



CITY OF MARSHFIELD

MEETING NOTICE

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

- 1. Call meeting to order – Chairman Buttke
2. Approval of minutes of February 15, 2016 Board of Public Works meetings
3. Citizen Comments
4. Update on Everett Roehl Marshfield Public Library & Community Center project – Presented by Joe Dolezal, The Boson Company
5. Approval of revisions to Policy 5.080 – Public Right-of-Way Enhancement Program – Presented by Josh Miller, City Planner
6. Award quotation for tandem axle truck for Street Division – Presented by Mike Winch, Street Superintendent
7. Prequalification of Contractors for 2016 construction projects – Presented by Tom Turchi, City Engineer
8. Recommended items for future agendas
9. Adjournment

Posted this 11th day of March, 2016 at 4:00 PM by Daniel G. Knoeck, Director of Public Works

NOTE

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

BOARD OF PUBLIC WORKS BACKGROUND

03/14/16

1. Call meeting to order – Chairman Buttke
2. Approval of minutes of February 15, 2016 Board of Public Works meetings
3. Citizen Comments
4. Update on Everett Roehl Marshfield Public Library & Community Center project – Presented by Joe Dolezal, The Boson Company
This is an informational item only.
5. Approval of revisions to Policy 5.080 – Public Right-of-Way Enhancement Program – Presented by Josh Miller, City Planner
See attached memo and proposed policy revisions. **Recommend approval.**
6. Award quotation for tandem axle truck for Street Division – Presented by Mike Winch, Street Superintendent
See attached quotation summary. **Recommend approval of the low quotation of Truck Country of Rothschild, WI in the amount of \$92,162 and authorize execution of a purchase agreement.**
7. Prequalification of Contractors for 2016 construction projects – Presented by Tom Turchi, City Engineer
See attached list of prequalified contractors. **Recommend approval.**
8. Recommended items for future agendas
9. Adjournment

BOARD OF PUBLIC WORKS MINUTES
OF FEBRUARY 15, 2016

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

PRESENT: Mike Feirer, Tom Buttke, Ed Wagner, & Chris Jockheck (arrived at 5:49 PM)

EXCUSED: Gary Cummings

ALSO PRESENT: Alderman Earll; Director of Public Works Knoeck; City Engineer Turchi; Assistant City Engineer Cassidy; Street Superintendent Winch; Assistant Street Superintendent Hawley; the media; and others.

PW16-20 Motion by Feirer, second by Wagner to recommend approval of the minutes of the February 1, 2016 Board of Public Works meeting.

Motion Carried

Citizen Comments – None

Joe Dolezal, The Boson Company, presented an update on the Everett Roehl Marshfield Public Library & Community Center construction project. This was an informational item only.

PW16-21 Motion by Feirer, second by Buttke to recommend approval of the Memorandum of Understanding for Hardacre Park maintenance between Marshfield Area Community Foundation, City of Marshfield, Main Street Marshfield and Schalow's Nursery, as presented.

Motion Carried

PW16-22 Motion by Wagner, second by Feirer to recommend approval of the low quotation submitted by Bobcat Plus of Chippewa Falls, WI for a Bobcat Toolcat for the Parks and Recreation Department at a cost of \$48,752 and authorize execution of a purchase agreement.

Motion Carried

PW16-23 Motion by Feirer, second by Wagner to recommend approval of the plans for Contract 2016-01 and authorize advertising for bids:

- a. 2nd Street (Chestnut to Maple)
- b. Oak Avenue Sidewalk Reconstruction (Depot to Cleveland)
- c. Alley Reconstruction – Central/Chestnut (5th to 6th)
- d. 1st Street and Cedar Avenue Intersection

Motion Carried

PW16-24 Motion by Wagner, second by Feirer to recommend approval of the revised 2016 Asphalt Paving List as presented.

Motion Carried

Director of Public Works Knoeck updated the Board of Public Works on 2015 Slag Seal Issues.

PW16-25 – Motion by Jockheck, second by Feirer to recommend that the first Board of Public Works meeting for March, 2016 be held on Monday, February 29, 2016 at 5:30 PM and that the second Board of Public Works meeting for March, 2016 be held on Monday, March 14, 2016 also at 5:30 PM.

Motion Carried

PW16-26 Motion by Wagner, second by Jockheck to adjourn to closed session at 6:16 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.

- Possible purchase of land for downtown parking lot expansion.

Roll call vote, all 'Ayes' Motion Carried

Present in Closed Session: Aldermen Feirer, Wagner, Jockheck, Buttke & Earll; Director of Public Works Knoeck; City Engineer Turchi

PW16-27 Motion by Wagner, second by Jockheck to reconvene in open session at 6:22 PM.

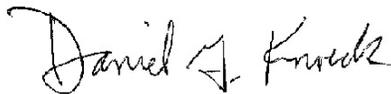
Roll call vote, all 'Ayes' Motion Carried

PW16-28 Motion by Wagner, second by Jockheck to recommend approval of the offer to purchase for 302 South Maple Avenue and authorize execution of the agreement.

Recommended items for future agendas: Earll requested continued discussion on the alternate side parking issue.

Motion by Feirer, second by Jockheck that the meeting be adjourned at 6:24 PM.

Motion Carried



Daniel G. Knoeck, Secretary
BOARD OF PUBLIC WORKS



City of Marshfield Memorandum

TO: Board of Public Works
FROM: Josh Miller, City Planner
DATE: March 14, 2016

RE: Public Right-of-Way Enhancement Program

Background

The Downtown Master Plan recommends removing barriers to allowing more outdoor dining opportunities. Last month, staff presented an ordinance amendment to the Plan Commission to allow such activities by right in the downtown. Previously, this required a Conditional Use Permit. The Common Council approved the ordinance on Tuesday, March 8, 2016. Staff has also been working with Main Street Marshfield to update the PROW (Public Right-of-Way) policy. The PROW was originally approved by the Board of Public Works in June of 2009 and allows for business owners in certain areas to temporarily use the public sidewalk for Enhancements, such as temporary signage, outdoor decorations, merchandise displays and outdoor dining areas. However, due to the restrictions put in place, outdoor dining would only be allowed in the colored concrete portion of the sidewalk along Central Avenue. The policy did not allow for outdoor dining to take place on public property in other areas of the downtown, nor did it allow alcohol to be served. The proposed changes remove those limitations, allowing the Board of Public Works to review any outdoor dining areas in the PROW. The proposed amendments are included in the redlined version of the policy that is attached.

