



CITY OF MARSHFIELD  
**MEETING NOTICE**

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**AGENDA**  
**BOARD OF PUBLIC WORKS**  
**CITY OF MARSHFIELD, WISCONSIN**  
**MONDAY, NOVEMBER 14, 2016 at 5:30 PM**  
**COUNCIL CHAMBERS, CITY HALL PLAZA**

1. Call meeting to order – Chairman Buttke
2. Approval of minutes of November 1, 2016 Board of Public Works meeting
3. Citizen Comments
4. Report of 2016 Weed Ordinance Enforcement and discussion of possible ordinance changes – Presented by Mike Winch, Street Superintendent
5. Presentation of Second Street Green Street Corridor improvements – Presented by Tom Turchi, City Engineer
6. Considerations of changes to Section 13-66 “Obstructions and Encroachments” of the Municipal Code – Presented by Tom Turchi, City Engineer
7. Considerations of changes to Section 13-96 “Special Assessments” of the Municipal Code – Presented by Tom Turchi, City Engineer
8. Closed Session: 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.
  - Sale of land at 8<sup>th</sup> Street and Hemlock Avenue
  - Consideration of accepting donation and Liability Waiver for statue at the Zoo
9. Reconvene in Open Session
10. Action on matter discussed in closed session, if appropriate
11. Recommended items for future agendas
12. Adjournment

**Posted this 11<sup>th</sup> day of November, 2016 at 4:00 PM by Daniel G. Knoeck, Director of Public Works**

**NOTE**

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*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.*

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*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 Mary Anderson, Public Works Department at 630 South Central Avenue or by calling (715) 387-8424*

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**BOARD OF PUBLIC WORKS BACKGROUND**

**11/14/16**

1. Call meeting to order – Chairman Buttke
2. Approval of minutes of November 1, 2016 Board of Public Works meeting
3. Citizen Comments
4. Report of 2016 Weed Ordinance Enforcement and discussion of possible ordinance changes – Presented by Mike Winch, Street Superintendent  
See attached report. **This is an informational item only.**
5. Presentation of Second Street Green Street Corridor improvements – Presented by Tom Turchi, City Engineer **Information will be presented at the meeting. This is an informational item only.**
6. Considerations of changes to Section 13-66 “Obstructions and Encroachments” of the Municipal Code – Presented by Tom Turchi, City Engineer  
See attached memo. **Recommend approval and request an ordinance be drafted for Common Council consideration.**
7. Considerations of changes to Section 13-96 “Special Assessments” of the Municipal Code – Presented by Tom Turchi, City Engineer  
See attached memo. **Recommend approval and request an ordinance be drafted for Common Council consideration.**
8. Closed Session: 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.
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12. Adjournment

**BOARD OF PUBLIC WORKS MINUTES**  
**OF NOVEMBER 1, 2016**

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

**PRESENT:** Tom Buttke, Ed Wagner, Mike Feirer, Chris Jockheck & Gordon Earll

**EXCUSED:** None

**ALSO PRESENT:** City Engineer Turchi; Assistant City Engineer Cassidy; Street Superintendent Winch; Accounting Manager VanWhye; the media; and others.

**PW16-122** Motion by Feirer, second by Wagner to recommend approval of the minutes of the October 17, 2016 Board of Public Works meeting.

**Motion Carried**

**Citizen Comments: None**

**PW16-123** Motion by Earll, second by Feirer to recommend approval of the revised 2017 Machinery and Equipment Rates and refer Resolutions 2016-56 and 2016-57 to the Common Council for consideration.

**Buttke, Feirer, Jockheck & Earll voted 'Aye', Wagner voted 'No' Motion Carried**

**PW16-124** Motion by Jockheck, second by Earll to recommend approval of the quotation submitted by Vermeer Wisconsin of West Salem, WI for a Model BC1000XL Brush Chipper at a cost of \$30,575 and authorize execution of a purchase agreement.

**Buttke, Feirer, Jockheck & Earll voted 'Aye', Wagner voted 'No' Motion Carried**

**PW16-125** Motion by Feirer, second by Earll to recommend 'No Parking' on the north side of West 2<sup>nd</sup> Street beginning 120 feet west of the west right of way line of Chestnut Avenue to a distance of 200 feet west of the west right of way line of Chestnut Avenue and that the Administrative Code of Traffic and Parking Regulations be amended to reflect this change.

