



CITY OF MARSHFIELD
MEETING NOTICE

**COMMON COUNCIL
CITY OF MARSHFIELD, WISCONSIN
TUESDAY, MAY 13, 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 22, 2014
- E. Reading of items added to the agenda
- F. 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.
- G. Gary Jepsen began his employment in the Marshfield Police Department on May 17, 1982 and will retire as Chief on May 15, 2014 after 32 years of service.

Randy Gershman, Vice-President Fire & Police Commission, will recognize Chief Jepsen on behalf of the City and Representative John Spiros will present him with a plaque commending him for his service.
- H. Historic Preservation Stewardship Award presented to Bridget O'Brien and Mark Nelson for their work with the Chestnut Avenue Center for the Arts. Presented by Don Schnitzler, Chair of the Historic Preservation Month Planning Committee.

COMMON COUNCIL AGENDA
MAY 13, 2014

- I. Consideration of a request from the Leadership Marshfield Project – Movies in the Park for a variance of noise levels as permitted by Chapter 10-33(7) for four outdoor movie events for the summer 2014 beginning around 9 p.m. and concluding around 11 p.m. The dates and locations are: Friday, May 30th at Columbia Park; Friday, June 27th at Marshfield Fairgrounds Park – (drive-in style off 17th Street); Friday, July 25th on Central Ave. (Between 3rd and 4th Streets); and Friday, August 1st at Columbia Park. Presented by Steve Barg, City Administrator.

Recommended Action: Grant the variance.

- J. Consideration of a request from Main Street Marshfield for a variance of noise levels as permitted by Chapter 10-33(7) for Hub City Days to be held on Saturday July 26, 2014 on Central Avenue from Veteran's Parkway to Seventh Street from 9:00 a.m. to 12:00 a.m. Presented by Steve Barg, City Administrator.

Recommended Action: Grant the variance.

- K. Consideration of a request from Main Street Marshfield for a variance of noise levels as permitted by Chapter 10-33(7) for a Kick off to Summer Block Party to be held on Friday, June 20, 2014 from 6:00 p.m. – 11:00 p.m. on the 100 block of Central Avenue. Presented by Steve Barg, City Administrator.

Recommended Action: Grant the variance.

- L. Consideration of a request from the Marshfield Curling Club for a variance of noise levels as permitted by Chapter 10-33(7) for the evenings of May 30th and May 31st from 7:30 p.m. to 12:30 a.m. for the Dairyfest Beer Garden to be held at the Marshfield Curling Club. Presented by Steve Barg, City Administrator.

Recommended Action: Grant the variance.

- M. Reports from commissions, boards, and committees.

- N. Consent Agenda:

- 1) Meeting minutes/reports
 - a. Community Development Authority (March 20, 2014)
 - b. Community Development Authority Strategic Planning/Financial Meeting (April 9, 2014)
 - c. Fairgrounds Commission (April 16, 2014)
 - d. Community Development Authority Financial Meeting (April 16, 2014)
 - e. Airport Committee (April 24, 2014)
 - f. Historic Preservation (May 5, 2014)
 - g. Board of Public Works (May 5, 2014)
 - h. Judiciary and License Committee (May 6, 2014)
 - i. Finance, Budget, and Personnel Committee (May 6, 2014)
 - j. Judiciary and License Committee (May 13, 2014)*

*Minutes not included in packet.

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

COMMON COUNCIL AGENDA
MAY 13, 2014

- O. Consideration of items removed from the consent agenda, if any.
- P. Presentation regarding workforce development issues in the Marshfield area. Presented by Rene Daniels, Executive Director of the North Central Wisconsin Workforce Development Board.
- Q. Second Reading Ordinance No. 1279 repealing and re-enacting Chapter 25, Construction Site Erosion Control. Presented by Tom Turchi, City Engineer.

Recommended Action: Approve Ordinance No. 1279.

- R. Second 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: Approve Ordinance No. 1275.

- S. Second 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: Approve Ordinance No. 1277.

- T. Second 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: Approve Ordinance No. 1278.

- U. Request to approve Budget Resolution No. 09-2014, transferring \$23,555 within the Fire Protection budget for the purchase of UHF portable radios and an aerial work platform lift. Presented by Scott Owen, Deputy Fire Chief.

Recommended Action: Approve Budget Resolution No. 09-2014.

- V. Consider recommendation by the Economic Development Board to enter into a contract with Place Dynamics (New Berlin) to complete the process of updating the Marshfield Downtown Master Plan. Presented by Jason Angell, Director of Planning & Economic Development.

Recommended Action: Authorize staff to execute the contract.

- W. Appointment of Kris Keogh, 2715 N. Apple Ave. to the Historic Preservation Committee for a term expiring in 2017. Presented by Chris Meyer, Mayor.

Recommended Action: None required at this time. This will be scheduled for action at the May 27, 2014 Common Council meeting.

COMMON COUNCIL AGENDA
MAY 13, 2014

- X. Appointment of Gary Cummings as the Alderperson on the Library & Community Center Committee. Presented by Chris Meyer, Mayor.

Recommended Action: None required at this time. This will be scheduled for action at the May 27, 2014 Common Council meeting.

- Y. Discuss options for Council-staff retreat. Presented by Steve Barg, City Administrator.

Recommended Action: Discretion of the Council.

- Z. Items for future agendas.

- AA. Adjournment

Posted this day, May 9, 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 22, 2014

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, Chris Jockheck, Gordon H. Earll, Ed Wagner, Char Smith, Gary Cummings, Rebecca Spiros, Tom Buttke and Peter Hendler

ABSENT: None

The flag was saluted and the pledge given.

CC14-076 Motion by Feirer, second by Cummings to approve the minutes of the Common Council meeting of April 8, 2014.

Motion carried

CC14-077 Motion by Hendler, second by Spiros to approve the minutes of the Common Council Organizational meeting of April 15, 2014.

Motion carried

The Mayor announced that there is an opening on the Historic Preservation Committee. Anyone interested on being on the committee should contact his office.

No items were added to the agenda.

PUBLIC COMMENT PERIOD

City Engineer Turchi announced that they will be giving away two rain barrels to anyone that signs up. Names will be drawn during the meeting.

CC14-078 Motion by Buttke, second by Cummings to grant the 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.

Motion carried

REPORTS FROM COMMISSIONS, BOARDS AND COMMITTEES

Matt Bartkowiak, Library and Community Center Project. The floor plans for both facilities are moving along very well. The architectural work is continuing with the interior design of the different spaces. Fundraising is following a carefully strategized plan. They are completing the visionary phase of the fundraising. Construction Manager needs to be sought for the project. A committee has been formed to put together a Request for Proposals. Viva Las Vegas event will be held at the Library on Saturday, April 26th at 6:00 p.m.

Mike Eberl from the Marshfield Utility Commission. At the last regular meeting the Commission approved the staff's recommendation for a 3% simplified water rate case.

CONSENT AGENDA

CC14-079 Motion by Buttke, second by Cummings to receive and place on file, approving all recommended actions for the items listed on the consent agenda. Meeting Minutes/Reports: Library & Community Center Committee of February 5, 2014; Main Street Marshfield of February 5, 2014; Zoning Board of February 11, 2014; Main Street Marshfield of March 5, 2014; Library & Community Center Committee of March 5, 2014; Library Board of March 11, 2014; Fire & Police Commission of March 13, 2014; Central Wisconsin State Fair Board of March 17, 2014; Cable TV

Committee of March 24, 2014; Central Wisconsin State Fair Special Meeting of March 31, 2014; Fire & Police Commission of April 3, 2014; Committee on Aging of April 3, 2014; Economic Development Board of April 3, 2014; Board of Canvassers of April 7, 2014; Marshfield Utilities of April 7, 2014; Historic Preservation Committee of April 7, 2014; Sustainable Marshfield Committee of April 8, 2014; Economic Development Board of April 9, 2014; Parks, Recreation, and Forestry Committee of April 10, 2014; Board of Public Works of April 14, 2014; Judiciary and License Committee of April 15, 2014; and Plan Commission of April 15, 2014.

Aldersperson Wagner requested to remove from the Board of Public Works Minutes of April 14, 2014 motions PW14-57 and PW14-60 and vote on them separately.

Vote on motion **CC14-079 as amended**.
Motion carried

Discussion on motion **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

CC14-080 Motion by Wagner, second by Smith to override the Board of Public Works recommendation 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. Ayes – 5 (Feddick, Wagner, Smith, Spiros, Hendler); Nays – 5 (Feirer, Jockheck, Earll, Cummings, Buttke). Mayor broke the tie and voted Nay.
Motion failed

Discussion on motion **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

Motion PW14-53 reads as follows: 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.
Vote on original motion PW14-53
Cummings, Earll & Buttke voted 'No' Motion Failed

CC14-081 Motion by Earll, second by Wagner to refer motion PW14-057 back to the Board of Public Works for reconsideration. Ayes – 9; Nay – 1 (Buttke)
Motion carried

CC14-082 Motion by Hendler, second by Spiros to receive and place on file the fiscal year 2013 Comprehensive Annual Financial Report and Independent Audit Report.
Motion carried

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.

CC14-083 Motion by Buttke, second by Wagner to approve Ordinance No. 1274. Ayes - 10
Motion carried

A presentation on the Storm Water Management for the City of Marshfield was given by City Engineer Tom Turchi.

First reading of Ordinance No 1279, repealing and re-enacting Chapter 25, Construction Site Erosion control.

First reading of 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.

First reading of Ordinance No. 1276, Municipal Code 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.

CC14-084 Motion by Buttke, second by Earll to suspend the rules and vote on Ordinance No. 1276.

Motion carried

CC14-085 Motion by Buttke, second by Cummings to approve Ordinance No 1276. Ayes – 10
Motion carried

First reading of 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.

First reading of 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.

CC14-086 Motion by Wagner, second by Cummings 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.

Motion carried

CC14-087 Motion by Hendler, second by Feirer 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.

Ayes – 9; Nay – 1 (Jockcheck)

Motion carried

CC14-088 Motion by Buttke, second by Spiros 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).

Motion carried

CC14-089 Motion by Earll, second by Hendler to authorize the termination of the contract for grant writer services with CDA and Marshfield Public Schools.

Motion carried

CC14-090 Motion by Feirer, second by Cummings 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.

CC14-091 Motion by Buttke, second by Cummings to amend Budget Resolution No. 10-214 to \$20,000 focusing only on the USDA Grant. Ayes – 9; Nay – 1 (Feddick-Goodwin)

Motion carried

Vote on motion **CC14-090 as amended**; Ayes – 5 (Feirer, Jockheck, Earll, Cummings, Buttke); Nays – 5 (Feddick-Goodwin, Wagner, Smith, Spiros, Hendler)

Motion failed

Staff & the Library & Community Center Committee were directed to come back to the Council with something very specific that they are applying for and go out for bids from other grant writing organizations.

No action was taken on Resolution No. 2014-27, authorizing approval to submit a grant application under the Community Development Block Grant for Public Facilities program for the Library & Community Center project.

CC14-092 Motion by Feirer, second by Earll to refer to the Finance, Budget and Personnel Committee the financing for funds pledged over several years for the proposed Library & Community Center project.

Motion carried

CC14-093 Motion by Wagner, second by Cummings to approve the Mayor’s citizen appointments to various committees, boards, and commissions.

Motion carried

Future Agenda Items

None

Motion by Jockheck, second by Earll to adjourn at 9:48 p.m.

Motion carried

Deb M. Hall
City Clerk



April 22, 2014

Common Council
City of Marshfield
630 S. Central Ave.
Marshfield, WI 54449

RE: Noise Variance

Dear Alderpersons,

We are writing on behalf of Leadership Marshfield Project – Movies in the Park. We are kicking off our fifth year of movie showings and have, again, organized four outdoor movie events for the summer 2014. The movie nights will begin at dusk or around 9 p.m. and conclude around 11 p.m. Since the noise ordinance is until 10:30 p.m., we are asking the council to please grant and waive the variance fee for the last half hour. Our event dates and locations are as follows:

Friday, May 30th at Columbia Park
Friday, June 27th at Marshfield Fairgrounds Park – (drive-in style off 17th St.)
Friday, July 25th on Central Avenue, Marshfield – (between 3rd & 4th Streets)
Friday, August 1st at Columbia Park

The band shell at Columbia Park, tree coverings and shelter areas at other parks, as well as the flexibility of sound towers to direct and control the sound level will help keep the noise within a controlled area. We are also working with Main Street Marshfield and the City to ensure appropriate measures are taken for the downtown area event. An FM transmitter will be instituted to allow the audience to use personal sound equipment and also help minimize the sound impact on nearby residence areas. The group will be in attendance during the entire time of the four movie events monitoring several aspects, including community involvement/attendance, crowd behavior/enthusiasm, and visual/hearing impact on the surrounding neighbors.

We sincerely enjoy planning and making these events possible for our community. Thank you for considering this request.

Sincerely,

***Movies in the Park* Leadership Marshfield Project Team**

Mike Bauman, Karen Isaacson, Dennis Keffer, Curt Kracht, Brad Remmen



April 28, 2014

MARSHFIELD CITY COUNCIL
c/o Deb Hall, City Clerk
630 S. Central Avenue
Marshfield, WI 54449

RE: REQUEST FOR NOISE VARIANCE-HUB CITY DAYS-JULY 26, 2014

Main Street Marshfield, Inc. will be holding the annual "Hub City Days" Event on Saturday, July 26, 2014. The event will be held Downtown on Central Avenue from Veteran's Parkway to Seventh Street. We expect the event to begin at approximately 9:00 A.M. and end by 12:00 A.M. The event will feature the following activities:

- 3 on 3 Basketball Tournament for kids 4th – 8th Grades in the morning/afternoon
- Pork Cook-off Competition during the day
- Micro-Brewery Taste Testing event in the afternoon
- Bands & DJ's throughout the day
- Food & Craft Vendors
- Children's Area

We will set up the Main Stage & Beer Garden between 3rd & 4th Streets. The speakers will be directed north so the sound will impact the fewest residents possible. The festivities will end promptly at 12:00 A.M. The Rain location for this event would be the OACC.