Analysis

The proposed amendment allows more flexibility for Outdoor Dining Areas. An Outdoor Dining Area would be defined as any outdoor temporary dining area in the PROW adjacent to or in front of established restaurant. Below is a list of conditions included in the discussion for allowing an Outdoor Dining Area:

- All tables and chairs shall be kept in a clean and sanitary condition.
- Alcoholic beverages may be permitted within the outdoor dining area provided the liquor license is properly amended.
- If approved, alcohol may only be consumed within the dining area and may only be served in non-breakable containers such as cans or plastic

containers. The BPW may limit alcohol to only be permitted when food is served concurrently.

- Enhancements may remain in the outdoor dining area through the duration of the outdoor dining area use in a given year provided the Applicant is able to anchor or lock the furniture away and demonstrate to the BPW that the Enhancements will not become a hazard to the public.
- The dining area shall be designated as a "No Smoking" area.
- Any music or entertainment shall meet the requirements of the noise ordinance.
- Patron seating and service will be limited to area defined by specified boundaries approved by the Board of Public Works.
- The Applicant is able to clearly define the outdoor dining area with an appropriate barrier as defined by the Board of Public Works.
- The outdoor dining area shall be closed by 10:00 pm daily or a time determined by the BPW.
- The outdoor dining area shall be properly lit when in use.
- A certificate of liability is required with the liquor license amendment in the amount of \$100,000 or amount determined by the BPW.

Outdoor Seating Areas are different than Outdoor Dining Areas, but would now be allowed for businesses that are not restaurants. Outdoor Seating Areas are defined as the following: "Any temporary seating area in the PROW that is not considered to be an Outdoor Dining Area. Permitted only in the colored concrete area of the sidewalk or location approved by the City Engineer, and does not have to be associated with an existing restaurant. Food and non-alcoholic beverages may be served, and no alcohol is allowed under this use."

The general approval process will be for Main Street Marshfield to be the primary administrator of the program, reviewing all applications, making recommendations to the City Engineer and providing the first level of enforcement.

Most of the allowed Enhancements in the public right-of-way will be reviewed by the Main Street Public Right-of-Way Committee (MSPROW) and approved by the City Engineer. One exception is free standing signs are approved solely by the Executive Director of Main Street. Staff is also proposing to allow signs throughout the year, only when the area is clear of snow. Because of their potential impact on public property and neighboring properties, Outdoor Dining Areas will be reviewed and approved by the Board of Public Works on a case by case basis. Any changes to the liquor license will also require the review and approval of the Judiciary and Licensing Committee.

Main Street is given responsibility for setting and collecting permit fees. In addition to the policy, several sections of the existing Municipal Code will need to be modified through an ordinance change to allow this program to take place, including the following:

- a. Section 10-132 Use of Sidewalks
- b. Section 13-66(2) Obstructions and Encroachments

Each section will be amended to allow exceptions to the current code for those uses of the public right-of-way that have been granted a permit conforming to the requirements of the Public Right-of-Way Enhancement Program Policy.

To some extent, this version of the PROW is a pilot program. As the program develops, there may be a need to review the policy to see what has been working and what has not.

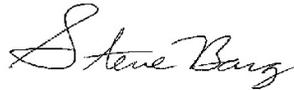
Recommendation

Approve proposed changes to Policy 5.080 Public Right-of-Way Enhancement Program. I further recommend revisions to Section 10-132 and Section 13-66(2) of the Municipal Code to allow for the program and that an ordinance change be drafted for Common Council consideration.

Attachments

- 1. Redlined Draft Policy 5.080 Amendment
- 2. Draft Policy 5.080 Amendment

Concurrence:



Steve Barg
City Administrator



Jason Angell
Director of Development Services



Daniel G. Knoeck
Director of Public Works

City of Marshfield Policies and Procedures

Chapter 5: Public Works

CHAPTER: Public Works Administration and Permitting

SUBJECT: Public Right-of-Way Enhancement Program

POLICY NUMBER: 5.080

PAGES: 78

APPROVAL DATE:

DEPARTMENT OF PRIMARY RESPONSIBILITY: Public Works, ~~Planning & Economic Development~~ Development Services

APPROVED: _____

Section 1. PURPOSE AND INTENT OF THE PROGRAM

The purpose of the PROW Enhancement Program (hereinafter referred to as "Program") is to optimize the growth and income of retail businesses and restaurants by allowing and encouraging the use of portions of the public right-of-way between the curb and the adjacent property line for properties in a mixed use zoning district, fronting S. Central Avenue between Veterans Parkway and 7th-11th Street, fronting Chestnut Avenue, Central Avenue, Maple Avenue (rights-of-way extended), including side streets between Chestnut Avenue and Maple Avenue. The Program seeks to promote an environment that encourages pedestrian traffic, and drive-by traffic attracted by the enhanced streetscape environment.

The Program's areas of endeavor are freestanding signs, outdoor decorations, merchandise, outdoor seating area, and outdoor dining areas. A business owner will be allowed to locate certain items in the public right-of-way provided he or she files the appropriate application, and conforms to the requirements of the Program. It is not the intent of the Program to supersede City of Marshfield authorized events utilizing the public right-of-way in the downtown business district nor to set aside existing or future City, State, or Federal regulations. Permittee's use of the right-of-way shall in all matters be subordinate to the City of Marshfield's use or occupation of the right-of-way.

MSPROW is comprised of the Executive Director of Main Street Marshfield, Inc. or their designee, one (1) Board member from Main Street Marshfield, Inc, and one (1) owner of a business located within the BID district. This committee shall be voluntary and advisory to the City of Marshfield Engineer. This committee will assist the City of Marshfield in obtaining information and by making recommendations on utilization of the PROW.

