\_\_  
*Signature of the Chief Elected Official*

Mayor April 15, 2014  
*Title Date*

Chris Meyer  
*Typed Name of the Chief Elected Official*

This document was:  Faxed  Emailed  Mailed on April 23, 2014  
*(Check One) Date*