**Motion Carried**

**PW16-126** Motion by Jockheck, second by Earll to recommend that traffic control be changed at the intersection of West 8<sup>th</sup> Street and South Pine Avenue with 8<sup>th</sup> Street yielding to Pine Avenue and that the Administrative Code of Traffic and Parking Regulations be amended to reflect this change.

**Motion Carried**

**Recommended items for future agendas: None**

Motion by Jockheck, second by Wagner that the meeting be adjourned at 5:48 PM.

**Motion Carried**

Daniel G. Knoeck, Secretary  
BOARD OF PUBLIC WORKS



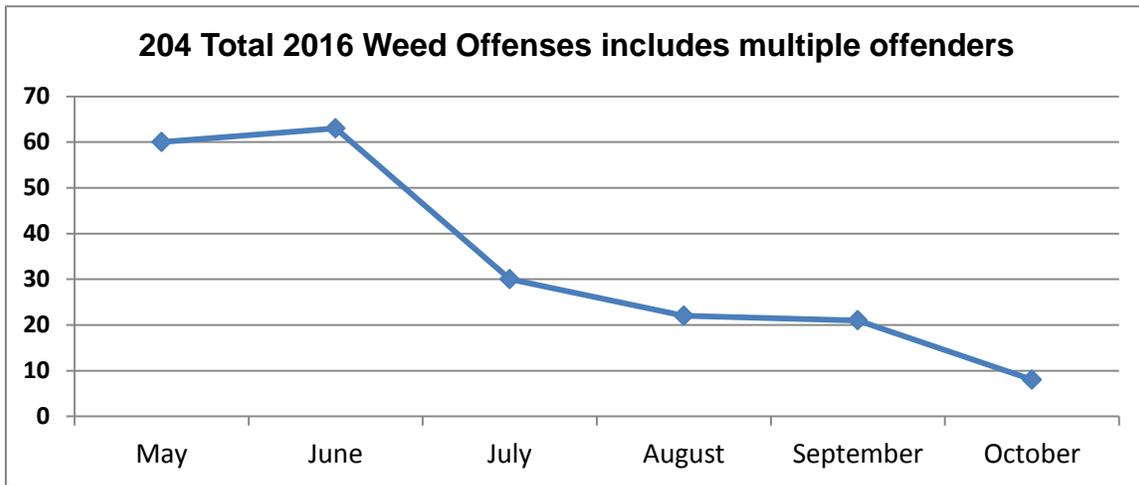
## 2016 Weed Ordinance Report

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**City of Marshfield   Public Works Department   Street Division**  
407 West 2<sup>nd</sup> Street Marshfield, Wisconsin 54449-0727

Michelle Quinnell  
11/8/2016

Report Includes: Monthly breakdown of weed calls, repeat offender count, hired mowing report, fines and fees assessed & revenue vs expense. \*Report does not reflect weed notices after 11/08/2016



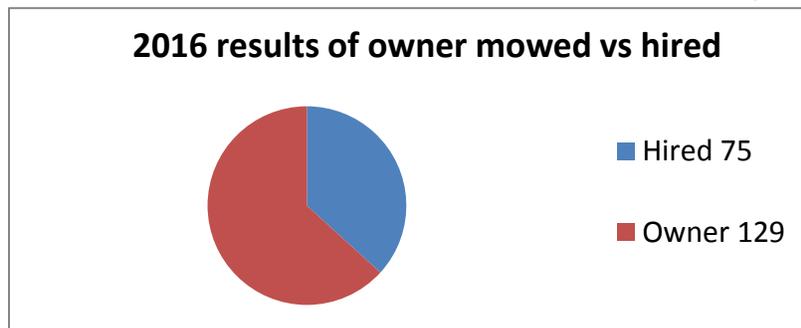
May 60	Aug 22
June 63	Sept 21
July 30	Oct 8

This chart does not reflect weed complaints that were checked on and no violation was found. There were 9 complaints that were not in violation upon an inperson visit.