We will be working with the Police Chief to develop an effective security plan utilizing a combination of Marshfield Police Department employees in conjunction with private security forces. We will be submitting an updated Emergency Evacuation Plan with the Marshfield Fire Department.

We are requesting a one day noise variance for this event. If you have any further questions please feel free to call me.

Sincerely,

A handwritten signature in cursive script that reads "Denise Sonnemann".

Denise Sonnemann
Executive Director



April 28, 2014

MARSHFIELD CITY COUNCIL
c/o Deb Hall, City Clerk
630 S. Central Avenue
Marshfield, WI 54449

RE: REQUEST FOR NOISE VARIANCE-Kick of to Summer Block Party, June 20, 2014

- Main Street Marshfield, Inc. will be hosting a new event, a downtown block party. The event will be held Downtown on Central Avenue in the 100 Block South.
- We expect the event to begin at approximately 6pm and end at 11pm. The event will feature the small, live local band, a beer garden and one food vendor.

We will be working with the Police Chief to help with security needs. Due to this being a new event, we do not know what to expect for crowd.

We are requesting a one day noise variance for this event. If you have any further questions please feel free to call me.

Sincerely,

A handwritten signature in cursive script that reads "Denise Sonnemann".

Denise Sonnemann
Executive Director

May 6, 2014

Common Council

City of Marshfield

630 S. Central Ave.

Marshfield, WI 54449

Re: Noise Variance

To the Council Members:

On behalf of the Marshfield Curling Club, I request that you grant us a noise variance on the evenings of Friday May 30st and Saturday, May 31st, 2014 as we will be providing entertainment in our building for the Dairyfest Beer Garden.

On Friday night, the band Freak Union will provide music starting between 7:30-8:00pm. On Saturday night, the band 6 figures will be also start between 7:30-8:00pm. Both bands will be playing until 12:00-12:30 am. The building is enclosed, and we will be having the south end garage doors as our main entrance and exit for the building.

The Marshfield Curling Club would appreciate the variance being granted this year again to help provide a weekend of fun, entertainment, and safety to the patrons of Dairyfest.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul Logan", with a long, sweeping horizontal stroke extending to the right.

Paul Logan

Bar Manager

Marshfield Curling Club

COMMUNITY DEVELOPMENT AUTHORITY

March 20th, 2014

The monthly meeting of the Community Development Authority was called to order by Vice Chairperson Marilyn Hardacre at 9:10 a.m. in the Cedar Rail Court Community Room, 601 S. Cedar Avenue, Marshfield, Wisconsin.

Affirmation of Proper Posting of Meeting: Meeting posted March 17th, 2014 at 1:32 p.m.

ROLL CALL:

PRESENT: Marilyn Hardacre, Dave Marsh, Dave LaFontaine, Tom Buttke, John Conklin

EXCUSED: Peter O. Hendler, Andrew Keogh

OTHERS PRESENT: Mary James-Mork - Executive Director, Tim Geldernick - Environmental Services Manager, Carol Kerper - Executive Assistant

Declaration of a Quorum.

Identify any Potential Conflicts of Interest: None

Public Comment: Commissioner and Parkview Apartment resident John Conklin said that the Parkview residents are pleased with the new furniture and the paint color being used on the sunroom walls. Maintenance staff is doing a wonderful job with the painting and wallpaper removal.

CDA 14-B03-1 Motion by LaFontaine, second by Marsh to accept the February 20th, 2014 Board meeting minutes. 5 Ayes

MOTION CARRIED

Buttke noted a correction to the March 19, 2014 Financial Committee minutes. The motion to accept and recommend the March 19, 2014 financial report for board approval received 2 aye votes, not 1 aye vote.

CDA 14-B03-2 Motion by Buttke, second by LaFontaine to accept the March 19th, 2014 Financial meeting minutes. 5 Ayes

MOTION CARRIED

Revised draft of 2014 – 2015 Budget was presented for approval by the Finance Committee.

CDA 14-B03-3 Motion by LaFontaine, second by Buttke to approve the Operational Budget for 2014-2015 budget via Resolution # 493 (form HUD- 52574) . 5 Ayes

MOTION CARRIED

CDA 14-B03-4 Motion by LaFontaine, second by Conklin to accept the Financial report as presented. 5 Ayes

MOTION CARRIED

Personnel Committee: No update

Strategic Planning Committee: No update

Grievance Committee: No update

Executive Director's Report:

CDA 14-B03-5 Motion by LaFontaine, second by Marsh to accept and place on file the Executive Director's Report. 5 Ayes

MOTION CARRIED

Next Meeting Date and Time: Thursday, April 24th, 2014 at 9:00 a.m. in the Community Room of Parkview Apartments

April Agenda Items: RMM Solutions Update
RAD Update
5 Year Capital Funds Preliminary Budget
Strategic Planning Meeting Update

Motion by LaFontaine, second by Conklin to adjourn. Meeting adjourned at 10:13 a.m.

Respectfully submitted,

Mary James-Mork
Executive Director

Marilyn Hardacre
Vice Chairperson

COMMUNITY DEVELOPMENT AUTHORITY
Executive Director's Highlights
April 17th, 2014

1. Occupancy-

Elderly/Disabled Housing- Parkview has eight (8) openings, with three (3) on hold for modernization.
Cedar Rail – Six (6) openings.
Several openings at both facilities are due to transfers to assisted living and the passing of residents.
Scattered Sites-Full.
Section 8-The program has fifty-five (55) active, leased vouchers.

2. Meetings/Partnerships

Economic Development Board
Committee on Aging
Library Project
Lutheran Social Services

3. Economic Development Board (EDB)

Economic Development Board presented the results of the Housing Study to community members at the UW-Campus on April 9th, 2014.

4. RAD Project-

Executive Director will share PowerPoint/Handouts from recent RAD trainings with the Board of Commissioners at the April Board Meeting.

5. RMM Solutions-

Executive Director met with RMM Solutions Owner and Account Manager at the CDA on March 21st, to review areas in need of clarification after the legal review by Von Briesen 2014. Results of that meeting and updates will be shared at the April 2014 Commission Meeting.

8. Potential Project LSS

Executive Director is scheduled to meet with Carrie Bublitz, LSS Administrator on May 15th regarding the potential for location of both an office and an apartment to feature new technology for those seeking to live independently.

9. Capital Projects

Cedar Rail Roofing Project-Payment and Performance Bond scheduled to arrive at the CDA office no later than April 21st, 2014. Contract will be issued at that time. Annual and Five Year Plans for Capital Funding reviewed by Staff Leaders in preparation for April 16th Finance Committee meeting.

10. Strategic Planning/Finance Committee Meeting-

Planning Committee and Executive Director met on April 9th, 2014 to begin discussions on the desired format and key issues for Strategic Planning. Members unanimously support increased participation by the ED in efforts to expand CDA opportunities/contribution within the Community. They will recommend that the ED prepare and position staff leaders to take more of the lead with the current Public Housing Activities while those efforts are undertaken.

11. Personnel/Finance/Planning-

ED will provide options for restructuring the organization in order to better align with the goals of Strategic Planning at a May 2014 meeting to be announced. Conversations will include discussions about which skill sets will be required, capacity of current staff, outsourcing, and new models for providing services based upon pending opportunities.

STRATEGIC PLANNING/FINANCE MEETING
Wednesday April 9, 2014

The Strategic Planning/Financial Committee meeting of the Community Development Authority was called to order by Finance Committee Chairperson Dave LaFontaine at 9:35 a.m. in the Cedar Rail Court Executive Conference Room, located at 601 S. Cedar Avenue, Marshfield, WI.

Affirmation of Proper Posting of Meeting: Meeting posted: April 7, 2014 @ 1:12 p.m.

ROLL CALL:

PRESENT: Dave LaFontaine, Andrew Keogh, Dave Marsh, Tom Buttke, Peter Hendler

OTHERS PRESENT: Mary James-Mork - Executive Director

Declaration of a Quorum.

Identify any Potential Conflicts of Interest: None

Public Comment: None

Review of Articles for Strategic Planning, and Discussion on Process/Format for Planning Efforts

No Action Taken

CDA 14-S04-1 Motion to Convene to Closed Session by Tom Buttke, second by Andy Keogh

MOTION CARRIED

Convene to Closed Session pursuant to Wisconsin Statutes, 19.85(1) (c), (f) to discuss information involving personnel management of CDA financial information and to discuss employment, promotion, compensation or performance evaluation data of specific public employees over which the Board has jurisdiction or exercises responsibility.

CDA 14-S04-2 Motion to Convene to Open Session by Andy Keogh, second by Dave Marsh

MOTION CARRIED

No Action Taken

Next meeting date: TO BE ANNOUNCED

Meeting adjourned at 11: 50 a.m.

Respectfully submitted,

Mary James-Mork
Executive Director

Dave LaFontaine
Chairperson

**Marshfield Fairgrounds Commission Minutes from Wednesday
April 16, 2014 Marshfield City Hall Room 108**

Commissioners Present; Ashbeck, Feirer, Curry, Winch, Buttke

Also Present; Ed Englehart Park and Recreation

1. Meeting called to order by chairman Feirer at 9:30 at room 108 Marshfield City Hall
2. previous minutes. Motion to accept by Curry seconded by Winch. All ayes motion carried
3. Account balance was given by Buttke. Motion to approve by Winch seconded by Curry. All ayes motion carried
4. There were no bills to approve.
5. The Park and Recreation report was given by Englehart. Motion by Winch seconded by Curry to have Englehart contact the fair association about the city removing some of the planters. All ayes motion carried. Motion by Ashbeck seconded by Curry to approve the Park and Recreation report. All ayes motion carried
6. There was no representative from the fair association to give a report.
7. The next meeting will be Wednesday May 21 at 9:30 at the Marshfield city hall room 108
8. Motion by Winch seconded by Ashbeck to adjourn at 10:30. All ayes motion carried

COMMUNITY DEVELOPMENT AUTHORITY
April 16th, 2014

The Financial meeting of the Community Development Authority was called to order by Finance Committee Member Dave Marsh at 9:28 a.m. in the Cedar Rail Court Executive Conference Room, located at 601 S. Cedar Avenue, Marshfield, WI.

Affirmation of Proper Posting of Meeting: Meeting posted April 15th, 2014 at 8:50 a.m.

ROLL CALL:

PRESENT: Dave Marsh, Andy Keogh

OTHERS PRESENT: Mary James-Mork - Executive Director, Janet Southworth – Director of Public and Section 8 Housing, Carol Kerper - Executive Assistant

EXCUSED: Dave LaFontaine

Declaration of a Quorum.

Identify any Potential Conflicts of Interest: None

Public Comment: None

Review of Financial Reports/Documentation

CDA 14-F04-1 Motion by Keogh, second by Marsh to accept and recommend the financial report for board approval. 2 Ayes

MOTION CARRIED

Review of Section 8 Management Assessment Program (SEMAP) Submission for Fiscal Year Ending 3/31/2014: Review of documents for submission will be included in the May, 2014 Finance Committee agenda for acceptance and recommendation to the Board of Commissioners.

Annual Review of Financial Policies: A draft of the revised policies will be available to Finance Committee members for review and recommendation at the May, 2014 Finance Committee meeting.

Update on Cedar Rail Roof Contracting Award: Executive Director has gotten a request from the vendor selected to complete the roofing project. He will be submitting a revised workmanship warranty for review and approval by the Procurement Committee.

RMM Solutions Update: After further negotiations between Executive Director James-Mork and the owner of RMM Solutions, CDA will be moving forward with the contract.

Next meeting date will be Tuesday, May 20th, 2014 at 9:00 am in the Cedar Rail Executive Conference room.

Agenda items: Election of Officers
Committee Appointments
Review of Updated Financial Policies
Update on Cedar Rail Roof Contracting Award
Update on Status of RMM Solutions Project

Meeting adjourned at 10:09 a.m.

Respectfully submitted,

Mary James-Mork
Executive Director

Dave Marsh
Finance Committee Member

Marshfield Airport Committee Minutes

April 24th, 2014

Meeting called to Order at 6:07 p.m. by Chairman John Berg

Present: Chris Jockheck, Jack Bremer, Dan Maurer, Paul Knauf and John Berg

Absent: None

Also Present: Josh Miller, Myles Richmond, Duffy Gaier, Bob Gaier and Jeffrey Gaier

Citizens Comments: None

AP14-16 Motion by Bremer Second by Knauf to approve the Airport Minutes for March 20th, 2014 All Ayes,

Motion Carried

AP14-17 Motion by Maurer Second by Bremer to approve the Airport Manager's April 2014 Report, All Ayes

Motion Carried

AP14-18 Motion by Maurer, Second by Bremer to approve the April 2014 Activity Report, All Ayes

Motion Carried

AP14-19 Motion by Bremer, Second by Jockheck to approve the Airport Bills for April 2014, All Ayes

Motion Carried

AP14-20 Motion by Bremer, Second by Jockheck to approve a temporary variance request for Nicolet Lumber for a crane to be used for the construction of apartments. All Ayes

Motion Carried

AP14-21 Motion by Bremer, Second by Maurer to go on record as saying the airport committee, as stewards of the airport, are opposed to the proposed water tower that is being proposed by Marshfield Utilities. The water tower is needed, but the location could have been outside the height limitation zone. All Ayes

Motion Carried

Military Operating Areas: Discussed, no action taken. An information meeting will be held at the airport May 12th at 4:30 PM. Members of the military will be on hand to answer questions.

Project Updates - Discussed no action taken.