Festival Days sponsored, promoted or authorized by the City of Marshfield are not a part of this Program.

Section 2. ABBREVIATIONS AND DEFINITIONS

ABBREVIATIONS

BID – Business Improvement District

MSPROW – Main Street Public Right-of Way Committee

BPW – [City of Marshfield Board of Public Works](#)

DEFINITIONS

Clear Area: the area on the existing sidewalk adjacent to Enhancements or Obstructions as required for a clear path of travel or for maintenance or access. This area must be a minimum of five feet.

Clear Path of Travel or Path of Travel: a route on the existing sidewalk for use by pedestrian and wheelchair users that provides free and unobstructed access in the PROW and to the egress and ingress of a building, this path must be a minimum of five feet.

Festival Day: Shall be defined as an event, or series of related events involving a subject matter of interest to a significant portion of the residents of the City of Marshfield which promotes civic pride in the City of Marshfield. A Festival Day is not purely a commercial enterprise but is an event where the proceeds, if any, will directly benefit either a charitable or non-profit organization. These events include but are not limited to Dairyfest, Hub City Days, Maple Fall Fest, the Central Wisconsin State Fair, and the Holiday Parade.

Enhancements: Privately owned items located in the PROW, including but not limited to merchandise, Freestanding signs, outdoor display items, and outdoor seating or dining furniture including chairs, tables, umbrellas, planter pots and boxes, sculptural works, and temporary railings.

Freestanding sign: A temporary sign that rests on the ground that is neither temporarily nor permanently attached to the ground, an adjacent building, or any other structure.

Limitation of space: The City of Marshfield Engineer shall have the power to prohibit or limit the placement of Enhancements into the PROW if there is insufficient space to accommodate all of the requests of persons to occupy and use the right-of-way. In making such decisions, the City of Marshfield Engineer shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the general welfare and safety of the public.

Multi-tenant: A building which contains more than one business.

Obstruction: Publicly owned temporary or permanent objects that might restrict pedestrian travel and access within the PROW. Obstructions include but are not limited

to fire hydrants, lamp posts, trees, tree wells, parking meters, street furniture, trash receptacles, kiosks, utility pedestals, newspaper racks, and benches.

Outdoor Seating Area: Any temporary seating area in the PROW that is not considered to be an Outdoor Dining Area. Permitted only in the colored concrete area of the sidewalk or location approved by the City Engineer, and does not have to be associated with an existing restaurant. Food and non-alcoholic beverages may be served, and no alcohol is allowed under this use.

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Outdoor Dining Area: Any outdoor temporary dining area in the PROW adjacent to or in front of established restaurant that is not considered to be an enclosed space.

Outdoor Decoration Item: A Privately owned item being displayed for public view and located outside a building in the PROW; this is further defined as seasonal decorations that would be placed directly in the PROW. ~~Decorations will require the recommendation of the MSPROW committee, with final approval of the City of Marshfield Engineer.~~ This does not include seasonal decorations owned and placed by the Main Street Marshfield, Inc. or the City of Marshfield.

Promotional Events: Those events which are designated by the Main Street Marshfield, Inc. Promotion Committee and approved by the Main Street Marshfield, Inc. Board of Directors. Promotional Events ~~are include but are not limited to:~~ Customer Appreciation Day, ~~Women's Weekend~~ Third Tuesdays, and ~~Art on the Avenue~~ Flash Galleries.

Public Right-of-Way (PROW): Means the area on, below or above the present and future city streets, improved or unimproved public roadway, alleys, bridges, bikeways, tree lawn or green space, sidewalks, curbs and drive aprons in which the City of Marshfield has an interest, including other dedicated rights-of way for travel purposes.

Seasonal: Those seasons celebrated around equinox, spring, summer, fall and winter, or the holidays.

Section 3. GENERAL REQUIREMENTS

- 1) The City of Marshfield's rights with respect to the PROW shall remain and continue in full force and effect and shall in no way be affected by this policy. Any and all City of Marshfield ~~festivals~~ Festival Days are outside the purview of this policy. As a condition precedent to issuance of a permit, the applicant Business/Property owner shall agree to defend, indemnify and hold Main Street Marshfield, Inc. and the City of Marshfield and their respective officers, directors and employees, free and harmless from any and all third party claims, costs, demands, losses, damages, causes of action and expenses, including reasonable attorneys fees, and other liability of every nature whatsoever that Main Street Marshfield Inc., and/or the City of Marshfield may sustain or incur in any manner arising from the construction, maintenance, state of use, repair, or presence of Enhancements within the PROW, including any loss, damage or expenses arising out of loss of or damage to property, and injury to or death of persons. Further, said applicant Business/Property owner shall remise, release, forever discharge and waive the right to sue or bring action against Main Street Marshfield, Inc. and the City of Marshfield and their respective officers, directors and employees, for any claims, losses, costs, expenses, attorney fees, or other

liability of every nature whatsoever in law or in equity, whether direct, indirect or derivative, whether known or unknown, incurred or accrued, anticipated or unanticipated, including those which may be incurred or which may accrue in the future.

- 2) The Business Owner shall maintain the PROW adjacent to their business as a clear area in a safe and sanitary condition at the sole expense, risk and responsibility of the Business Owner.
- 3) The scope of the Program does not include any work performed or Enhancements, whether temporary or permanent in nature, on private property. While City of Marshfield ordinance may restrict or prohibit the use of Enhancements on private property, it is the sole responsibility of the Business Owner to determine the location of the property line and any and all applicable regulations for private property.