- **79% of the weed violation letters are sent to addresses other than the parcel in violation.**
- **63% of weed offenders remedied the offence after receiving a letter**
- **Number of properties that received multiple weed complaints:**

Complaints	# Properties
2	9
3	10
4	4
6	1
8	1
10	1

- **Of 204 Weed offenses 75 were hired out and 129 were taken care of by the homeowners**



Total dollars paid to mowers for 2016 was \$7135.00  
Average mowing cost of \$95.13.  
This cost is passed on to the home owners.

**Revenue**

Administration Fines levied in 2016 (as of 11/08/2016)	\$2640.00
Ordinance Fines levied in 2016 (as of 11/08/2016)	<u>\$5445.00</u>
Total	\$8085.00

**Administration fee is \$40.00 each time**

**First fine is \$75.00**

**Subsequent fines are \$90.00**

**Expenses**

Postage cost to mail notices	\$ -65.17
Approximate cost of wages paid for weed enforcement	<u>\$ -1200.00</u>
Total	\$ -1265.17

Number of Disputed Ordinance Fines in 2016 0



City of  
Marshfield  
**Memorandum**

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**TO: Board of Public Works**  
**FROM: Thomas R. Turchi**  
**DATE: November 10, 2016**  
**RE: Change to Municipal Code for Obstructions and Encroachments.**

**Background**

In the past week while reviewing a sign request staff noted that there was a discrepancy between the zoning code and the public works code relating to sign locations.

**Analysis**

The discrepancy is in reference to the height of the sign over the right of way. The two codes sections as follows:

The Municipal Code (Sign Code) Chapter 24, Section 24-03 (18) (a) (6) reads that the minimum sign height over the right of way is 8 feet noted below:

6. If projecting into the right-of-way, the city may require a certificate of liability insurance.
- (b) Sign Height.
  1. May not extend above top of the roof or parapet line of the building to which it is attached.
  2. Sign clearance must be a minimum of **8 feet** above finished grade immediately below the sign.

The Municipal Code (Public Works) Chapter 13-66 (2) (a) states that the sign shall be ten feet above the right of way noted below:

- (a) Signs and clocks attached to buildings which project not more than six feet from the face of such building and which do not extend at any point lower than **ten feet** above the sidewalk, street or alley.

This discrepancy was discovered last week and needs to be rectified before a pending sign permit can be issued. The sign codes limits signs within 2 feet of the curb and gutter therefore, signs will not project into the roadway so a conflict between a sign and a vehicle is highly unlikely. I would recommend that the Public Works code be amended to 8 feet to coincide with the Sign Code.

**Recommendation**

I recommend the height of signs and clocks be adjusted from 10 feet to 8 feet over the right of way and I further recommend that an ordinance be drafted for Common Council consideration.

Concurrence

Steve Barg  
City Administrator

Dan Knoeck  
Director of Public Works

### Article III. Obstructions and Encroachments

#### Sec. 13-66. Obstructions and encroachments.

- (1) *Prohibited.* No person shall encroach upon or obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsection (2) of this section. No person shall prohibit or obstruct the flow of water in any ditch, sewer, gutter or culvert in, along or across any street, alley, lane, sidewalk or natural surface drain in the city.
- (2) *Exceptions.* The prohibitions of subsection (1) of this section shall not apply to the following:
  - (a) Signs and clocks attached to buildings which project not more than six feet from the face of such building and which do not extend at any point lower than ~~ten~~ **eight (8)** feet above the sidewalk, street or alley.
  - (b) Awnings which do not extend at any point lower than seven feet above the sidewalk, street or alley.
  - (c) Public utility encroachments authorized by the city.
  - (d) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three hours.
  - (e) Building materials when a permit therefor has been issued by the director of public works. Such permission shall be granted for periods not to exceed four months.
  - (f) Debris resulting from automobiles which have been wrecked or damaged, if the owner or operator removes such debris within 12 hours of the accident. (g) Newspaper vending boxes, provided, however, that such boxes shall not be installed within four feet of any public or private driveway, shall not exceed a size reasonably necessary to effect their purpose, shall be placed at either the outside or inside edge of the sidewalk, if a sidewalk is available, and shall be limited to one such box for any newspaper publication on any street between two intersecting streets. The owner of such boxes shall provide liability insurance covering personal injury and property damage which might or could result from the establishment of such boxes in an amount of \$25,000.00/50,000.00 for personal injury and \$5,000.00 for property damage; such policies shall name the City of Marshfield as an additional insured, and a certificate of insurance showing the existence of such policy, containing not less than a ten-day cancellation provision, shall be filed with the city clerk. Such insurance policy shall describe the location of the box covered by the policy, and the city shall be furnished a copy of such policy, or the description of such location shall be included in the certificate of insurance referred to in this subsection.
  - (g) Any enhancements placed on public sidewalk or public property that follow Policy 5.080 (PROW) and have an approved PROW permit.