The land purchase is proceeding. Initial contact letter should have been sent by now to Mike Grosbeir regarding the purchase of his property.

The trip to the Bureau of Aeronautics went well. We met with members of the Bureau and expressed our concern over the proposed MOA changes. We also discussed future projects and funding available at the airport.

The Wisconsin Aviation Conference is being held in Wausau, WI at the Patriot Center from May 5th to May 7th. More information is available at www.wiama.org. Jeff will be attending the conference as well as working registration with his wife Liz.

The tree harvester has received one proposal so far. There were some concerns where the pipeline runs across airport property if a bridge of planks over the pipeline is needed.

No Additional Citizens Comments.

Motion by Bremer, second by Maurer to adjourn at 8:05 p.m. All Ayes Motion Carried

Respectfully Submitted - Jeffrey Gaier

Marshfield Airport Manager's Report April 24th, 2014



This past month we have seen three new obstructions approved to go up in the area. There will be a new tower in the township of Lincoln, a new water tower in the City and a 156' tower by Norwood. We have been in communication with the Bureau and Federal Aviation Administration over these and a few temporary cranes lately. So far the biggest impact will be the construction cranes on the water tower project. The crane will temporarily affect our height limitations on all four runways.

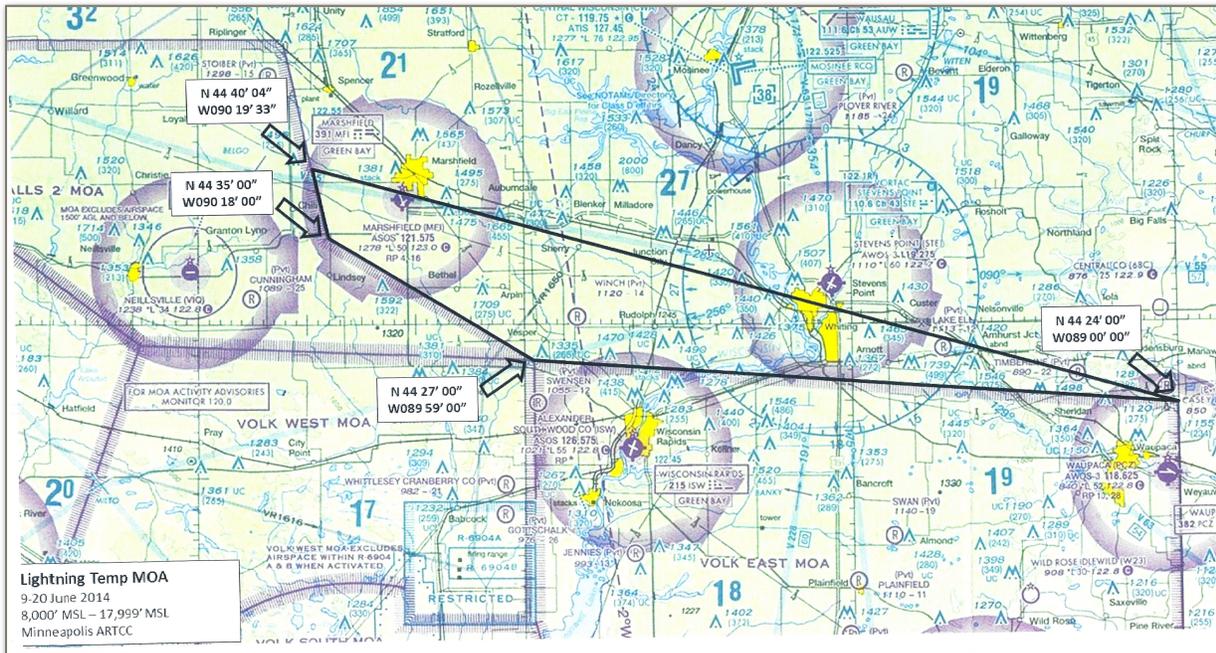


On April 17th, several members of the Airport Committee and several members of airport management flew down to Middleton, WI to meet with the Bureau of Aeronautics. The sky was a little overcast, but once we were on top of the clouds, it was beautiful sunshine. The topics of discussion were future funding issues, requirements to receive funding and to get the Bureau informed if anything came up. While there we discussed focusing on upgrading the MALRS approach lighting system

and other projects in Marshfield's six year plan with the Bureau. We also informed them of a conversation we had with members of Volk Field and the Military Operations Airspace (MOAs) in Wisconsin.

The Military would like to expand and change the MOAs in Wisconsin. This would have a direct impact on Marshfield as one of the proposals is to make the temporary Lightning MOA permanent. The Lightning MOA encompasses the Southern end of Marshfield. Presently with the existing MOAs, Marshfield's instrument approaches from the South are being denied when the MOAs are active, and traffic is being routed by Minneapolis Center, around the MOAs and to the North. The Military has asked to have a public forum meeting at Marshfield for May 12th at 4:30 PM. We are inviting all the local airports, pilots, City officials and any government representatives we can. At the meeting we expect to hear the full details of what changes will be made. The Military

was to have a meeting with the Bureau, but it has been postponed due to the birth of child by one of the parties of the meeting.



With the warm weather, and rain showers, quite a bit of snow has left us. We have heard the frogs and toads come out of hibernation on the airport as you can hear them talk on nice days. Duffy, Walt and Bob have begun working on getting the lawn mowers and tractors ready for the mowing season. We are looking forward to mowing grass as opposed to plowing snow.

We have heard from Struck and Irwin, that they will be at the airport sometime between May 5th and May 12th to begin work on crack sealing the airport surfaces. The crack sealing is a project with the Bureau of Aeronautics to address the runways and ramp. Initially they were going to crack seal in the fall, but cold temperatures caused the project to be held over to 2014. This crack filling project will fill all the cracks on the runways and ramps. This will hopefully help us maintain the pavement for a bit longer.

This month we saw some changes happen at Duffy's Aircraft. Dave Wells, our flight instructor of five years had the opportunity to move on in his career with FedEx. Dave is presently in flight training school for the job, but he will be flying a regular run every day from Iron Mountain, MI to Milwaukee, WI. We wish him the best in his new endeavors. Duffy's Aircraft is presently seeking applications for new flight instructor.

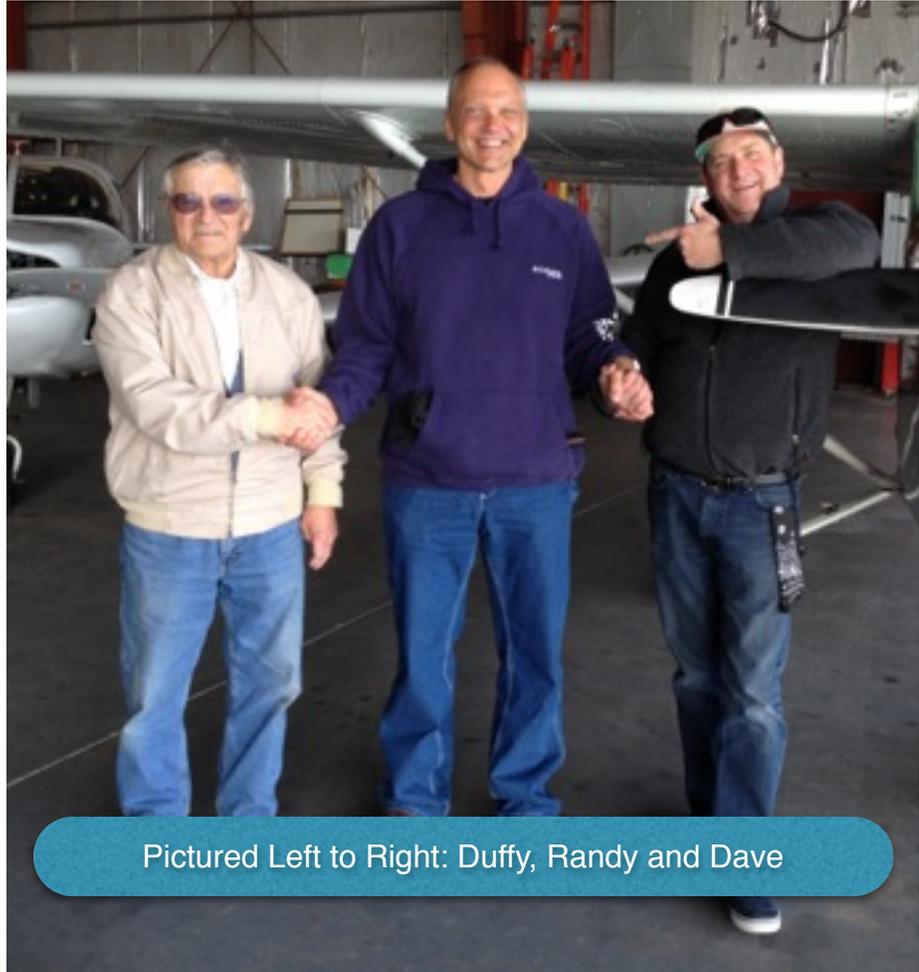




Justin Smith

Justin Smith, our charter pilot and flight instructor also had the opportunity to move on in his career. Justin will be flying with the regional airlines of Express Jet. We wish him the best also in his new endeavors. Duffy's Aircraft is presently also seeking applications for a new charter pilot / flight instructor.

At the end of March, one of our students met a milestone that he has been seeking for some time. Randy Musack has been learning to fly with some difficult weather this past year, but he finally was able to complete his private pilot training, and he received his license after a flight check with Duffy on March 28th, 2014. Congratulations on your accomplishment Randy!



Pictured Left to Right: Duffy, Randy and Dave

This month we noticed a sink hole had developed next to a sewer grate. This sink hole is located in the parking lot next to the new General Aviation Building. We will be working with the street department to fill the hole.

Happy Flying
Duffy, Alice, Bob and Jeff



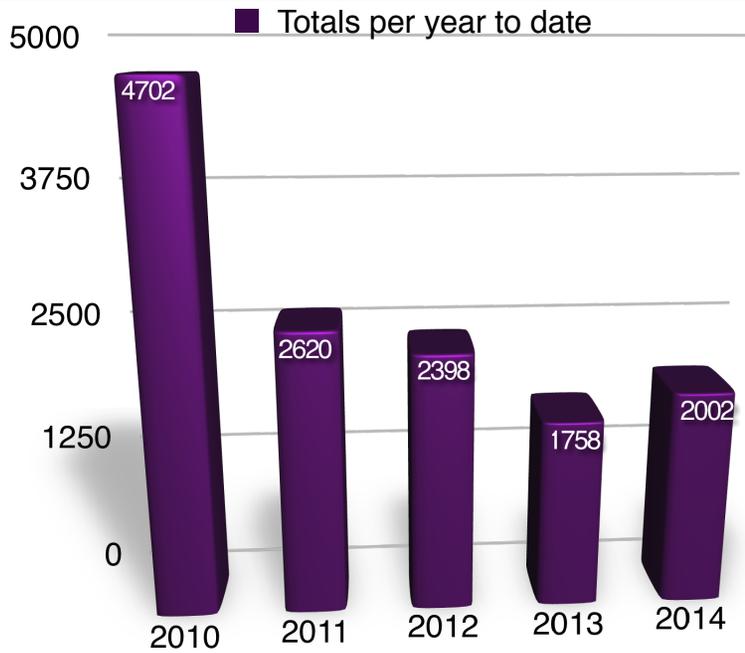


Airport Activity Report April 2014

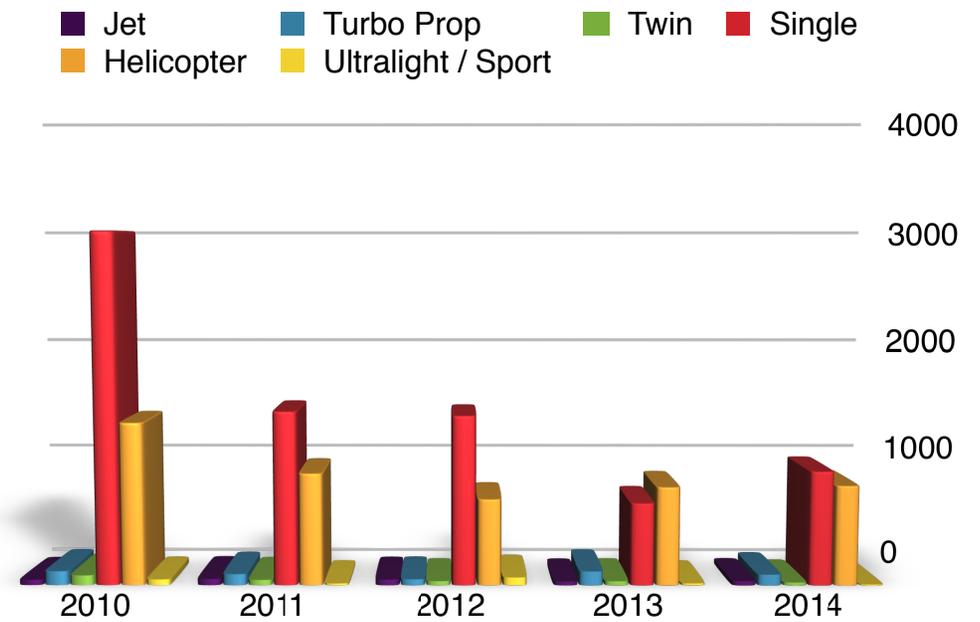


Departures and or Landings Information - Flight Operations - 35 Days Between Reports							
Year	YTD 2010	YTD 2011	YTD 2012	YTD 2013	April 2013	April 2014	YTD 2014
<i>Jet</i>	46	54	50	34	8	16	38
<i>TurboProp</i>	120	96	52	120	36	26	94
<i>Twin</i>	84	46	36	36	12	12	26
<i>Single</i>	3010	1488	1452	706	280	456	978
<i>Helicopter</i>	1392	960	740	844	336	230	856
<i>Light Sport</i>	50	16	68	18	6	10	10
<i>Total</i>	4702	2620	2398	1758	678	750	2002
Passengers							
<i>Total</i>	6269	3545	3193	2344	904	1000	2668
Local and Transient Traffic							
<i>Transient</i>	1492	600	690	512	156	246	678
<i>Local</i>	2894	2060	1708	1256	522	504	1324
Training Flights							
<i>Total</i>	1646	1116	1414	530	212	346	834
Fuel Dispensed							
<i>Av Gas</i>	7080	5301	5749	4334	1439	2035	4411
<i>Jet A</i>	10406	9760	10310	13630	5065	4129	11231
<i>Total</i>	17486	15601	16059	17964	6504	6164	15642
All Information In This Report Is Estimated Based On The Activity At The Airport For The Month. An Operation is considered a take-off or a landing.							