Section 4. PLACEMENT OF ENHANCEMENTS

All Enhancements must conform to the following requirements:

- 1) Where colored pavement exists, Enhancements are only allowed to be displayed within the colored pavement area in the sidewalk of the PROW.
- ~~1~~2) If no colored pavement exists on the sidewalk in front of the establishment, the City Engineer shall review the request and decide on the placement of Enhancements.
- ~~2~~3) All Enhancements shall be placed upon that part of the PROW which immediately adjoins the premise of the business.
- ~~3~~4) Unless otherwise stated, Enhancements shall be allowed from May 1 to November 1 of the calendar year.
- ~~4~~5) Enhancements shall not be placed within the vehicular visibility areas, including but not limited to the 30' from the intersection of any two streets and 10' from a driveway or alley intersecting a street.
- ~~5~~6) Enhancements shall be placed so as to maintain a clear path of travel that has a minimum width of 5'-0".
- ~~6~~7) Enhancements shall be placed no closer than within two feet (2') of the curb.
- ~~7~~8) Enhancements shall not block or obstruct access to building entrances and exits and public property.
- ~~8~~9) Enhancements shall not substantially obstruct a business or restaurant's transparency (i.e. the views into a store or restaurants interior and window displays).
- ~~9~~10) Enhancements shall be placed a minimum of five feet from any obstruction, including but not limited to fire hydrants and utility poles.
- ~~10~~11) Enhancements (except for seasonal decorations, flowerpots, flower planter boxes, benches ~~and~~, statuary, and Enhancements related to an Outdoor Dining Area approved by the Board of Public Works) are permitted in the PROW during business hours only. Storage of these items during non-business hours off of the public right-of-way shall be the responsibility of the business owner.
- ~~11~~12) Enhancements shall not be attached to public utility boxes and poles or other Obstructions unless approved by Marshfield Utilities.
- ~~12~~13) Enhancements shall be of professional quality and shall comply with all federal, state and local regulations.

14) Enhancements shall be kept in state of good repair. Any damaged, cracked, broken, poorly maintained or other Enhancements in need of repair shall not be placed in the PROW at any time.

13)15) Enhancements, with the exception of freestanding signs, must be reviewed by the MSPROW and approved by the City Engineer.

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Section 5. FREESTANDING SIGN STANDARDS

A business having a freestanding sign must comply with the terms and conditions of Chapter 24 of the Municipal Code, and the following additional standards:

- 1) Quantity
 - a) Only one (1) freestanding sign per business is allowed.
 - b) A maximum of two (2) faces per sign is allowed.
- 2) Placement
 - a) Freestanding signs shall be located in front of the business it represents, with not more than one (1) sign per twenty-two (22) linear feet of frontage.
 - b) May be placed in the PROW throughout the year, only when clear of snow.
 - a)c) Freestanding signs must be approved by the Executive Director of Main Street Marshfield, Inc.
- 3) Size, Appearance and Design
 - a) The maximum base area of a freestanding sign shall be not greater than three (3) feet in width and two (2) feet in depth. The combined height and width shall not exceed 6 square feet.
 - b) The sign shall be a style that will continue to the ground for detection by those who are visually impaired.
 - c) The bottom two (2) inches of the sign shall have a strong contrasting color to that of the ground for detection by pedestrians.
 - d) The style of the sign's graphics shall be professional in quality and complement the business' permanent building sign(s), if any.
 - e) The sign shall be made of a durable material(s), such as medium density overlay plywood painted with enamel paint, stainless or other weather resistant steel, laminate plastic or slate chalkboard. No glass, breakable materials or attached illumination shall be allowed. Every sign and all parts, portions, and materials shall be of professional quality and shall be manufactured, assembled, and erected in compliance with all applicable federal, state, and local regulations.
 - f) Paper signs, wind-activated items including but not limited to balloons, windsocks, and pinwheels, and non-rigid changeable areas are not allowed.
 - g) The sign shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails and wires.
- 4) Multi-tenant Buildings
 - a) It shall be the building owner's responsibility to coordinate the display times and locations of all Enhancements when two or more businesses have received a PROW permit to utilize the same space.

Section 6. OUTDOOR DINING AREA STANDARDS

Any food establishment which operates a restaurant and is licensed under the Municipal Code may, with a written notice application made to the City of Marshfield Clerk, reviewed by MSPROW, and approval from the Board of Public Works and Common Council (with approval of the BPW minutes), and Main Street Marshfield, Inc. expand the operation of that restaurant onto a part and only that part, of the public sidewalk, which immediately adjoins or is within a reasonable distance of the licensed premises.

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1) Use

All outdoor dining areas must comply with the requirements of Section 3. The Board of Public Works shall set conditions for any Outdoor Dining Area upon review of a completed application, and the following additional standards: The Board shall approve, deny, or approve with conditions, the request based on an analysis of the following and may prohibit certain provisions or set limits based on the proposed location of the Outdoor Dining Area:

~~a) No tables, chairs, plant tubs or any other furnishings shall be placed in the area used for outdoor dining during any period when the restaurant is not open and being operated.~~

b) a) All tables and chairs shall be kept in a clean and sanitary condition.

~~No alcoholic beverages shall be allowed in the outdoor dining area.~~

b) Alcoholic beverages may be permitted within the outdoor dining area provided the liquor license is properly amended.

c) If approved, alcohol may only be consumed within the dining area and may only be served in non-breakable containers such as cans or plastic containers. The BPW may limit alcohol to only be permitted when food is served concurrently.

d) Enhancements may remain in the outdoor dining area through the duration of the outdoor dining area use in a given year provided the Applicant is able to anchor or lock the furniture away and demonstrate to the BPW that the Enhancements will not become a hazard to the public.

e)

f) The dining area shall be designated as a "No Smoking" area.

g) Any music or entertainment shall meet the requirements of the noise ordinance.

h) Patron seating and service will be limited to area defined by specified boundaries approved by the Board of Public Works.

i) The Applicant is able to clearly define the outdoor dining area with an appropriate barrier as defined by the Board of Public Works.

j) The outdoor dining area shall be closed by 10:00 pm daily or a time determined by the BPW.

k) The outdoor dining area shall be properly lit when in use.

l) A certificate of liability is required with the liquor license amendment in the amount of \$100,000 or amount determined by the BPW.

o)

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2) Size, Appearance and Design

a) Outdoor Dining Area shall remain uncluttered at all times.

b) Tables and chairs and all other Enhancements placed in the PROW shall be metal, wood, durable plastic, or other similar material, and must be of professional quality, must be and remain in good condition and not require repair. Umbrellas must be in good condition, be fire-treated, and not require repair.