(Code 1982, § 8.06; ORD 1330, April 26, 2016)



City of  
Marshfield  
**Memorandum**

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**TO: Board of Public Works**  
**FROM: Thomas R. Turchi**  
**DATE: November 10, 2016**  
**RE: Change to Municipal Code for Special Assessments.**

**Background**

An issue arose while processing special assessments this year that has effected efficient administering of special assessments.

**Analysis**

Calculating final special assessments for large projects consumes a great deal of time as each parcel has to be reviewed individually. Specifically, when compiling the information for driveway sizes, sidewalk quantities, storm sewer laterals, sanitary sewer laterals and finally water service laterals. Each of these items is different based upon the lengths used and the various credits that are applied.

We have discovered that with the large number of parcels that are affected by the special assessments process and 90 day timeframe for payment before placement on the tax roll created a situation where if the bills are mailed late in the year the special assessments will not make it onto that year's tax roll. This causes numerous difficulties especially if there is a change in ownership.

Previously, a property owner was given 30 days before interest began accruing; this was changed to 90 days several years ago. A solution to address this issue is to split the difference and change the 90 day timeline to 60 days before interest begins and it can be placed on the tax roll.

**Recommendation**

I recommend the timeline for payment of special assessments be adjusted from 90 days to 60 days and I further recommend that an ordinance be drafted for Common Council consideration.

Concurrence

Steve Barg  
City Administrator

Dan Knoeck  
Director of Public Works

## Article IV. Special Assessments

### Sec. 13-96. Special assessments.

- (1) *When applicable.* Benefitted properties shall be subject to special assessments, levied and collected in accordance with § 66.0701 Wis. Stats. for the following public works or improvements:
  - (a) The opening of a street to traffic.
  - (b) The improvement of a street opened to traffic.
  - (c) The construction of a sanitary sewer main.
  - (d) The construction of a sanitary sewer lateral, storm sewer lateral or water service lateral.
  - (e) The construction, replacement or repair of a public sidewalk when done in connection with a street improvement project.
  - (f) The construction and installation of a water main if necessary to be done in connection with a street improvement project when, in the judgment of the council, it would be impractical for such water main to be installed under the rules of the Marshfield Utility Commission. If required, a deposit for the cost of the installation of such main shall be made from the general funds of the city.
  - (g) The construction of a storm sewer.
- (2) *Determining assessment rates for street construction.* The following methods shall be used to determine assessment rates for the opening of a street and improvements of a street:
  - (a) The front foot assessment rate shall be 33.33 percent of the total cost of construction for a single linear foot of the typical cross section of roadway plus ten percent for engineering and administrative overhead. When federal, state or county funding is provided for the project to the extent of not more than 66.67 percent thereof, then the front foot assessment rate shall be discounted by the percentage of federal, state or county funding applied to the cost of the project. When federal, state or county funding is provided for the project to the extent of at least 66.67 percent thereof, then the front foot assessment rate shall be 50 percent of the resulting city share of the cost per lineal foot and shall be discounted by the percentage of federal, state or county funding applied to the cost of the project.
  - (b) Where the project involves a cul-de-sac or different types of construction on the same project, the procedure in subsection (2)(a) of this section may be modified to more accurately determine the benefits accruing to each parcel of abutting property. In such case the total assessments levied shall not exceed 66.67 percent of the total cost of construction as determined in subsection (2)(a) of this section.