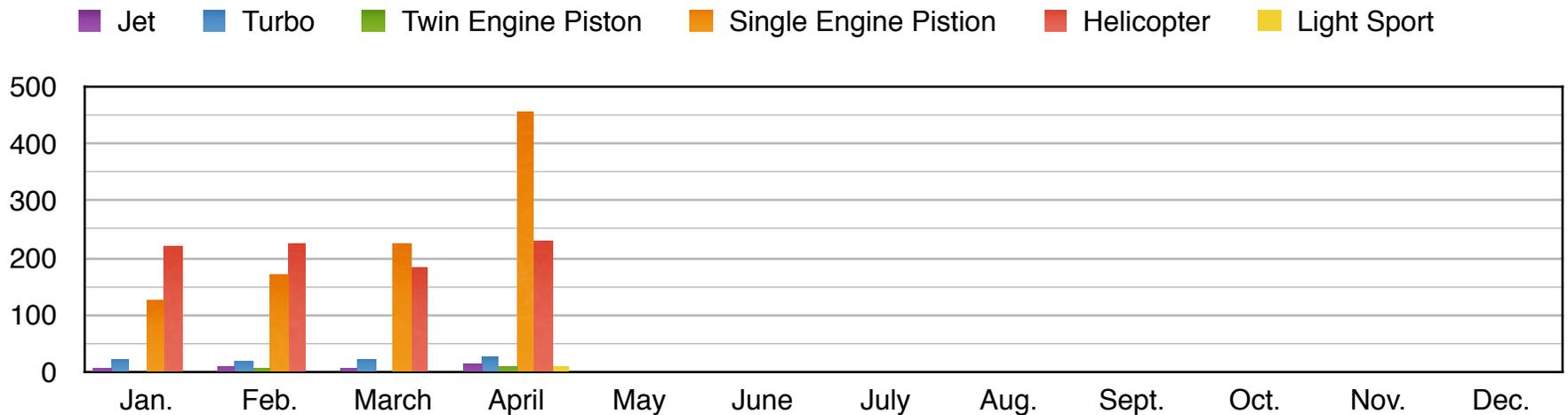
Flights Over the Past Five Years by the Present Month



Types Of Aircraft That Have Visited Marshfield Per Year by the Present Month

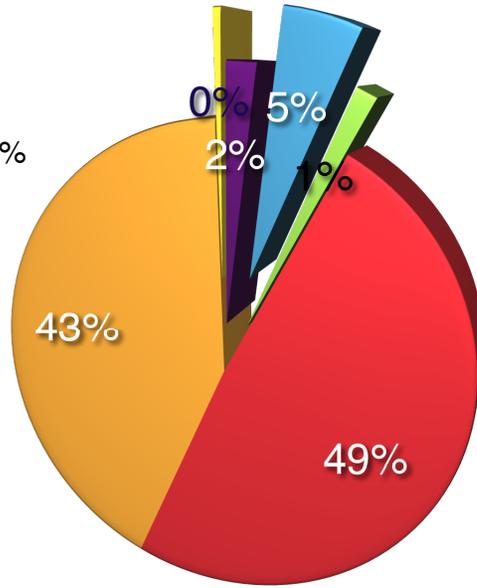


Operations by Aircraft for the Year of 2014

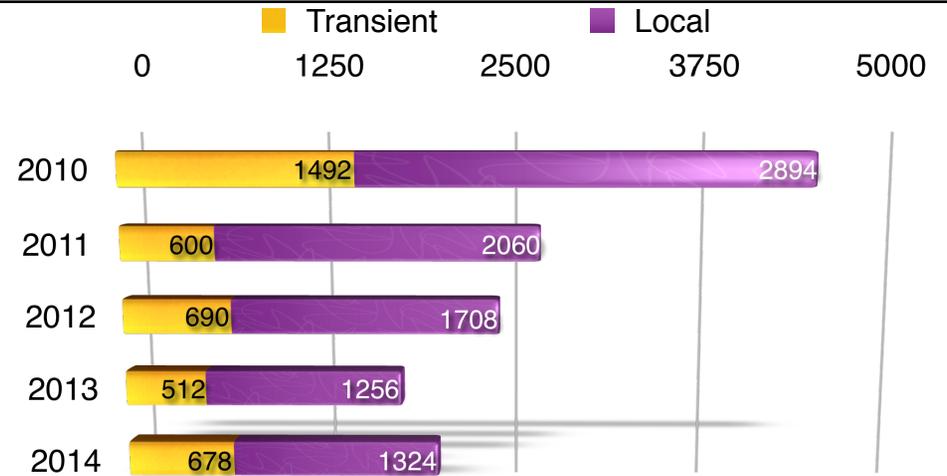


Percentage By Type Of Aircraft That Came Into Marshfield In 2014

- Jet 2%
- TurboProp 5%
- Twin Piston 1%
- Single Piston 43%
- Helicopter 49%
- Light Sport 0%

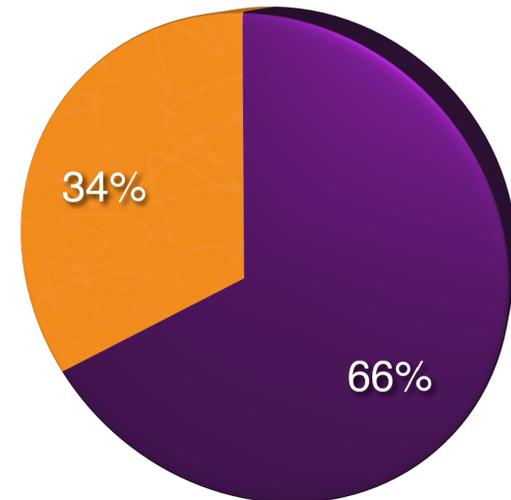


Transient Vs. Local Traffic



Percentage of Local Vs. Transient Traffic

- Local Traffic
- Transient Traffic



Summary of Activity

Compared to last year at this time last year:

Jet Engine traffic is up

Turbo Prop Engine Traffic is down

Twin Engine Piston Traffic is the same

Single Engine Piston Traffic is up



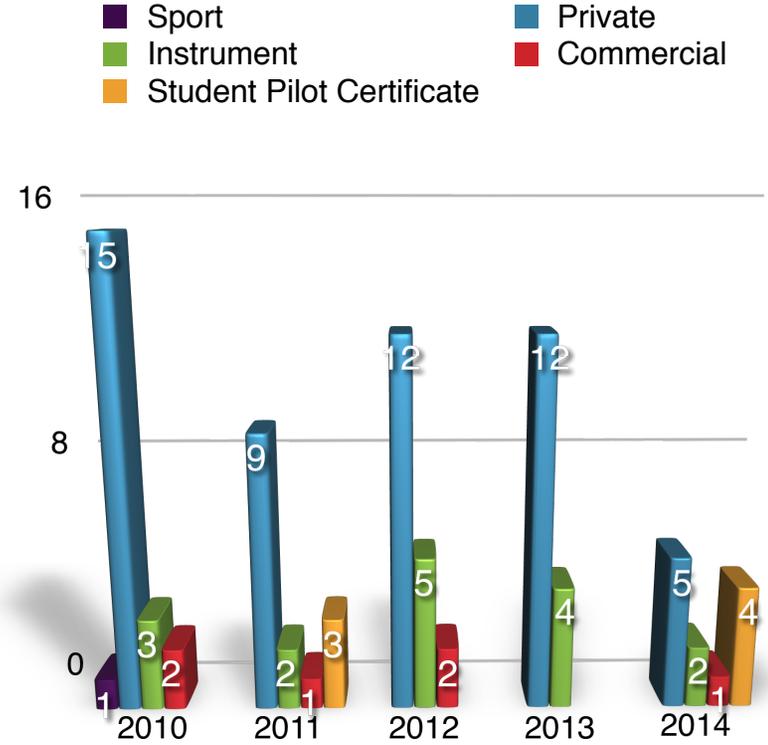
Helicopter Traffic is up

Light Sport is the down.

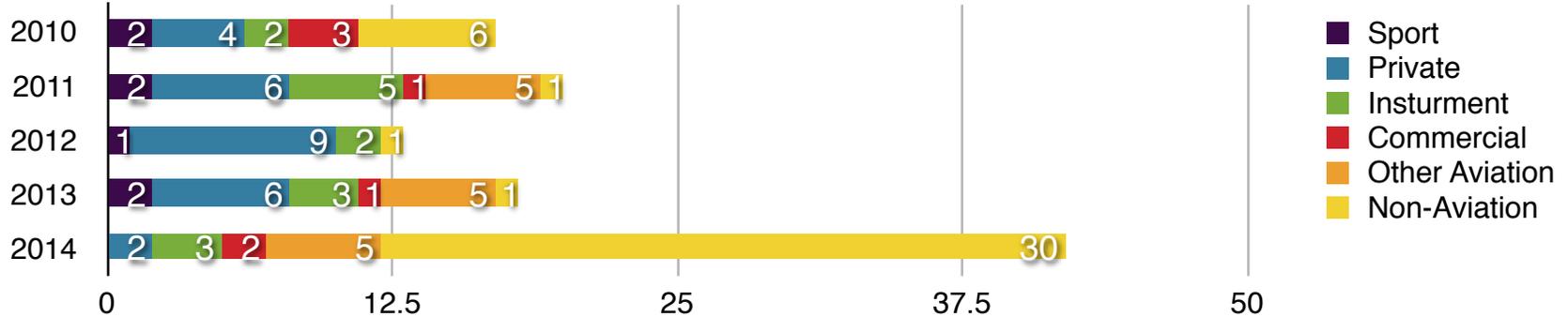
Fuel Sold - 5 Year Comparison



Duffy's Flight Checks for Pilots - 5 Year Comparison



Computerized Written Exams Given At The Airport



Individuals and Businesses that have used the Airport The Month of April 2014

Duffy's Aircraft Sales and Leasing Inc.
Aviation On Demand
Spirit Transport
Dan Hiller
CrossWind Aviation LLC
Wheelers Chevy Olds Pontiac Cadillac Inc.,
Dan Wheeler and Family
Myles Richmond
Duffy Gaier
Bob Gaier
Jeffrey & Elizabeth Gaier
Al Hatz
Dave Wells
Craig Cook
Don Halloran
Howard Rand
Steve Humphrey
Steve Mickel
Mayo One (Medflight Eau Claire)
Custom Fabrication and Repair
Brian Barnett
Kirk Haslow
Haslow Farms
Jim Hills
Grassland Dairy
Justin Smith
Medevac (Medflight Wausau)
Tom Witt
Country Flyers Education
Jake Jasinski

Grant Tarpinain
Troy Rens
Life Link III (Medflight New Richmond)
Bob Lee
Wayne Short
Enbridge
MQA Aviation LLC
Matt Thomas
Burrnett Co. Flying Service
Michael Tyler
Air Methods
Citation Air
Roehl Transport
Everett Roehl & Family
Reven Untiedt
Matt Keifer
Loretta Trenshaw
Brittany Lueth & Rico
Bob Thill
Valley Medical - Fixed Wing Medflight
Nicholas Jeter
Randy Musack
Quinn Shumway
Dan Bull
Michael Ladd
Chris Montgomery
Am I High Aviation
Wanda Zuege
Brian Parker

Art Scottberg
James Weber
John Thompson
Stevens Point Civil Air Patrol
Steve Montgomery
James Hrycay
Lynn Newkirk
Steve Risewick
Glen Mills
Perry Thomas
J. Pierce Rhuland
Rand Africano
Linus Snyder
Gary Buchanan
Chad Johnson
Elisha Mullikin
Janice Soczka
Lorelei Wakefield
Jordan Gensler
Naomi Minks
Angela Engel
Brent Hancock
Rachel Dixon
Luke Pernsteiner
Richard Anderson
Jeffrey Winter

Benjamin Blagooee

Jon Stowe

Ross Kading

Andrew Peterson

Businesses or Groups That Have Utilized The Conference Room or Airport This Month From The Community.