- c) Proper and appropriate lighting must be installed to allow proper visibility for customers and pedestrians. All lighting whether attached to the building or freestanding, must comply with all applicable local, state and federal requirements. No cables, cords or wires shall cross the PROW either on the ground or overhead.

Section 7. ITEMS PROHIBITED WITHIN THE PROW

Any enhancement not falling within the approved categories above shall not be displayed in the PROW, including but not limited to the following:

- (a) Alcoholic beverages (~~unless approved as part of an Outdoor Dining Area~~ are regulated under Municipal code).
- (b) Tobacco, cigarettes, and smoking accessories.
- (c) Upholstered items with a cumulative height, width and depth of nine feet or more.
- (d) Vending and dispensing equipment.
- (e) Adult-oriented material.
- (f) Mattresses.
- (g) Major appliances.
- (h) Live animals.
- (i) Weapons.
- (j) Pedestal signs
- (k) Cash registers
- (l) Any enhancement that is determined to impede normal pedestrian traffic and/or is determined to threaten the health, safety and welfare of the public.

Section 8. APPLICATION AND PERMIT CONDITIONS

- 1) The person(s), business, or entity desiring participation in the Program (hereinafter the "applicant") shall complete the application and any appropriate or applicable plans and submit the same to the Main Street Marshfield, Inc. office.
- 2) An applicant shall, with the signed application, provide a drawing of the proposed Enhancements and area to be used. The drawing shall indicate the curb and property lines, all existing and proposed obstructions (traffic signs, traffic lights, street lights, benches, fire hydrants, etc.), and the size and location of all proposed Enhancements to be placed within the PROW. *Applicants for any businesses located at a corner property or on a property that has frontage on more than one (1) street shall provide information for both street frontages.*
- 3) A copy of the insurance certificate shall be attached to and submitted with the application.
- 4) The MSPROW committee shall submit a written recommendation to the City of Marshfield Engineer within seven (7) days of receiving the application.
- 5) The application and any authorized approval are not transferable at any time to any other business, entity or person of any kind or nature. Any and all changes require an amended application and approval, except the removal of damaged items.
- 6) A non-refundable fee, as established by Main Street Marshfield, Inc. shall accompany each application. This shall be made payable to Main Street Marshfield, Inc. Each application shall be renewed on an annual basis.

- 7) Obtaining a right-of-way permit does not relieve the applicant of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City of Marshfield ordinance or other applicable rule, law or regulations.
- 8) Permit Denial: A permit may be denied for the following reasons.
To any person who is presently not in full compliance with the Municipal Code.
 - a) To any person who has outstanding debt owed to the City of Marshfield that is in arrears, due, owing and unpaid.
 - b) To any person as to whom there exists grounds for the revocation of any other permit under this section.
 - c) If there is insufficient space to accommodate the request of persons to occupy and use the right-of-way.
 - d) If the health, safety and welfare of the public is placed in jeopardy.

Section 9. ENFORCEMENT

Enhancements that do not comply with the provisions of this Program are not allowed.

- 1) A Business Owner shall immediately remove or relocate Enhancements and/or displays, at the Business Owner's own expense, upon notice by Main Street Marshfield, Inc. acting alone or in coordination with the City of Marshfield, or upon receipt of written or verbal notice from the City of Marshfield. Service by regular mail will be sufficient for purposes of this paragraph.
- 2) If the Business owner fails to repair, remove or relocate the enhancement and/or display in a timely manner, the City of Marshfield may remove, relocate or repair said enhancement and/or display or cause such removal, relocation or repair to be done and charge the Business owner for the cost of the work, at the sole discretion of the City of Marshfield, without further notice to the Business Owner. In the alternative or in addition to the above action, the City of Marshfield can fine the violator pursuant to the Municipal Code (Municipal Code Sec. 13-04). Pursuant to law, the City of Marshfield has the authority to compel immediate removal or relocation to protect the life, health and safety of the public.
- 3) Enforcement: Failure to comply with provisions of this section may result in administrative fines, restrictions or penalties as provided herein (Municipal Code Sec. 1-05).

City of Marshfield Policies and Procedures

Chapter 5: Public Works

CHAPTER: Public Works Administration and Permitting

SUBJECT: Public Right-of-Way Enhancement Program

POLICY NUMBER: 5.080

PAGES: 8

APPROVAL DATE:

DEPARTMENT OF PRIMARY RESPONSIBILITY: Public Works, Development Services

APPROVED: _____

Section 1. PURPOSE AND INTENT OF THE PROGRAM

The purpose of the PROW Enhancement Program (hereinafter referred to as “Program”) is to optimize the growth and income of retail businesses and restaurants by allowing and encouraging the use of portions of the public right-of-way between the curb and the adjacent property line for properties in a mixed use zoning district, between Veterans Parkway and 11th Street, fronting Chestnut Avenue, Central Avenue, Maple Avenue (rights-of-way extended), including side streets between Chestnut Avenue and Maple Avenue. The Program seeks to promote an environment that encourages pedestrian traffic, and drive-by traffic attracted by the enhanced streetscape environment.

The Program’s areas of endeavor are freestanding signs, outdoor decorations, merchandise, outdoor seating area, and outdoor dining areas. A business owner will be allowed to locate certain items in the public right-of-way provided he or she files the appropriate application, and conforms to the requirements of the Program. It is not the intent of the Program to supersede City of Marshfield authorized events utilizing the public right-of-way in the downtown business district nor to set aside existing or future City, State, or Federal regulations. Permittee’s use of the right-of-way shall in all matters be subordinate to the City of Marshfield’s use or occupation of the right-of-way.

MSPROW is comprised of the Executive Director of Main Street Marshfield, Inc. or their designee, one (1) Board member from Main Street Marshfield, Inc, and one (1) owner of a business located within the BID district. This committee shall be voluntary and advisory to the City of Marshfield Engineer. This committee will assist the City of Marshfield in obtaining information and by making recommendations on utilization of the PROW.

Festival Days sponsored, promoted or authorized by the City of Marshfield are not a part of this Program.