- (c) For property used for residential, educational, governmental or nonprofit corporation purposes, regardless of the zoning classifications therefor, the side-foot rate shall be 50 percent of the front-foot rate.
  - (d) For property used for any purpose other than those set forth in subsection (2)(c) of this section, the side-foot rate shall be 75 percent of the front-foot rate. (e) For platted residential property where reversed frontage exists with the long side of the property fronting on the project, and where there is no possibility of further construction, the assessment at the front-foot rate shall not exceed the length of the short side of the property and the balance shall be assessed at the side-foot rate.
  - (e) When a parcel of residential property abutting the project has a lot line forming an interior angle of 65 degrees or less with the street right-of-way line then the equivalent frontage or sideage for assessment purposes shall be determined by dividing the area of the parcel by the greatest distance that can be measured from the street right-of-way line at right angles to such line. This shall not apply to a parcel of land whose lot lines are parallel or do not diverge more than 15 degrees from being parallel, nor shall it apply to sanitary sewer or sidewalk assessments.
  - (f) In the improvement of a street opened to traffic, it is determined that the maximum pavement construction that is necessary to serve abutting property zoned for residential use is asphalt pavement with curbs, 32 feet wide and 3- inches thick (two layers). Where pavement construction exceeds the above dimensions the total cost of construction specified in subsection (2)(a) of this section shall be based on a pavement of the dimensions stated in this subsection using prorated unit costs of actual pavement construction or equivalent.
- (3) *Determining assessment rates for sanitary sewer main construction.* The following methods shall be used to determine assessment rates for sanitary sewer main construction:
- (a) The total cost of construction plus ten percent for engineering and administrative overhead shall be divided by the linear feet of all benefited properties, including property outside the corporate limits, city-owned greenways and the side of a corner parcel where sewer has been previously installed and special assessments charged on the opposite side of such corner parcel.
  - (b) The rate so determined shall be applied to each linear foot of all benefited property except property referred to in subsection (3)(a) of this section as "included," and those assessments shall be paid by the city.
  - (c) The word "side" as used in subsection (3)(a) of this section shall mean either the front, side or rear of a parcel, whichever is applicable.
  - (d) Where the project involves construction in a cul-de-sac or in an easement, the procedures in subsection (3)(a)—(3)(c) of this section may be modified to more accurately determine the assessments to be levied against abutting properties benefited by the construction.

(4) *Sanitary sewer lateral, storm sewer lateral, and water service lateral construction.* The assessment for the construction of a sanitary sewer service lateral, storm sewer laterals, or water service lateral shall be 100 percent of the total cost of construction plus ten percent for engineering and administrative overhead. The cost of construction shall include all permit fees, connection charges and lift station fees where applicable.

(5) *Sidewalk construction.* The assessment for the construction, replacement or repair of a public sidewalk when done in connection with a street improvement project shall be 100 percent of the total cost of construction plus ten percent for engineering and administrative overhead except as follows:

If an existing sidewalk does not require repairs as required in the Sidewalk Construction and Repair Policy and is removed and replaced as part of a street improvement project, due to adjustment for grade or cross slope or due to nonconformance with the current standard for the Americans with Disabilities Act, said sidewalk shall not be subject to special assessments.

(6) *Determination of assessment rates for water main construction.* The provisions of subsection (3) of this section shall apply to the assessment for the construction and installation of a water main when done pursuant to subsection (1)(f) of this section and section 19-63(2) of this Code.

(7) *Determination of assessment rates for storm sewer main construction.* The following methods shall be used to determine assessment rates for storm sewer construction:

(a) Storm sewer construction on streets without curb and gutter shall be subject to special assessments. All properties served or benefitted by the new storm sewer system or appurtenances shall be considered as part of the assessment district. Assessments shall be levied for 50 percent of the total cost of construction.

(b) The assessment rate shall be determined pursuant to subsection (3) above of this section. The assessment rate for properties used for agricultural, residential, educational, governmental or nonprofit corporation purposes, regardless of the zoning classification, shall be limited to the total cost of construction for a maximum storm sewer size able to handle up to 15 cubic feet per second of stormwater flow. The assessment rate for all other property uses shall be subject to the total cost of construction regardless of the storm sewer size.