Experimental Aircraft Association Chapter 992 (Marshfield & Medford Group)

Toastmasters of Marshfield

Central Wisconsin Apple User Group

Marshfield Youth Hockey

Daughters of the American Revolution

The Trickle Effect - These are businesses that we know of that have been utilized by the patrons of the airport this month. They spend money in Marshfield and the surrounding communities. This is just from conversations we have with pilots and passengers. There are more business that do benefit from the airport each month. These are just the ones we know about from the people that have discussed their time at Marshfield

Holiday Inn

Blue Heron / West 14th

Marshfield Clinic

St. Joseph's Hospital

Festival Foods

V & H Heavy Trucks

Roehl Transport

Subway

Chips

McDonalds

Little Casears

Target

Hardees

The Store

Baltus

Wildwood Zoo

Marshfield Hotel

Nasonville Dairy

Hub City Ice Cream

Dairy Queen

El Mexical

Account # 101-53510-33

Obj. #	Description	2014 Amount Approved	2014 April Invoices	Firm Expenses Paid	Used To Date	Balance
52100	Professional Services	44,286.00	3,690.50	Manager's contract	14,762.00	29,524.00
52210	Electric	16,926.00	4,546.44	Electric	4,546.44	12,379.56
52220	Water	497.00	76.15	Marshfield Utilities	76.15	420.85
52230	Sewer	426.00	84.19	Marshfield Utilities	84.19	341.81
52240	Fire Protection Charge	1,641.00	307.06	Marshfield Utilities	307.06	1,333.94
52260	Heating - Gas	3,272.00	364.72	WE Energies general aviation terminal	2,439.49	832.51
			96.48	WE Energies - East unit		
			149.16	WE Energies - West unit		
52300	Telephone	1,244.00	104.60	Frontier	313.54	930.46
52400	Rep/Maint. Serv-Streets	17,200.00	1,055.00	Duffy's Aircraft Sales - snowplowing 03-19-14 through 04-23-14.	11,810.00	5,390.00
52500	Repair/Mainte. Service	50,967.00	42.80	UniFirst - mat service	1,347.11	49,619.89
			250.00	Maid to Order - Cleaning services		
			80.00	Duffy's Aircraft Sales - Service gates & 100 octane dispenser. door.		

			April Expenses		Used To Date	Balance
52900	Other Contractual Ser.	7,000.00				7,000.00
53100	Office Supplies & Exp.	100.00				100.00
53200	Publications & dues	400.00				400.00
53400	Operating supplies	1,600.00				1,600.00
53500	Rep/Mainte. Supplies	6,500.00	17.97	Duffy's Aircraft Sales - Material to repair cracked utility sink.	1,181.33	5,318.67
55110	Buildings & Contents	2,487.00				2,487.00
55140	Professional Liability	321.00				321.00
55150	Airport Liability	4,486.00	4,350.00		4,350.00	136.00
55170	Boiler	359.00				359.00
58830	Airport Buildings	6,000.00				
Grand Totals		165,712.00	15,215.07		41,217.31	124,494.69

This is the Response The Marshfield Airport Committee Provided the Zoning Board Against the Placement of the Water Tower in the Height Limitation Zone

The Case of the Marshfield Airport Committee in Opposition to the Petition of the Marshfield Water Utility to grant a variance to the Airport Height Limitation Ordinance to build a water tower exceeding the height limitations

1. The variance will not be contrary to the public interest.

The public interest in aviation safety as well as the maintenance of commerce has been well-established in the creation of the airport height limitation overlay to the zoning map. The location of the water tower at that site and at that height is clearly contrary to well-established public interest.

It is recognized that the City of Marshfield is in need of stabilizing its water supply and maintaining water pressures to assure public health, safety and welfare. The Airport committee recognizes and supports that effort. It does not, however, support an effort at the expense of another matter of public interest: the safety of the flying public and protection of property from accidents that may occur.

The City of Marshfield, the owner of the Marshfield Municipal Airport, exposes themselves to a potential serious liability by allowing a variance into the height limitation zoning.

2. Substantial justice will be done by granting the variance.

There is no issue of justice involved here. The ordinance to which the variance is being requested has been in existence for some time and the Water Utility has been fully aware of it, having requested variances in the past for precisely the same subject. To purchase land directly in the path of an instrument approach and propose a structure that is clearly in excess of the limits provided in an ordinance which they were fully aware of speaks poorly of respect for the public interest concept embodied in the ordinance.

3. The variance is needed so that the spirit of the ordinance is observed

This is exactly the opposite of the case before you. The siting of an obstruction in the path of an instrument approach is by definition a violation of the spirit of the ordinance and should not be allowed.

4. Due to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship.

The Water Utility argues that because of hydraulic concerns, the elevation of the land in the proposed area makes it the ideal site, if not the only site in which a new tower to provide the desired water pressure can be located. The Airport Committee acknowledges their concern but argues that in the interest of public safety, the utility could locate the tower elsewhere even though some additional costs would be incurred.

On the other hand, the Airport Committee rejects the argument that the money to purchase the land upon which the proposed water tower is to be located would be “wasted rate-payer’s money” because it was poor planning by the Utility to assume that a variance would be granted.

Further, there is a need for this water tower but the utility has not established the need as either urgent or emergency which would necessitate a deviation from the long-established and stringently enforced airport height overlay.

Based upon these considerations, the Marshfield Airport Committee respectfully requests that the Board of Zoning Appeals reject the petition of the Marshfield Water Utility.

HISTORIC PRESERVATION COMMITTEE MINUTES
OF MAY 5, 2014 MEETING

Meeting called to order by Chairperson Wood at 4:04 P.M. in Conference Room 108 of City Hall Plaza.

PRESENT: Ken Wood; Alderperson Gary Cummings; Vickie Schnitzler; Ken Bargender; and, Keith Meacham.

ABSENT: Bill Penker (excused).

ALSO

PRESENT: Matt McLean, Director of the Convention and Visitors Bureau; and, Josh Miller, City Planner.

Election of Chairman.

Nominations were held for Chairman.
Bargender nominated Wood.

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

HP14-14 Motion by Cummings second by Schnitzler to approve Wood as Chairman.
Motion Carried.

Wood was elected Chairman.

Election of Vice-Chairman.

Nominations were held for Vice-Chairman.
Bargender nominated Meacham.

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

HP14-15 Motion by Cummings second by Bargender to approve Meacham as the Vice-Chairman.
Motion Carried.

Meacham was elected Vice-Chairman.

Approval of the Minutes of April 7, 2014 Meeting.

HP14-16 Motion by Schnitzler second by Bargender to approve the minutes of the 4/7/2014 meeting.
Motion Carried.

Citizen Comments.

History Preservation Month events were discussed. Bargender said he, Vickie, and Keith will be judging for the Student's Art Display.

Wood discussed the videos of the walking tours as well as the bus tours in May.

Cummings said the WWI exhibit at the Chestnut Center is displayed and is a very nice exhibit.

Miller asked who would be doing the presentation for the Stewardship Award. Vickie will ask Don if he can do it.

Wood talked about the Spring Conference.

Miller also thanked those that helped to put up the signs: Schnitzler, Cummings, Bargender, and Keith. Need additional building signs in Pleasant Hill.

Review of Downtown Properties for Possible Plaques.

Miller explained that the buildings should include the ability for people to see the inside and outside of the building, have it tied into an event, and have a connection to the Yellowstone Trail.

Matt said the ones that jumped out include the Round Barn (Discover Wisconsin), Chestnut Avenue Center for the Arts, Thomas House, Columbia Park Band Shell/St. John's Church, and Tower Hall. Maybe tie them into with the walking tours.

The Blodgett Hotel (Penney Court) will also be undergoing a façade renovation and Daily Grind should be considered. Boucher Radio Building was also mentioned.

See if we could tie the plaque dedication to an anniversary. Maybe have it tied into the May Historic Preservation Month next year.

May want to look at the anniversary of the Clinic (1916) or hospital.

HP14-17 Motion by Cummings second by Meacham that the Committee approve the following list of properties to explore for installing plaques: Tower Hall, Round Barn, Thomas House, Columbia Park Band Shell/St. John's Church, and the Chestnut Avenue Center for the Arts.

Motion Carried.

Matt will run it by his Board to see if they would be willing to approve funding for it. The cost for the type of plaque the Committee is looking at is approximately \$290 per plaque.

Schnitzler said the Upham Mansion needs to be considered at some point.

Update on the 2442 Soo Line Steam Locomotive Restoration Project.

Keith showed Dennis Bargander the 2442 and he seemed interested in it. Miller will follow up with him.

Miller explained the upcoming schedule and process before the project can be repaired and that the State Historic Preservation Office should have a response by mid-May.

Review Stewardship Award Nomination Policy.

Miller read through the following written comments from Bill Penker, asking these items be considered for changing the policy:

- Name of structure, site, district, person(s), or group to be considered

- Name of those making the nomination
- Reasons for nomination example: renovation, repairs, return to original use, new use significant aspects of care, etc., significant contributions by a person or group, etc.
- Background statement
- Documentation to support nomination example: photographs of before and after, news articles, journal articles, construction/renovation plans, specific, not generic, letters of support.

HP14-18 Motion by Cummings second by Meacham to table the item until the June meeting.
Motion Carried.

Discussion of Updating the Goal No. 2 Implementation Section for the Historic Preservation Plan.

HP14-18 Motion by Cummings second by Schnitzler to table the item until the June meeting.
Motion Carried.

Set Meeting Date and Future Agenda Items.

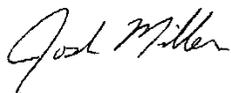
The next regular Historic Preservation Committee meeting will be held on Monday, June 2, 2014. The agenda of the next regularly scheduled meeting should include approval of the May 5, 2014 meeting minutes, Certificate of Appropriateness for the 2442, review of the Stewardship Nomination Policy, and Goal No. 2 of the Historic Preservation Plan.

Adjourn.

Motion by Bargender, second by Meacham to adjourn meeting at 5:07 P.M.

Motion Carried

Respectfully submitted,



Josh Miller
Planner/Zoning Administrator

BOARD OF PUBLIC WORKS MINUTES
OF MAY 5, 2014

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

PRESENT: Mike Feirer, Tom Buttke, Gary Cummings, Ed Wagner and Chris Jockheck
(arrived at 5:33 PM)

EXCUSED: None

ALSO PRESENT: Mayor Meyer; Alderpersons Earll & Feddick-Goodwin; City Administrator Barg; Director of Public Works Knoeck; City Engineer Turchi; Assistant City Engineer Cassidy; Street Superintendent Panzer; Building Services Supervisor Pokorny; Wastewater Superintendent Warp; Parks & Recreation Director Englehart; Cemetery Coordinator Baltus; the media; and others.

Nominations were held for Board of Public Works Chairman.

Alderman Cummings nominated Alderman Feirer for Chairman of the Board of Public Works.

PW14-64 Motion by Cummings, second by Buttke to close nominations for Chairman of the Board of Public Works and to elect Alderman Feirer.

Motion Carried

Alderman Feirer took the chair.

Nominations were held for Board of Public Works Vice-Chairman.

Alderman Buttke nominated Alderman Cummings for Vice-Chairman of the Board of Public Works.

PW14-65 Motion by Wagner, second by Buttke to close nominations for Vice-Chairman of the Board of Public Works and to elect Alderman Cummings.

Motion Carried

PW14-66 Motion by Cummings, second by Buttke to recommend approval of the minutes of the April 14, 2014 Board of Public Works meeting.

Motion Carried

Citizen Comments – None

Street Superintendent Panzer presented a Street Division construction update. He also noted the upcoming shift to 4 – 10 hour work days beginning after Memorial Day on June 2nd and ending August 29th. City Engineer Turchi presented an Engineering Division construction update.

The Board of Public Works reconsidered the temporary closure of Maple Avenue railroad crossing. Knoeck recommended a 3 week closure as opposed to 2 months that was originally recommended. Three weeks would allow one week for traffic to adjust to the closure and then 2 weeks for taking traffic counts. Buttke fees that nobody wants to see the intersection closed. He would go along with a three week closure to get the information to show the OCR and railroad what the true impacts are. He would prefer to see this happen when school is in session because of impacts to Peach Avenue, but he realizes that it could be a timing problem. Bill Penker, 600 South Sycamore Avenue, read comments from his wife Cindy with concerns about a permanent or temporary closure of Maple Avenue. Mr. Penker also stated he did research on the FRA website on the 9 crashes at Maple and it shows some interesting facts. He recapped his assessment of the crash data and trends that he identified. He stated that it may make more sense to look at the time span that crashes have occurred and to bring back the train horns during those times. Wagner stated that Penker did a tremendous amount of work in assembling the crash data and he feels the point is that both Maple and Central have a crash history. He feels that at some point there will be a hearing and we will need hard data to make our case in addition to the crash analysis. We

need to collect the data to prepare our case for a hearing and he is concerned that three weeks is not long enough but he is willing to compromise and hopes we can get enough data. Julie Johnsrud, 10566 Patton Drive, asked if any thought was given to not allowing a right hand turn out of Kwik Trip. Cummings is concerned that people leaving Kwik Trip will need to go north before they can go south and this will create problems elsewhere. The problem with a closure is that it will not allow for future growth in traffic. Mayor Meyer stated that the right hand turn out of Kwik Trip is the one we are trying to protect to allow traffic to go south. We can't validate the importance of the crossing until we try this closure. We need some hard data to show what the true impact is and feels a three week closure is not excessive. Earll received a call from a constituent who is opposed to closing but suggested the use of chatter strips that trigger a flashing light when a vehicle crosses over it. He is not sure if this is reasonable but passing along the information. Buttke also feels we need enforcement stepped up so the rest don't have to suffer because of a few violators. The Mayor mentioned that enforcement has been increased. Jockheck asked if we have a written agreement from CN and OCR regarding the temporary closure – we do not.

PW14-67 Motion by Wagner, second by Buttke to recommend a three week temporary closure of Maple Avenue from Depot Street to Veterans Parkway in order to collect empirical data on the effect that a long term closure may have on the City of Marshfield.

Cummings voted 'No' Motion Carried

Knoeck suggested that we may want to consider trying a temporary closure at Vine as well. The initial discussion has certainly centered on Maple, however a goal of the OCR is closing crossings. If we determined that a Vine closing is preferable over a Maple closing that may be a point of negotiation with the OCR and the railroad. Feirer said that since this item is not on the agenda, it would need to be discussed at a future meeting.

PW14-68 Motion by Buttke, second by Cummings to recommend approval of the purchase of a Caterpillar 272D1XHP skid steer at a cost of \$24,200, a Caterpillar 236D skid steer at a cost of \$23,531 and a Caterpillar SR321 snow blower from FABCO Equipment, Inc. of Schofield, WI and authorize execution of contracts.