Section 2. ABBREVIATIONS AND DEFINITIONS

ABBREVIATIONS

BID – Business Improvement District

MSPROW – Main Street Public Right-of Way Committee

BPW – City of Marshfield Board of Public Works

DEFINITIONS

Clear Area: the area on the existing sidewalk adjacent to Enhancements or Obstructions as required for a clear path of travel or for maintenance or access. This area must be a minimum of five feet.

Clear Path of Travel or Path of Travel: a route on the existing sidewalk for use by pedestrian and wheelchair users that provides free and unobstructed access in the PROW and to the egress and ingress of a building, this path must be a minimum of five feet.

Festival Day: Shall be defined as an event, or series of related events involving a subject matter of interest to a significant portion of the residents of the City of Marshfield which promotes civic pride in the City of Marshfield. A Festival Day is not purely a commercial enterprise but is an event where the proceeds, if any, will directly benefit either a charitable or non-profit organization. These events include but are not limited to Dairyfest, Hub City Days, Maple Fall Fest, the Central Wisconsin State Fair, and the Holiday Parade.

Enhancements: Privately owned items located in the PROW, including but not limited to merchandise, Freestanding signs, outdoor display items, and outdoor seating or dining furniture including chairs, tables, umbrellas, planter pots and boxes, sculptural works, and temporary railings.

Freestanding sign: A temporary sign that rests on the ground that is neither temporarily nor permanently attached to the ground, an adjacent building, or any other structure.

Limitation of space: The City of Marshfield Engineer shall have the power to prohibit or limit the placement of Enhancements into the PROW if there is insufficient space to accommodate all of the requests of persons to occupy and use the right-of-way. In making such decisions, the City of Marshfield Engineer shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the general welfare and safety of the public.

Multi-tenant: A building which contains more than one business.

Obstruction: Publicly owned temporary or permanent objects that might restrict pedestrian travel and access within the PROW. Obstructions include but are not limited to fire hydrants, lamp posts, trees, tree wells, parking meters, street furniture, trash receptacles, kiosks, utility pedestals, newspaper racks, and benches.

Outdoor Seating Area: Any temporary seating area in the PROW that is not considered to be an Outdoor Dining Area. Permitted only in the colored concrete area of the sidewalk or location approved by the City Engineer, and does not have to be associated with an existing restaurant. Food and non-alcoholic beverages may be served, and no alcohol is allowed under this use.

Outdoor Dining Area: An outdoor temporary dining area in the PROW adjacent to or in front of established restaurant.

Outdoor Decoration Item: A Privately owned item being displayed for public view and located outside a building in the PROW; this is further defined as seasonal decorations that would be placed directly in the PROW. This does not include seasonal decorations owned and placed by the Main Street Marshfield, Inc. or the City of Marshfield.

Promotional Events: Those events which are designated by the Main Street Marshfield, Inc. Promotion Committee and approved by the Main Street Marshfield, Inc. Board of Directors. Promotional Events include but are not limited to: Customer Appreciation Day, Third Tuesdays, and Flash Galleries.

Public Right-of-Way (PROW): Means the area on, below or above the present and future city streets, improved or unimproved public roadway, alleys, bridges, bikeways, tree lawn or green space, sidewalks, curbs and drive aprons in which the City of Marshfield has an interest, including other dedicated rights-of way for travel purposes.

Seasonal: Those seasons celebrated around equinox, spring, summer, fall and winter, or the holidays.

Section 3. GENERAL REQUIREMENTS

- 1) The City of Marshfield's rights with respect to the PROW shall remain and continue in full force and effect and shall in no way be affected by this policy. Any and all City of Marshfield Festival Days are outside the purview of this policy. As a condition precedent to issuance of a permit, the applicant Business/Property owner shall agree to defend, indemnify and hold Main Street Marshfield, Inc. and the City of Marshfield and their respective officers, directors and employees, free and harmless from any and all third party claims, costs, demands, losses, damages, causes of action and expenses, including reasonable attorneys fees, and other liability of every nature whatsoever that Main Street Marshfield Inc., and/or the City of Marshfield may sustain or incur in any manner arising from the construction, maintenance, state of use, repair, or presence of Enhancements within the PROW, including any loss, damage or expenses arising out of loss of or damage to property, and injury to or death of persons. Further, said applicant Business/Property owner shall remise, release, forever discharge and waive the right to sue or bring action against Main Street Marshfield, Inc. and the City of Marshfield and their respective officers, directors and employees, for any claims, losses, costs, expenses, attorney fees, or other liability of every nature whatsoever in law or in equity, whether direct, indirect or derivative, whether known or unknown, incurred or accrued, anticipated or unanticipated, including those which may be incurred or which may accrue in the future.

- 2) The Business Owner shall maintain the PROW adjacent to their business as a clear area in a safe and sanitary condition at the sole expense, risk and responsibility of the Business Owner.
- 3) The scope of the Program does not include any work performed or Enhancements, whether temporary or permanent in nature, on private property. While City of Marshfield ordinance may restrict or prohibit the use of Enhancements on private property, it is the sole responsibility of the Business Owner to determine the location of the property line and any and all applicable regulations for private property.