Storm sewer installations on streets with curb and gutter shall not be subject to special assessments.

(8) *Connection charges when assessment not permitted.* In the event that the city shall be required by law or court decision to provide the services described in subsection (3) of this section to property outside the corporate limits, and where section 13-99 of this Code does not apply, there shall be a connection charge made equal to the amount which would have been otherwise assessed. No such connection shall be permitted until such connection charges are paid or secured in a manner satisfactory to the city. Connection charges shall be paid in one lump sum and shall not be subject to Subsection (9), Terms for repayment of special assessments, below.

(9) *Terms for repayment of special assessments.* The following terms shall be used in the repayment of special assessments:

- \$ 0.00 - \$ 500.00      ~~90~~ 60 days from date of receipt of invoice of final assessments without interest, or until the next property tax bill is due with interest accrued from the date of the final invoice.
- \$ 501.00 to \$5,000.00      ~~90~~ 60 days from date of receipt of invoice of final assessments without interest. If not paid in full, remaining balance will be added to the tax bill in 10 equal payments with interest accrued from the date of the final invoice for all types of construction.
- Over \$5,000      ~~90~~ 60 days from date of receipt of invoice of final assessments without interest. If not paid in full, remaining balance will be added to the tax bill in 20 equal payments with interest accrued from the date of the final invoice for all types of construction.

a) Upon sale or conveyance by deed of any property subject to a special assessment which is authorized to be paid in installments and which has been placed on the tax roll, the entire amount of the special assessment then outstanding shall be immediately due and payable and shall not be assumed by the purchaser of the property, except as provided for in subsection (b) below. In the event of nonpayment, the entire outstanding special assessment balance shall be placed on the next ensuing tax roll and collected in the same manner as taxes upon real estate. Following such a conveyance, the city clerk shall make appropriate modifications to the city's special assessment roll and records to reflect such change. The entire balance of special assessments must be paid when property subject to a special assessment is divided by re-platting in a certified survey map or any portion of the land subject to a special assessment is sold or conveyed by a separate legal description.

b) The provisions of subsection (a) above shall not apply to any conveyance:

1. Which, executed for nominal, inadequate or no consideration, confirms, corrects or reforms a conveyance previously recorded.
2. Pursuant to mergers of corporations.
3. By a subsidiary corporation to its parent for no consideration, nominal consideration or in sole consideration of cancellation, surrender or transfer of capital stock between parent and subsidiary corporations.
4. Between husband and wife, parent and child, step parent and step child, parent and son-in-law or parent and daughter-in-law for nominal or no consideration.
5. Between agent and principal or from a trustee to a beneficiary without actual consideration.
6. Solely in order to provide or release security for a debt or obligation except as required by Wis. Stats. 77.22(2)(b).
7. By will, descent or survivorship.
8. Pursuant to or in lieu of condemnation.
9. Under a foreclosure or a deed in lieu of a foreclosure to a person holding a mortgage or to a seller under a land contract.
10. Between a corporation or partnership and its shareholders or partners if all of the stock is owned by, or all the partners are, spouses or lineal ascendants or

descendants of each other, if the transfer is for no consideration except stock of the corporation or an interest in the partnership and if, in the case of transfers from corporations, the corporation owned the property for at least three years.

11. To a trust if a transfer from the grantor to the beneficiary of the trust would be exempt from this section.
  12. Between a limited liability company and its shareholders if all of the stock is owned by, or all the partners are, spouses or lineal ascendants or descendants of each other, if the transfer is for no consideration except stock of the corporation or an interest in the partnership and if, in the case of transfers from limited liability companies the limited liability company owned the property for at least three years.
- c) In the event that a parcel subject to special assessments is subdivided by plat or certified survey map and the remaining balance of special assessment due is in excess of \$10,000, said balance may be divided among the newly created parcels on a prorated basis. Any prorated special assessments shall remain on the same payment schedule as the special assessments on the original parcel except if the prorated special assessment is \$500 or less, in which case, the prorated special assessment shall be paid in full within ~~90~~ 60 days of the date of proration or until the next property tax bill is due. Interest shall continue to accrue at the original rate for all prorated special assessments.

(Code 1982, § 8.16, ORD 1251, June 25, 2013)