Motion Carried

PW14-69 Motion by Cummings, second by Buttke to recommend approval of the low bid submitted by Cold Spring of Cold Spring, MN for the Cemetery mausoleum project at a cost of \$123,170 and authorize execution of a contract.

Motion Carried

The Board of Public Works discussed the consideration of requirements for compulsory connection to municipal water supply at 2808 Huetter Street. Margy Frey, 11811 Robin Road, representing the owner of 2808 Huetter Street thought the memo in the agenda packet was laid out well explaining the situation. Many properties in this price range have low down payments and can't get the additional funding to complete a connection to City water that costs thousands of dollars. Julie Johnsrud, 10566 Patton Drive, represents the buyer of the property who is well aware of the proposal. Mayor Meyer questioned how we assure that future buyers are aware of the requirement to connect to City water. He feels we may need something recorded at the Register of Deeds.

PW14-70 Motion by Wagner, second by Butte to recommend that notification to 2808 Huetter Street to connect to municipal water supply be postponed until a change in ownership occurs after a water service has been stubbed into the property line or upon failure of the existing well, whichever occurs first, and that an approval document be prepared for recording at the Register of Deeds.

Motion Carried

PW14-71 Motion by Wagner, second by Jockheck to recommend approval of a change in scope for City Hall Penthouse Roof/Guardrail project which will complete the reroofing project in 2014 without completing the guardrail project.

Buttke voted 'No' Motion Carried

Chairman Feirer called for a short recess at 6:59 PM. Meeting reconvened at 7:00 PM.

PW14-72 Motion by Buttke, second by Cummings to recommend approval of the Wildwood-McMillan Connector Trail Project Right-of-Way Plat and Relocation Order, to authorize the Mayor to sign the right-of-play.

Wagner voted 'No' Motion Carried

PW14-73 Motion by Buttke, second by Cummings to recommend approval of the proposal submitted by Steigerwaldt Land Services, Inc. at a cost of 38,900 for Wildwood-McMillan Connector Trail project real estate acquisition and authorize execution of the proposal.

Wagner voted 'No' Motion Carried

PW14-74 Motion by Jockheck, second by Cummings to recommend approval of the proposal submitted by Gremmer & Associates, Inc. of Plover, WI for the Veterans Parkway resurfacing project at a cost of \$49,803 and authorize execution of an engineering services agreement.

Wagner voted 'No' Motion Carried

PW14-75 Motion by Buttke, second by Cummings to adjourn to closed session at 7:16 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 property for Hume Avenue street opening

Roll call vote, all 'Ayes' Motion Carried

Present in Closed Session: Aldermen Feirer, Cummings, Wagner, Jockheck and Buttke; City Administrator Barg; Director of Public Works Knoeck; City Engineer Turchi.

PW14-76 Motion by Buttke, second by Wagner to reconvene in open session at 7:34 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:

- Alderperson Buttke requested a discussion of a temporary closure of the Vine Avenue railroad crossing.

Motion by Jockheck, second by Wagner that the meeting be adjourned at 7:34 PM.

Motion Carried

Daniel G. Knoeck, Secretary
BOARD OF PUBLIC WORKS

JUDICIARY AND LICENSE COMMITTEE
MINUTES OF MAY 6, 2014

Meeting called to order by City Clerk Hall at 5:08 p.m., in the Common Council Chambers, City Hall Plaza.

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

ABSENT: None

ALSO PRESENT: Police Chief Jepsen, Lt. Gramza, Alderperson Hendler, City Clerk Hall and Kenny Hainzlsperger.

City Clerk Hall asked for nominations for Chairperson.

Alderperson Feddick-Goodwin nominated Alderperson Wagner.

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

JLC14-039 Motion by Earll, second by Feddick-Goodwin to elect Alderperson Wagner as Chairperson.

Motion carried

Alderperson Wagner assumed the chair.

Chairperson Wagner asked for nominations for Vice-Chair.

Alderperson Feddick-Goodwin nominated Alderperson Earll.

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

JLC14-040 Motion by Wagner, second by Feddick-Goodwin to elect Alderperson Earll as Vice-Chair.

Motion carried

JLC14-041 Motion by Feddick-Goodwin, second by Earll to approve the minutes of the April 15, 2014 meeting.

Motion carried

CITIZEN COMMENTS

None

JLC14-042 Motion by Feddick-Goodwin, second by Earll to approve by unanimous consent the following:

- a) Eight (8) Beverage Operator Licenses for the 2013-2015 license year to: James Freund, Paula Minor, Marissa Graveen, Brian Parker, Brett Pernsteiner, Ryan Piper, MaryJo Rendmeister and Erin Wetherill.
- b) Change of Agent for the Marshfield Curling Club, Inc. "Class B" Combination Liquor License to Paul Logan.

Motion carried

JLC14-043 Motion by Feddick-Goodwin, second by Earll to hold over the Beverage Operator License of Kenny Hainzlsperger until Tuesday, May 13, 2014.

Motion carried

JLC00-000 Motion by Earll to grant a Beverage Operator License to Melissa Glines with 25 demerit points assessed for failure to list her violations.

Motion failed for lack of a second

JLC14-044 Motion by Feddick-Goodwin, second by Wagner to deny a Beverage Operator License to Melissa Glines with 50 demerit points assessed for failure to list her violations (25) and the arrest and probation that is alcohol related (25). Nay – 1 (Earll)

Motion carried

JLC14-045 Motion by Feddick-Goodwin, second by Earll to grant a Beverage Operator License to Jessica Baker with 25 demerit points assessed for failure to list her violation.

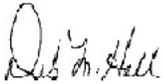
Motion carried

Future Agenda Items

None

Motion by Feddick-Goodwin, second by Earll to adjourn at 5:30 p.m.

Motion carried



Deb M. Hall
City Clerk

FINANCE, BUDGET AND PERSONNEL COMMITTEE
MINUTES OF MAY 6, 2014

Meeting called to order by Mayor Meyer at 5:30 p.m., in the Common Council Chambers, City Hall Plaza.

PRESENT: Alderpersons Alanna Feddick-Goodwin, Rebecca Spiros, Gordon Earll, Char Smith and Peter Hendler.

ABSENT: None

ALSO PRESENT: Mayor Meyer, Alderperson Wagner, City Administrator Barg, Members of the Library and Community Center Project Fundraising Committee and City Personnel (Brenda Hanson, Lara Baehr, Bob Haight, Sam Warp, Lori Belongia and Deb Hall).

The Mayor asked for nominations for Chairperson.

Alderperson Hendler nominated Alderperson Feddick-Goodwin.

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

FBP14-029 Motion by Hendler, second by Earll to elect Alderperson Feddick-Goodwin as Chairperson.

Motion carried

Alderperson Feddick-Goodwin assumed the chair.

Chairperson Feddick-Goodwin asked for nominations for Vice-Chair.

Alderperson Earll nominated Alderperson Hendler.

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

FBP14-030 Motion by Earll, second by Spiros to elect Alderperson Hendler as Vice-Chairperson.

Motion carried

Citizen Comments

None

FBP14-031 Motion by Hendler, second by Spiros to approve the items on the consent agenda:

1. Minutes of the April 1, 2014 meeting.
2. Payroll in the amount of \$809,242.13 (March) and \$790,137.58 (April) and the Bills in the amount of \$540,741.42 (March) and \$646,661.19 (April).
3. Report of Personnel Actions of May 6, 2014.
4. Monthly Position Control Report as of April 30, 2014.
5. March 2014 Treasury Report

Motion carried

No items were removed from the consent agenda.

Library & Community Center Campaign Co-Chair Bill Hocking updated the committee on the status of the campaign. There are 6 co-chairs for this committee and they became involved in the project because they feel that this is going to be an incredibly positive addition to the City of Marshfield. It will enhance Marshfield's strong, existing, educational and cultural environment. Having a combined library and community center will have many centergies that will be available to everyone in the City of Marshfield at no charge. They also feel that it will be a very important economic development asset for Marshfield. There are over 200 enthusiastic volunteers that are actively working on the fundraising project and they are continuing to recruit more people to help with this. Their goal is to raise \$4 million dollars and that would be added to the City's already committed \$3 million dollars for a \$7 million dollar project. To date they have raised approximately \$1.7 million dollars in pledges and donations. That represents about 42% of the goal. They are still in the initial phases of this campaign. They have not gone out to the public at this point in time. They are still talking with visionary donors. In the next month they are planning to begin moving the campaign to a more visible public phase. A grant was submitted to the National Endowment for the Humanities which they feel they have a reasonably good chance of success with. They have begun to achieve some real momentum in this campaign.

Discussion of possible advancement of funds to cover future pledged payments for the Library & Community Center Project.

FBP14-032 Motion by Earll, second by Spiros to approve revised Common Council Policy No. 1.320, Title VI Customer Complaint Procedures and Title VI Plan.

Motion carried

FBP14-033 Motion by Hendler, second by Earll to approve revised Personnel Policy No. 3.820, Overtime/Call-in/Captive Time Pay for Non-exempt personnel.

Motion carried

FBP14-034 Motion by Earll, second Spiros to approve the classification of the Accountant position to pay grade H on the Non-Represented Compensation Plan.

Motion carried

FBP14-035 Motion by Hendler, second by Earll to approve revised Personnel Policy No. 3.875, Reimbursed Expenses and the deletion of Finance Policy No. 4.170, City-Owned Vehicles for Out of City Travel.

Motion carried

FBP14-036 Motion by Hendler, second by Earll to recommend approval of Budget Resolution No. 09-2014 to the Common Council, transferring \$23,555 within the Fire Protection budget for the purchase of UHF portable radios and aerial work platform lift.

Motion carried

FBP14-037 Motion by Hendler, second by Smith to approve the 2015 Budget Calendar.

Motion carried

FBP14-038 Motion by Earll, second by Spiros to go into closed session pursuant to Wisconsin 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. Specifically the City Administrator had requested a closed session to discuss collective bargaining strategy with Firefighters Local 1021, IAFF. Roll call vote, all ayes. (Time: 6:40 p.m.)

Motion carried

Present in closed session: Alderpersons Feddick-Goodwin, Spiros, Smith, Earll, Hendler and Wagner, City Administrator Barg, Fire Chief Haight, Asst. Finance Director Hanson and City Clerk Hall.

FBP14-039 Motion by Spiros, second by Smith to return to open session. Roll call vote, all ayes. (Time: 6:56 p.m.)

Motion carried

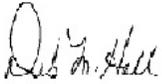
No action was taken in open session regarding the closed session item.

FUTURE AGENDA ITEMS

None

Motion by Spiros, second by Smith to adjourn at 6:57 p.m.

Motion carried



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.

Table 1. TSS Reduction Standards	
Development Type	TSS Reduction
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 15th 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.

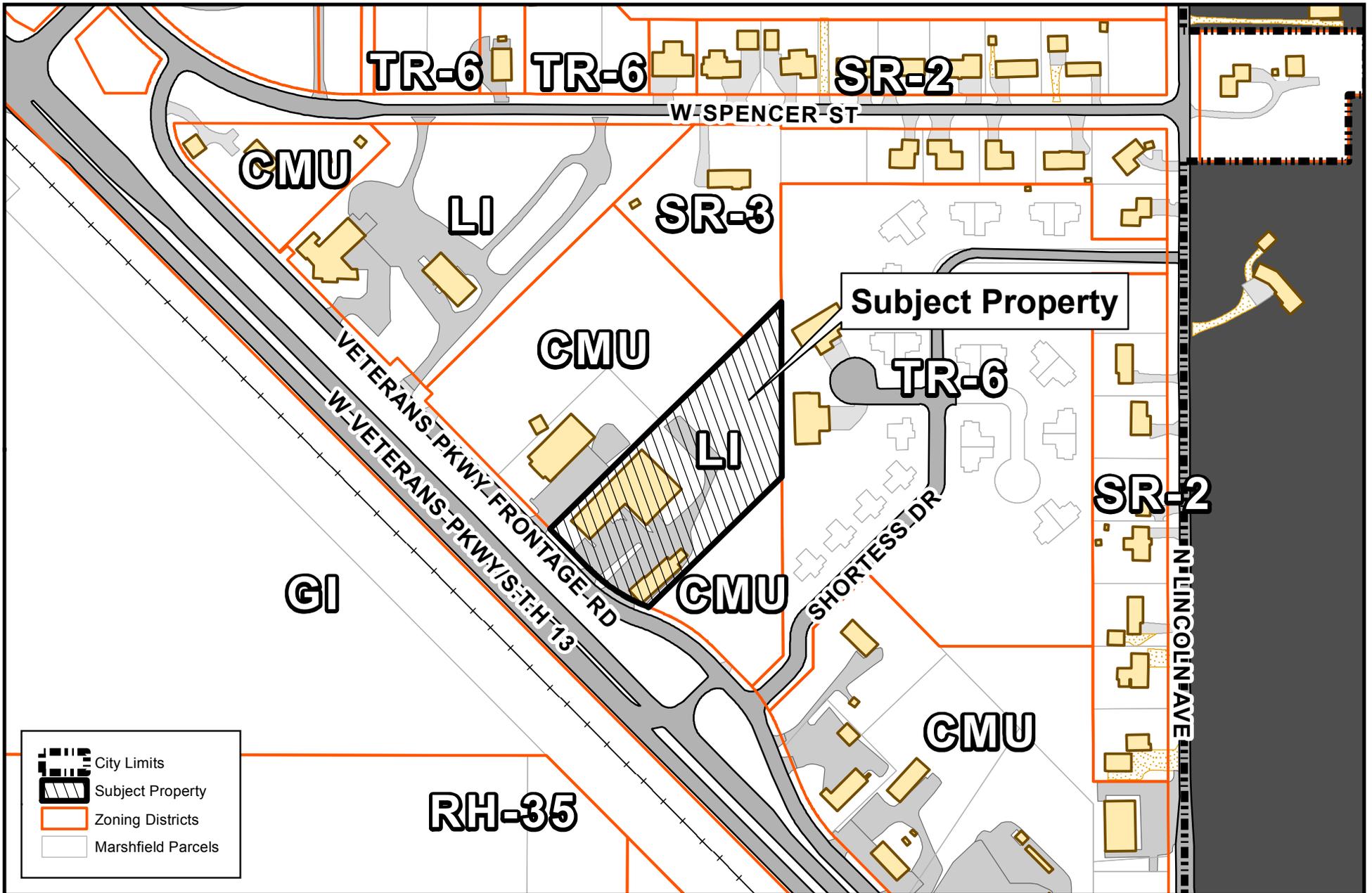
ADOPTED: _____

APPROVED: _____

PUBLISHED: _____

Chris L. Meyer, Mayor

ATTEST: _____
Deb M. Hall, City Clerk



-  City Limits
-  Subject Property
-  Zoning Districts
-  Marshfield Parcels



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. 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 ¾ 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