Section 4. PLACEMENT OF ENHANCEMENTS

All Enhancements must conform to the following requirements:

- 1) Where colored pavement exists, Enhancements are only allowed to be displayed within the colored pavement area in the sidewalk of the PROW.
- 2) If no colored pavement exists on the sidewalk in front of the establishment, the City Engineer shall review the request and decide on the placement of Enhancements.
- 3) All Enhancements shall be placed upon that part of the PROW which immediately adjoins the premise of the business.
- 4) Unless otherwise stated, Enhancements shall be allowed from May 1 to November 1 of the calendar year.
- 5) Enhancements shall not be placed within the vehicular visibility areas, including but not limited to the 30' from the intersection of any two streets and 10' from a driveway or alley intersecting a street.
- 6) Enhancements shall be placed so as to maintain a clear path of travel that has a minimum width of 5'-0".
- 7) Enhancements shall be placed no closer than within two feet (2') of the curb.
- 8) Enhancements shall not block or obstruct access to building entrances and exits and public property.
- 9) Enhancements shall not substantially obstruct a business or restaurant's transparency (i.e. the views into a store or restaurants interior and window displays).
- 10) Enhancements shall be placed a minimum of five feet from any obstruction, including but not limited to fire hydrants and utility poles.
- 11) Enhancements (except for seasonal decorations, flowerpots, flower planter boxes, benches, statuary, and Enhancements related to an Outdoor Dining Area approved by the Board of Public Works) are permitted in the PROW during business hours only. Storage of these items during non-business hours off of the public right-of-way shall be the responsibility of the business owner.
- 12) Enhancements shall not be attached to public utility boxes and poles or other Obstructions unless approved by Marshfield Utilities.
- 13) Enhancements shall be of professional quality and shall comply with all federal, state and local regulations.
- 14) Enhancements shall be kept in state of good repair. Any damaged, cracked, broken, poorly maintained or other Enhancements in need of repair shall not be placed in the PROW at any time.
- 15) Enhancements, with the exception of freestanding signs, must be reviewed by the MSPROW and approved by the City Engineer.

Section 5. FREESTANDING SIGN STANDARDS

A business having a freestanding sign must comply with the terms and conditions of Chapter 24 of the Municipal Code, and the following additional standards:

- 1) Quantity
 - a) Only one (1) freestanding sign per business is allowed.
 - b) A maximum of two (2) faces per sign is allowed.

- 2) Placement
 - a) Freestanding signs shall be located in front of the business it represents, with not more than one (1) sign per twenty-two (22) linear feet of frontage.
 - b) May be placed in the PROW throughout the year, only when clear of snow.
 - c) Freestanding signs must be approved by the Executive Director of Main Street Marshfield, Inc.

- 3) Size, Appearance and Design
 - a) The maximum base area of a freestanding sign shall be not greater than three (3) feet in width and two (2) feet in depth. The combined height and width shall not exceed 6 square feet.
 - b) The sign shall be a style that will continue to the ground for detection by those who are visually impaired.
 - c) The bottom two (2) inches of the sign shall have a strong contrasting color to that of the ground for detection by pedestrians.
 - d) The style of the sign's graphics shall be professional in quality and complement the business' permanent building sign(s), if any.
 - e) The sign shall be made of a durable material(s), such as medium density overlay plywood painted with enamel paint, stainless or other weather resistant steel, laminate plastic or slate chalkboard. No glass, breakable materials or attached illumination shall be allowed. Every sign and all parts, portions, and materials shall be of professional quality and shall be manufactured, assembled, and erected in compliance with all applicable federal, state, and local regulations.
 - f) Paper signs, wind-activated items including but not limited to balloons, windsocks, and pinwheels, and non-rigid changeable areas are not allowed.
 - g) The sign shall have no sharp edges or corners. All surfaces shall be smooth and be free of protruding tacks, nails and wires.

- 4) Multi-tenant Buildings
 - a) It shall be the building owner's responsibility to coordinate the display times and locations of all Enhancements when two or more businesses have received a PROW permit to utilize the same space.

Section 6. OUTDOOR DINING AREA STANDARDS

Any food establishment which operates a restaurant and is licensed under the Municipal Code may, with a written application made to the City of Marshfield Clerk, reviewed by MSPROW, and approval from the Board of Public Works and Common Council (with approval of the BPW minutes), expand the operation of that restaurant onto a part and

only that part, of the public sidewalk, which immediately adjoins or is within a reasonable distance of the licensed premises.

1) Use

All outdoor dining areas must comply with the requirements of Section 3. The Board of Public Works shall set conditions for any Outdoor Dining Area upon review of a completed application. The Board shall approve, deny, or approve with conditions, the request based on an analysis of the following and may prohibit certain provisions or set limits based on the proposed location of the Outdoor Dining Area:

- a) All tables and chairs shall be kept in a clean and sanitary condition.
- b) Alcoholic beverages may be permitted within the outdoor dining area provided the liquor license is properly amended.
- c) If approved, alcohol may only be consumed within the dining area and may only be served in non-breakable containers such as cans or plastic containers. The BPW may limit alcohol to only be permitted when food is served concurrently.
- d) Enhancements may remain in the outdoor dining area through the duration of the outdoor dining area use in a given year provided the Applicant is able to anchor or lock the furniture away and demonstrate to the BPW that the Enhancements will not become a hazard to the public.
- e) The dining area shall be designated as a "No Smoking" area.
- f) Any music or entertainment shall meet the requirements of the noise ordinance.
- g) Patron seating and service will be limited to area defined by specified boundaries approved by the Board of Public Works.
- h) The Applicant is able to clearly define the outdoor dining area with an appropriate barrier as defined by the Board of Public Works.
- i) The outdoor dining area shall be closed by 10:00 pm daily or a time determined by the BPW.
- j) The outdoor dining area shall be properly lit when in use.
- k) A certificate of liability is required with the liquor license amendment in the amount of \$100,000 or amount determined by the BPW.

2) Size, Appearance and Design

- a) Outdoor Dining Area shall remain uncluttered at all times.
- b) Tables and chairs and all other Enhancements placed in the PROW shall be metal, wood, durable plastic, or other similar material, and must be of professional quality, must be and remain in good condition and not require repair. Umbrellas must be in good condition, be fire-treated, and not require repair.
- c) Proper and appropriate lighting must be installed to allow proper visibility for customers and pedestrians. All lighting whether attached to the building or freestanding, must comply with all applicable local, state and federal requirements. No cables, cords or wires shall cross the PROW either on the ground or overhead.

Section 7. ITEMS PROHIBITED WITHIN THE PROW

Any enhancement not falling within the approved categories above shall not be displayed in the PROW, including but not limited to the following:

- (a) Alcoholic beverages (unless approved as part of an Outdoor Dining Area).
- (b) Tobacco, cigarettes, and smoking accessories.
- (c) Upholstered items with a cumulative height, width and depth of nine feet or more.
- (d) Vending and dispensing equipment.
- (e) Adult-oriented material.
- (f) Mattresses.
- (g) Major appliances.
- (h) Live animals.
- (i) Weapons.
- (j) Pedestal signs
- (k) Cash registers
- (l) Any enhancement that is determined to impede normal pedestrian traffic and/or is determined to threaten the health, safety and welfare of the public.

Section 8. APPLICATION AND PERMIT CONDITIONS

- 1) The person(s), business, or entity desiring participation in the Program (hereinafter the "applicant") shall complete the application and any appropriate or applicable plans and submit the same to the Main Street Marshfield, Inc. office.
- 2) An applicant shall, with the signed application, provide a drawing of the proposed Enhancements and area to be used. The drawing shall indicate the curb and property lines, all existing and proposed obstructions (traffic signs, traffic lights, street lights, benches, fire hydrants, etc.), and the size and location of all proposed Enhancements to be placed within the PROW. *Applicants for any businesses located at a corner property or on a property that has frontage on more than one (1) street shall provide information for both street frontages.*
- 3) A copy of the insurance certificate shall be attached to and submitted with the application.
- 4) The MSPROW committee shall submit a written recommendation to the City of Marshfield Engineer within seven (7) days of receiving the application.
- 5) The application and any authorized approval are not transferable at any time to any other business, entity or person of any kind or nature. Any and all changes require an amended application and approval, except the removal of damaged items.
- 6) A non-refundable fee, as established by Main Street Marshfield, Inc. shall accompany each application. This shall be made payable to Main Street Marshfield, Inc. Each application shall be renewed on an annual basis.
- 7) Obtaining a right-of-way permit does not relieve the applicant of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other City of Marshfield ordinance or other applicable rule, law or regulations.
- 8) Permit Denial: A permit may be denied for the following reasons.
To any person who is presently not in full compliance with the Municipal Code.
 - a) To any person who has outstanding debt owed to the City of Marshfield that is in arrears, due, owing and unpaid.

- b) To any person as to whom there exists grounds for the revocation of any other permit under this section.
- c) If there is insufficient space to accommodate the request of persons to occupy and use the right-of-way.
- d) If the health, safety and welfare of the public is placed in jeopardy.

Section 9. ENFORCEMENT

Enhancements that do not comply with the provisions of this Program are not allowed.

- 1) A Business Owner shall immediately remove or relocate Enhancements and/or displays, at the Business Owner's own expense, upon notice by Main Street Marshfield, Inc. acting alone or in coordination with the City of Marshfield, or upon receipt of written or verbal notice from the City of Marshfield. Service by regular mail will be sufficient for purposes of this paragraph.
- 2) If the Business owner fails to repair, remove or relocate the enhancement and/or display in a timely manner, the City of Marshfield may remove, relocate or repair said enhancement and/or display or cause such removal, relocation or repair to be done and charge the Business owner for the cost of the work, at the sole discretion of the City of Marshfield, without further notice to the Business Owner. In the alternative or in addition to the above action, the City of Marshfield can fine the violator pursuant to the Municipal Code (Municipal Code Sec. 13-04). Pursuant to law, the City of Marshfield has the authority to compel immediate removal or relocation to protect the life, health and safety of the public.
- 3) Enforcement: Failure to comply with provisions of this section may result in administrative fines, restrictions or penalties as provided herein (Municipal Code Sec. 1-05).

City of Marshfield
Department of Public Works
Street Division
407 West 2nd Street
Marshfield, Wisconsin 54449



Mike Winch
Street Superintendent
(715) 486-2081
FAX: (715) 387-8669
ike.winch@ci.marshfield.wi.us

To: Tom Buttke, Chairman, Board of Public Works
Members, Board of Public Works
From: Mike Winch, Street Superintendent
R.E.: Tandem Axle Truck Chassis
Date: March 11, 2016

Background:

Included in the 2016 Internal Service Fund budget is the purchase of a new Tandem Axle Dump Truck. This truck is to replace a 1999 International truck. Tandem axle trucks are used in hauling material during construction operations and for plowing and hauling snow during the winter. This quote is for just the truck chassis and later on I will bring forward the quotes for the dump body, plow and wing. Within the 2016 budget the amount requested is \$117,204 for the truck chassis and \$62,796 for the body, plow and wing.

Analysis:

Quotes for the purchase of a new Tandem Axle Truck Chassis were sent to five vendors:

Truck Country Rothschild Freightliner	Mid-State Marshfield International	V & H - Marshfield Western Star	Scaffidi – Stevens Point Mac	CSM Wausau Kenworth
\$92,162	\$93,900	\$94,855	\$97,050	No Quote
W/Bid bond	Bid Bond	Cashier's Check	w/Bid Bond	- -

Recommendation:

Our most recent Freightliner truck has been very reliable to us in the Street Division operations. The truck is very dependable and multiple drivers have commented on how well the Freightliner performs. I would recommend the purchase of the Freightliner truck chassis at the price of \$92,162, which is well below the amount in the 2016 budget.

If you have any questions in advance please feel free to contact me.

Concurrences

Cc: 
Dan Knoeck, Director of Public Works


Steve Barg, City Administrator



City of
Marshfield

Memorandum

TO: Board of Public Works
FROM: Tom Turchi, City Engineer
DATE: March 11, 2016
RE: 2016 – Prequalification of Contractors.

Annual Prequalification

The following contractors have submitted prequalification statements per the City's requirements:

Earth Inc. Harvey Helms	4362 Dairy Road Arpin, WI 54410	715.652.2522	General Construction
A-1 Excavating Inc. Sandra Schmidt	408 26th Ave. P.O. Box 90 Bloomer, WI 54724	715.568.4141	General Construction
McCabe Construction, Inc. David McCabe	3101 Alpine Rd, P.O. Box 1769 Eau Claire, WI 54702	715.552.1346	General Construction

Recommendation

I recommend that the Board of Public Works approve the contractors listed in the table above as prequalified to bid on 2016 City of Marshfield construction projects.

Concurrence:

Steve Barg, City Administrator

Daniel G. Knoeck, P.E. Director of Public Works