DEPARTMENTAL/AGENCY AGENDA REQUEST FORM
CITY OF MARSHFIELD, WISCONSIN

I. REQUESTED AGENDA/DATE: COMMON COUNCIL 05 / 13 / 14
FINACE/BUDGET/
PERSONNEL 05 / 06 / 14
BOARD OF PUBLIC
WORKS / /

II. SUGGESTED WORDING FOR AGENDA PRESENTATION (PHRASE OR SENTENCE NOT TO EXCEED 15 WORDS):

Budget Resolution 09-2014 - Purchase of UHF Portable Radios and 25' Aerial Work Platform Lift

III. DESCRIPTIVE PARAGRAPH (SUMMARY OF PRIOR ACTIONS, REASON FOR REQUEST, ET AL):

Utilizing \$23,555.00 from the \$35,000.00 budgeted amount for the Compressed Air Foam System (CAFS) project which will not take place due to technical problems. This will fund the purchase of another 21 portable UHF radios along with two additional battery charging banks. This will fund the purchase of a refurbished 25" Aerial Work Platform for maintenance work in the station's apparatus bay.

IV. RECOMMENDED ACTION LINE(S):

Approve

V. COST OF ACTION(S), IF ANY:

\$23,555.00

VI. IS A BUDGET TRANSFER OR BUDGET RESOLUTION NECESSARY?

CHECK ONE: YES NO

IF YES, PLEASE INDICATE THE FUNDING SOURCE:

<u>FUND</u>	<u>DEPARTMENT</u>	<u>PROGRAM</u>	<u>LINE ITEM</u>	<u>AMOUNT</u>
101	52210	21	58610	\$ 23,555.00

VII. NAME, POSITION TITLE, AND DEPARTMENT AFFILIATION OF PERSON PRESENTING AGENDA ITEM AT MEETING:

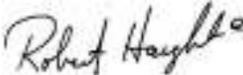
**Robert Haight, Fire Chief
Marshfield Fire and Rescue Department**

PLEASE NOTE: ALL AGENDA ITEMS MUST BE SUBMITTED BY 9:00 A.M. ON MONDAY OF THE WEEK PRECEDING THE WEEK OF THE MEETING DATE. ALL BACKUP INFORMATION IS DUE IN THE CITY ADMINISTRATORS OFFICE NO LATER THAN 5:00 P.M. ON WEDNESDAY PRECEDING THE MEETING.

FIRE & RESCUE DEPARTMENT

MEMORANDUM

TO: Finance, Budget, and Personnel Committee Members

FROM: Robert P. Haight III, Fire Chief 

DATE: May 1, 2014

SUBJECT: Budget Resolution 09 -2014

Background

The Marshfield Fire & Rescue Department's 2014 budget had a Capital Outlay item of a Compressed Air Foam System (CAFS) for Engine 1 which was budgeted at \$35,000.00 . Final design of this system showed that only a limited CAFS could be installed and the installation of the system could lead to potential problems in the future. The decision was then made to not install CAFS into this engine.

The 2014 budget also had 16 UHF portable radios which were purchased early in 2014. These radios were intended to solve a problem with radio communications within structures such as the Marshfield Clinic, St. Joseph's Hospital and most of the big box stores in town. These radios will now be utilized for all fire ground incidents and the decision was made to budget for more in the 2015 budget.

The lights, electrical and air drop cords as well as the windows in the apparatus bay of the fire station run up to 30' above the floor. This requires the use of a lift for maintenance, bulb replacement and cleaning. We are proposing the purchase of a refurbished 25' portable aerial work platform.

Analysis

There are currently not enough UHF portable radios to carry on two incidents at the same time which will require the personnel handling the second incident to have to utilize VHF portable radios which have limited penetration within buildings. We are looking at purchasing another 21 portable UHF radios along with two additional battery charging banks. A second UHF frequency will need to be obtained as well to provide a separate available rescue channel. The cost of this would be \$18,555.00 which would be funded from the budgeted money for the CAFS system project which will not take place.

Maintenance, bulb replacement and cleaning require the use of a lift on our apparatus bay which we have been renting from Northern Rental. Lift rental over the last 3 years has cost us \$953.70. All repairs and maintenance must wait until we have enough to warrant the renting of a lift. We were recently informed, that United Rental currently has a refurbished 2008 Genie AWP25 aerial work platform available for \$5,000.00. A brand new lift has a price tag of \$10,000.00 and other refurbished platforms that we have found have only been available in other states which add additional shipping costs.

Summary/Recommendation

The purchase of the UHF radios and aerial work platform have a total cost a total of \$23,555.00 which will be purchased in place of the CAFS system for Engine 1 which was budgeted for at \$35,000.00 in 2014. I would recommend the approval of Budget Resolution 09-2014 in the amount of \$23,555.00

Concurrence:



Steve Barg, City Administrator



Keith Strey, Finance Director

BUDGET RESOLUTION NO. 09-2014

A resolution changing the 2014 budget of the City of Marshfield, Wisconsin.

BE IT RESOLVED by the COMMON COUNCIL of the CITY OF MARSHFIELD as follows:

1. That the sum of \$18,555 is hereby transferred within the Fire Protection Capital Outlay budget from the Compressed Air Foam System purchase to purchase 21 Portable UHF Radios, a/c #1015221021.210000.
2. That the sum of \$5,000 is hereby transferred within the Fire Protection Capital Outlay budget from the Compressed Air Foam System purchase to purchase a 25' Aerial Work Platform Lift, a/c #1015221021.210000.
3. That upon the adoption of this resolution by a two-thirds vote of the entire membership of the COMMON COUNCIL, and within ten (10) days thereafter, the CITY CLERK publish notice of this change in the official newspaper.

ADOPTED _____

Mayor

APPROVED _____

Attest – City Clerk

PUBLISHED _____

DETAIL OF BUDGET RESOLUTION NO. 09-2014 BY OBJECT NUMBER

TRANSFERRED FROM: **(MEMO ONLY)**

1. General Fund Fire Protection Budget, a/c #1015221021.210000:
 - a. 58610 – Other Fire Protection Capital Outlay
Compressed Air Foam System purchase \$ 23,555

TRANSFERRED TO: **(MEMO ONLY)**

1. Protective Services Fund Law Enforcement, a/c# 2065211020.200000:
 - a. 58610 – Other Fire Protection Capital Outlay
21 UHF Radios purchase \$ 18,555
 - b. 58610 – Other Fire Protection Capital Outlay
25' Aerial Work Platform Lift purchase 5,000

* * * *



City of Marshfield Memorandum

TO: Mayor Meyer and Common Council Members
FROM: Jason Angell, Director of Planning & Economic Development
DATE: May 13, 2014

RE: Downtown Master Plan – Consulting Services Contract

Background

As part of the regular meeting of the Common Council on March 11th, the Council reviewed and authorized the release of a request for proposals (RFP) for planning services to help with the updating of the Downtown Master Plan.

As part of the 2014 Budget, \$40,000 was included for the updating of the Downtown Master Plan. The funding for this project is split 50/50 between EDB and the City's General Operating Budget (Planning Department).

Analysis

Three proposals were received from various firms expressing an interest in assisting the City with this project. The three firms that responded were:

SCS Engineers (\$38,300 + additional cost for market assessment)
MSA Professional Services (\$40,000)
Place Dynamics/SEH (\$40,000)

All proposals were reviewed and scored with the top two, as identified by the Project Oversight Committee, being invited to participate in the interview process on April 29th: SCS Engineers and Place Dynamics. Members of the EDB, BID Board and Main Street Marshfield Board were also invited to attend the interview presentations and provide their feedback.

After hearing from both firms, reviewing their proposals, conducting reference checks and hearing from other Board members in attendance, the Project Oversight Committee recommended to the EDB that we consider working with the team of Place Dynamics of New Berlin. The EDB unanimously agreed with the Committee's recommendation while noting that it appeared that all three firms could have done the job, but especially like the emphasis Place Dynamics put on the public participation and face-to-face interaction required to develop the plan.

Based upon the recommendation of the EDB, staff asked Place Dynamics to prepare the attached contract for Council consideration and approval.

Committee Recommendation

The Economic Development Board is unanimously recommending the Council approve the entering into a contract with Place Dynamics for planning services to complete an update to the Downtown Master Plan, at a cost not to exceed \$40,000.

Staff Recommendation

Approve the contract with Place Dynamics for planning services to complete an update to the Downtown Master Plan and authorize staff to execute the same.

Concurrence:

A handwritten signature in cursive script that reads "Steve Barg".

Steve Barg, City Administrator

AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN PLACE DYNAMICS LLC AND THE CITY OF MARSHFIELD, WISCONSIN

THIS IS AN AGREEMENT effective as of 13 May 2014 between Place Dynamics LLC (Consultant) and the City of Marshfield (Client).

- A. Consultant has been retained by Client to provide services under this Agreement as described in Article 1, Scope of Work and summarized as follows:
Downtown Master Plan for the City of Marshfield
- B. Consultant shall be solely responsible for the means and methods used in providing these services under this Agreement as an independent contractor.
- C. The Study Area for this project is generally defined as the downtown area of Marshfield, Wisconsin.

Consultant and Client in consideration of their mutual covenants as set forth herein, agree as follows:

Article 1 Scope of Work

Consultant shall provide the following Services under this Agreement:

The Scope of Work is described in the original proposal submitted on April 11, 2014, and attached to this Contract as Exhibit A.

Article 2 Client's Responsibilities

Client agrees to provide Consultant with all available information, reports, GIS files, and any other related items requested by Consultant in order to provide its professional services. Consultant may rely on the accuracy and completeness of these items.

Client agrees to schedule and provide a location for interviews and focus group sessions or meetings as described within the Scope of Work.

Client agrees to advise Consultant of any known or suspected issues that may impact the results of the Project.

Client agrees to render decisions in a timely manner so as not to delay the orderly and sequential progress of Consultant's services.

Article 3 Schedule

A final schedule will be determined in coordination with staff from the City of Marshfield. The following are approximate dates for key activities in the planning process.

19 May 2014	Project commencement
May 2014	Kick-off meeting
May 2014	Project web site
June 2014	Market analysis stakeholder meetings
July 2014	Existing conditions
August 2014	Market analysis
Sept 2014	Vision workshop

Sept 2014	Define today's downtown
October 2014	Occupied building analysis
October 2014	Redevelopment areas
October 2014	Land use plan
Nov 2014	Alternatives open house
Nov 2014	Implementation strategy
Dec 2014	Draft plan
January 2015	Final plan
31 Jan 2015	Project completion

Consultant shall render its services as expeditiously as is consistent with professional skill and care. During the course of the Project, anticipated and unanticipated events may impact any Project schedule.

Article 4 Compensation and Payments

Client agrees to pay Consultant as follows:

- A. Consultant shall complete the Project for a total sum of \$40,000. This sum is inclusive of travel and data costs necessary to complete the Project as described in the Scope of Work.
- B. Consultant shall bill Client for Services once a month. All payments are due Consultant within 30 days after the date of invoice. Client may hold payment for up to ten percent of the total sum until delivery of the final project report.
- C. Final billing will occur at the time the final report is delivered.

Article 5 Termination

Either Client or Consultant may terminate this Agreement upon seven days written notice.

If terminated, Client agrees to pay Consultant for all Services rendered and Reimbursable Expenses incurred up to the date of termination.

Upon not less than seven days' written notice, Consultant may suspend the performance of its services if Client fails to pay Consultant in full for services rendered or expenses incurred. Consultant shall have no liability because of such suspension of services or termination due to Client's nonpayment.

Article 6 Dispute Resolution

Client and Consultant agree to mediate claims or disputes arising out of or relating to this Agreement before initiating litigation. The mediation shall be conducted by a mediation service acceptable to the parties. A party shall make a demand for mediation within a reasonable time after a claim or dispute arises, and the parties agree to mediate in good faith. In no event shall any demand for mediation be made after such claim or dispute would be barred by applicable law. Mediation fees shall be shared equally.

Article 7 Use and Ownership of Consultant's Documents

Upon the parties signing this Agreement, Consultant grants Client a nonexclusive license to use Consultant's documents as described in this Agreement, provided Client performs in accordance with the terms of this Agreement.

Miscellaneous Provisions.

This Agreement is governed by the law of Consultant’s principal place of business (New Berlin, Wisconsin).

This Agreement is the entire and integrated agreement between Client and Consultant and supersedes all prior negotiations, statements or agreements, either written or oral. The parties may amend this Agreement only by a written instrument signed by both Client and Consultant.

In the event that any term or provision of this Agreement is found to be unenforceable or invalid for any reason, the remainder of this Agreement shall continue in full force and effect, and the parties agree that any unenforceable or invalid term or provision shall be amended to the minimum extent required to make such term or provision enforceable and valid.

Neither Client nor Consultant shall assign this Agreement without the written consent of the other.

Irrespective of any other term in this Agreement, Consultant shall not control or be responsible for construction means, methods, techniques, schedules, sequences or procedures; or for construction safety or any other related programs; or for another parties’ errors or omissions or for another parties’ failure to complete their work or services in accordance with Consultant’s documents.

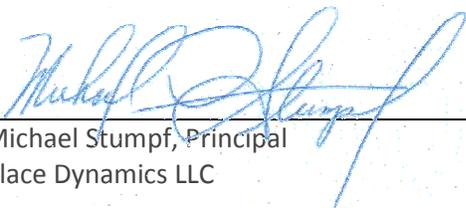
Client agrees to indemnify, defend and hold Consultant harmless from and against any and all claims, liabilities, suits, demands, losses, costs and expenses, including, but not limited to, reasonable attorneys’ fees and all legal expenses and fees incurred through appeal, and all interest thereon, accruing or resulting to any and all persons, firms or any other legal entities on account of any damages or losses to property or persons, including injuries or death, or economic losses, arising out of the Project and/or this Agreement, except that the Consultant shall not be entitled to be indemnified to the extent such damages or losses are found by a court or forum of competent jurisdiction to be caused by Consultant’s negligent errors or omissions.

Nothing in this Agreement shall create a contractual relationship for the benefit of any third party.

If this Agreement is not signed and returned to Consultant within 30 days, the offer to perform the described services may, in Consultant’s sole discretion, be withdrawn and be null and void.

CONSULTANT

CLIENT



Michael Stumpf, Principal
Place Dynamics LLC

Chris Meyer, Mayor

Deb Hall, City Clerk

Keith Strey, Finance Director

Date: 6 May 2014

Date: 14 May 2014

EXHIBIT A: SCOPE OF WORK

PROJECT APPROACH

The Place Dynamics and SEH team will draw on complementary skills to craft a market-based, creative, and actionable plan to continue Marshfield's momentum in downtown revitalization. The approach we have recommended builds upon the objectives stated in the request for proposals.

Project Management

We will use a number of tools to provide effective project management, maintaining timelines and assuring quality control. Some of the strategies we will employ include:

- Project Manager – Place Dynamics will assign a project manager to coordinate the work of the consultant team. The project manager will be the primary point of contact for local project staff and will lead the planning process.
- Project Kick-off Meeting – An initial meeting will be scheduled with the consultant team and local project staff. This meeting will be used to exchange information to be used in the project, determine a final project schedule, review expectations for deliverables, discuss any particular concerns of local staff or the consultant team, and conduct a walking tour of the downtown.
- Monthly Conference Calls – Monthly conference calls will be scheduled throughout the planning process to keep local staff informed of progress and to discuss findings or potential recommendations. These meetings may occur in person during periods of travel to the City. It is expected that there will be frequent interaction between meetings in order to identify information or other needs, discuss potential strategies, or provide logistical support for stakeholder interactions.
- Draft Review – Draft documents and interim work products (such as the market analysis) will first be reviewed by the consultant team, and will then be provided to local staff for review prior to revising a draft for public distribution.
- Assistance from the City – The City will be asked to support the planning process by providing data and copies of prior plans or studies, providing logistical support for interviews, focus groups, and public meetings, and providing timely review and comments on draft material.

Public Participation

Several opportunities for public participation have been included in the project approach. These include one-on-one interviews and small focus group sessions as part of the market analysis, a visioning workshop, an alternatives workshop, a presentation of the draft plan, and a final presentation to the Common Council. Place Dynamics will also prepare a project web site to keep the public informed and allow feedback. Content will be uploaded for City review prior to being made public.

These tasks are focused on engaging the citizenry of Marshfield in the planning process through a number of active and passive opportunities. They will be coordinated with all other tasks to prioritize and synthesize the information obtained from participants. Activities will be focused on building public support for the updated recommendations by providing an enjoyable and inclusive public engagement process for preparing the Master Plan.

Task One: Existing Conditions

The consultant team will review existing plans and studies, and conduct a thorough analysis of existing conditions in the district and surrounding neighborhoods that contribute to downtown. We will document the age and condition of existing public infrastructure such as streets, parking lots, utilities, and structures. This will be accomplished through a combination of observations, review of documentation provided by the City, and discussions with City staff. The consultant team will also

observe and discuss conditions related to traffic flow and walkability, visibility and aesthetics, landscaping and streetscaping, safety, maintenance, signage, and other factors contributing to the experience of downtown Marshfield.

Task Two: Market Analysis

Place Dynamics is a national leader in market analysis and the only Wisconsin company to conduct its research from original data and our own models, not merely purchasing and repackaging inexpensive “market reports” based on national averages without any ground-truthing or adjustment for local conditions. Our process consists of the following steps:

- Interviews and Focus Group Meetings – We will conduct one-on-one meetings and small focus group sessions with persons who are able to provide insight into local market conditions. These generally include business operators, property owners, and commercial real estate brokers. Chamber of commerce, tourism, and economic development staff will also be interviewed.
- Field Work – Place Dynamics will conduct extensive field work to make first-hand observations of the businesses, commercial spaces, and patterns of usage in the downtown. We will prepare an inventory of uses of space within existing downtown buildings, identifying the floor area associated with commercial uses by NAICS sector. We will also conduct an evaluation of competing business districts.
- Trade Areas – Based on input obtained in the interviews as well as our observations, we will define one or more trade areas for the downtown district.
- Quantitative Analysis – Place Dynamics has created a complex model used to generate demographic forecasts as well as estimates and projections of housing, retail, and dining demand. This model builds its estimates using local area data and allows the user to manipulate assumptions to account for unusual circumstances. (As an example, the model for Alamogordo, New Mexico could be adjusted to account for the transfer of 2,500 airmen and their families to Holloman Air Force Base in 2015.)
 - Population and households are projected over the next ten years, including a breakdown by both age and sex cohorts.
 - Housing demand is projected over ten years, including a breakdown of demand for owner and rental properties, type of property (detached home, condominium, or townhouse), and purchase price or monthly lease amount.
 - Our model addresses the residential market (trade area), worker expenditures, and visitor expenditures. Retail and dining estimates include sales at existing businesses (specifically within the district), market potential, and a gap analysis. Note that a gap analysis is often mistaken for a list of the businesses that can be viable. What will work downtown is a function of many more variables than simply existence of sales leakage. In fact, the right business can be viable even when there is a sales surplus, based on its ability to compete. (After all, search engines like Excite, Magellan, AOL, and others had 100% of the market share when Google was launched.)

In determining what will be successful downtown we consider the downtown environment, market demand and unmet desires, the strength of competition, concentrations within the district, and more. We provide an analysis of retail sectors by four digit NAICS, and address full service, fast food, and specialty dining markets. We indicate the number of businesses and provide a range of the square footage that might be supported. Our projections carry out over ten years in two five-year increments.

- Office – Office demand is based on projected employment growth by industry sector. Each industry has an occupational profile for office-based employment. Square footage estimates are

assigned based on the position classification. We then identify the percentage of expected growth that may reasonably be expected to be captured in the downtown district. City actions can have a profound effect on this number, either to promote or create obstacles to capturing office uses in the downtown.

- Lodging – Place Dynamics has significant prior experience in projecting market demand for lodging establishments. We will examine trends including inventory, occupancy, average daily rates (ADR), revenue per available room (RevPAR), and area visitation/tourism trends. We will project future room night demand and evaluate the feasibility of adding additional rooms, particularly within the downtown. If feasible, we will advise the City as to the property class and number of rooms that may be supported.
- Other uses – Other uses may include government functions, entertainment, or public facilities. We will review these potential uses with City staff to determine potential interest, and explore market conditions related to these uses.

Task Three: Vision, Values, Goals, and Objectives

The Vision Workshop will occur after the existing conditions assessment and the market analysis for a reason. We will use this information to define critical needs and set some parameters around people's expectations for the downtown. In this we make certain that the vision for downtown is a realistic one.

Refining a vision for downtown will involve significant public involvement through a Visioning Workshop. During the workshop we will employ a series of interactive tools to help participants communicate and prioritize their concerns or desires for the district. In addition to a vision, we have found it valuable to add a discussion of values. Perhaps residents want to place an emphasis on unique and local businesses, want to attract businesses that are a good fit with existing businesses, value historic preservation, or want to incorporate sustainable thinking into downtown strategies. These values help to shape the plan's approach to goals and objectives.

Task Four: Define Today's Downtown

Existing conditions, market opportunities, and the community's vision are the key factors in determining the optimal boundaries for downtown. Existing conditions might suggest the need for redevelopment on the edge of downtown. A strong market might allow for the expansion of valued uses. Community desires might necessitate expansion of the district to accommodate them. These and other possibilities will be explored at the Visioning Workshop, after which we will confer with local project staff to redraw the boundaries of the district.

Task Five: Occupied Building Analysis

This element of the plan addresses business retention, expansion, and attraction. We will draw on our prior experience working with small businesses to recommend strategies appropriate to the conditions within downtown Marshfield. Strategies may address district-wide concerns or concerns specific to individual businesses. Some examples might include visibility and signage, property conditions, marketing and promotions, online presence, approaches to retention, business startup and technical assistance programs, financial programs, and business attraction.

Task Six: Redevelopment Areas

Potential redevelopment areas may be defined by a combination or "push" or "pull" factors. Site conditions such as vacant or underutilized real estate, dilapidated buildings, environmental conditions, or impacts due to street or utility projects may be a push for redevelopment. On the other end, demand created by market opportunities may spark interest in redevelopment (including rehabilitation of existing buildings). Our team will evaluate these conditions and confer with local project staff to identify

leading sites for redevelopment, and to prepare one or more generalized redevelopment concepts for each site.

The Project Team will work with the City to identify concepts that may provide opportunities for the existing businesses to upgrade/expand their businesses. Project Team members will prepare urban design concepts (buildings, streetscape, public open space, etc.) for the historic downtown to explore ideas for leveraging civic reinvestment through infill development and enhancing the public realm and connectivity.

Task Seven: Land Use Plan

This task will begin with a complete inventory that includes existing land use conditions, building utilization, and occupancy/vacancy status for the study area. The 2006 Master Plan, City Comprehensive Plan, Zoning Code, TIF documents, Sign Code, Economic Development Action Plan, Economic Development Assessment, Façade Improvement Program, Business Improvement Program, and Housing Study/Needs Assessment will be reviewed and pertinent information compiled. The analysis will also take into consideration historical influences and patterns, demographic data, traffic, and other relevant information. The analysis will be summarized into a forces and issues graphic for the downtown area.

The consultant team will then evaluate existing land use plans in the context of an updated community vision, anticipated market opportunities, and recommendations. We will prepare two alternative land use plans for the district, incorporating potential changes.

Task Eight: Alternatives Open House

As the planning process nears an end we will provide the public an opportunity to view and offer feedback on:

- The vision, values, goals, and objectives coming from the Vision Workshop
- Strategies related to business retention, expansion, and attraction.
- Redevelopment areas and potential/alternative uses for these areas.
- The new downtown boundaries and alternative land use plans.

The open house format allows for maximum participation by stakeholders and interested citizens who can drop in as time permits, discuss particular aspects of the project, and provide feedback through either discussion or through interactive resources incorporated into the open house. After the open house we will confer with City staff to make a determination of the recommendations to be incorporated into the draft plan.

Task Nine: Implementation Strategy

Individual implementation measures may be carried out by any combination of a number of partners such as various City departments, Main Street Marshfield, the Marshfield Area Chamber of Commerce, and others. In crafting an implementation strategy our team will work closely with these partners to ensure their commitment as well as the availability of resources for each action that needs to be taken.

- Organizational Structure – The first concern will be to establish an organizational structure identifying the lead organization and roles of supporting organizations.
- Public Policies – We will review public policies as they relate to downtown, such as zoning and building codes, the comprehensive plan, use of business improvement districts and tax incremental financing, policies and procedures associated with local programs such as loan and grant funds, etc. We will recommend appropriate changes in consultation with the appropriate organizational staff.

- Funding and Financial Resources – Our team has a great deal of expertise in downtown revitalization funding and financial strategies. We will review ongoing activities and funding sources of downtown organizations, and identify the financial needs associated with recommendations of the new downtown plan. This will include potential public and/or private redevelopment sites. We will recommend a comprehensive strategy for funding the organization and its initiatives, and discuss potential funding mechanisms to support redevelopment.
- Prioritization, Assigning, and Phasing – General priorities will be determined with public input through the Alternatives Open House. These priorities will be finalized in consultation with local project staff, taking into account issues such as the scheduling of capital improvements, availability of resources, staging needs, and other considerations. Our team will describe each initiative in the implementation strategy, enumerate the key tasks involved, establish a timeline and milestones toward implementation, and identify the resources required. Each task will be assigned to a lead staff position or organization. The roles of that lead and any partners will be clearly defined.
- Performance Indicators and Program Monitoring – The implementation strategy will describe a process for annual review of progress toward the downtown vision. It will include both a timeline and milestones to track progress toward implementation, and discrete measures by which to assess the impact of downtown revitalization initiatives.

Task Ten: Draft and Final Plans

A working draft of the full plan will be forwarded to local project staff for review and comment. The consultant team will then prepare a draft for public review.

- Draft Plan Presentation – The consultant team will provide a public presentation of the draft plan. This presentation is often scheduled before the plan commission, but may be in another venue to be determined by the City. After the presentation we will review comments and questions with local project staff to consider whether any revisions should be made to the draft.
- Final Draft Plan Presentation – The final draft will be presented to the Common Council for its consideration. Following the presentation we will confer with local project staff to consider any last revisions to the plan.
- Final Plan Document – Our team will prepare a final plan document and an executive summary. We will provide 15 bound copies, one unbound copy, and electronic versions of the final plan. We will provide 50 printed copies and electronic versions of the executive summary.