

MAY 11, 2004

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

PRESENT: Michael Feirer, Brad Parks, Gerald Nelson, Tim Kraus, Jerry Bennington, Sr., Russell Stauber, Donald Krueger and Tom Buttke

ABSENT: Ray Gougeon and Edward Beaudry, Jr.

The flag was saluted and the pledge given.

No invocation was given.

RECOMMENDATIONS FROM MAYOR

Word to the Wise

CC04-152 Motion by Stauber, second by Krueger to approve the minutes of the Common Council meeting of April 27, 2004. All Ayes

Motion carried

No items were added to the agenda.

CC04-153 Motion by Stauber, second by Feirer to grant the noise variance request from Utopia Lounge and Elks Club and waive the \$100 fee. All Ayes

Motion carried

CITIZEN COMMENTS

1. John Peters of 305 S. Maple Avenue. He thanked the Council for taking the time to listen to the citizen comments and concerns at their last meeting regarding the proposed vacating of Depot Street and the resulting Kwik Trip controversy. He was disappointed by the Council's final decision on the Depot Street proposal but he respects their decision. He responded to some comments that were made regarding the Historic Preservation Committee since he is a member of that committee. He announced his resignation from the Historic Preservation Committee effective immediately. His decision was based solely on the comments of one individual.
2. Deb Zwicke, manager of Dick's Auto Body at 1914 E. 4th Street. She asked for the Council's help to save Marshfield's E. 4th Street businesses. She submitted a petition with 189 signatures asking for help in saving the businesses because customers are having a hard time finding them since the opening of Veteran's Parkway. Signage is needed so that people can locate their businesses. It is time to act before all the businesses are gone.

Alderman Stauber felt that this would be best handled by the Board of Public Works at a later meeting. They can take the time to study it and look at some options. Along with that, maybe the DOT could give a recommendation to the Board of Public Works.

Alderman Kraus said that he would like to see some kind of a working committee present something to the Board of Public Works with the business owners in that area involved. The worst thing we can do is to basically have a group who is not feeling the effects of it.

Mayor Meyers commented that this is being addressed by a committee right now. It is probably best to include the input from some of the businesses out there. That was the intent all along to find out what their expectations and needs are and try to address those needs.

Director of Planning and Economic Development Miller stated that the Veterans Parkway Committee is looking at the signs. There are people on the committee that do represent businesses in that area. Anyone is welcome to attend those meetings. She has talked to City Engineer Turchi who is the one responsible for doing the signage plan for all of Veterans Parkway. The committee has agreed that there is a need for some additional signage other than on the Parkway, once you get off on 4th Street where you need to go. But currently there are no funds that are set aside for that additional signage.

3. Curt Kaiser from Curt's Auto Mart. It seems that the main thing that has to be done first is change it from 8th Street to 4th Street. There is too much confusion. The second thing is to decide what type of signs will best suit everybody.
4. Jane Schiferl with Schiferl Radiator & Welding at 1601 E. 4th Street. They have the same concerns as everybody else. The street labeled as 8th Street is a big, big problem. People are confused. They do not know what to do. They spend a lot of time giving directions. Maybe their dead-end street could be labeled as a court.

Michael Foth, C.P.A. of the firm of Hawkins, Ash, Baptie and Co, presented the Independent Audit Report on the City's 2003 comprehensive annual financial report.

Alderman Stauber questioned why in 1997 was there a substantial jump in designated funds?

Administrator Brehm could not recall but told Alderman Stauber that he would get him that information.

Ron Dickrell, Wastewater Superintendent presented Mr. Ron Everson with a plaque and certificate honoring him on behalf of the City for over 32 years of service. Mr. Everson began his employment with the City on December 27, 1971 and retired as a Wastewater Operator on April 30, 2004.

Attorney Hutchinson gave an update on the recent State Supreme Court decision on taxation status of the Marshfield Clinic. The Marshfield Clinic claimed that property that it owned was exempt under one of two exemptions; Property owned and used exclusively by a benevolent association or property used exclusively for medical and surgical research or promoting education which bears on medicine and surgery or providing treatment for deserving destitute individuals. The burden of proof is on the party that seeks the exemption. The Circuit Court for Eau Claire County concluded that the Marshfield Clinic did not meet its burden of showing that their property is used exclusively for either of those purposes. It also concluded that the Marshfield Clinic, at least its facilities in Eau Claire, did not qualify as a benevolent association. The Marshfield Clinic then took the matter up to the Court of Appeals and the Court of Appeals issued its decision that it had the same findings that the Circuit Court did. The Clinic then filed a petition for appealing the case to the Wisconsin Supreme Court. The Wisconsin Supreme Court declined to hear that particular case. The Clinic has decided not to pursue this matter further and it has also decided not to pursue further appeals on the lower courts decision involving the cities of Wausau and Mosinee. The City of Marshfield will be meeting with representatives of Marshfield Clinic in the coming weeks to address taxation and valuation issues.

MINUTES OF COUNCIL COMMITTEES

CC04-154 Motion by Bennington, second by Feirer to approve the minutes of the Cable TV Committee of April 28, 2004. All Ayes

Motion carried

CC04-155 Motion by Feirer, second by Stauber to approve the minutes of the Board of Public Works of May 3, 2004.

CC04-156 Motion by Stauber, second by Bennington to refer motion PW04-66, section A back to the Board of Public Works regarding wild grasses over four inches in height. All Ayes

Motion carried

Alderman Nelson talked about motion PW04-64 which is Policy No. 5.200 "Street and Alley Construction and Reconstruction" and deletion of Policy No. 5.210 "Hot Mix Paving of Streets." This basically will require all residents to pay for asphalt as we have been with concrete. He has received several calls on this and there seems to be some concerns. There is also some questions regarding sidewalks. Maybe we can hold over voting on this particular issue until the next Council meeting to have some time for public input and concerns.

Director of Public Works Knoeck explained the policy. The policy attempts to accomplish two basic goals. The first is when a ditched street is scheduled for reconstruction, it is to be reconstructed as a curb and gutter street with asphalt. Streets are generally scheduled for reconstruction due to the need to replace utilities beneath those streets. The second goal of the policy is to require that asphalt pavement be assessed to benefited properties for both streets and alley construction and reconstruction. Historically asphalt was not assessed to adjacent properties because it was seen as a temporary surface. It was primarily because proper subgrade construction wasn't done before the asphalt was placed so the life cycle of that asphalt was 10 years or less. It was a temporary fix and not assessed. With regard to alleys, there are approximately 92 blocks of alleys in the City. Less than 25% of those are currently paved. They have been targeting the higher maintenance alleys over the last few years and have gotten the majority of those completed now. As we do those alley pavings, there is additional interest from property owners to have more alleys paved. Residents have suggested that they would be willing to pay to have their share of their alleys paved. The policy would go into effect for projects constructed in 2005. Between now and then the sidewalk policy would have to be looked at. The sidewalk policy currently requires sidewalk to be constructed when curb and gutter is put in on streets. There are certain exceptions in the policy. It needs to be reviewed and discussed whether sidewalk should be installed in all cases or if there are cases in lower volume residential streets where sidewalk may not be necessary. The stormwater sewer policy would need to be looked at and updated to account for this new curb and gutter policy. The special assessment policies would also need to be updated to address the asphalt and alley assessments.

Mr. Knoeck changed the wording in item 3 on the policy to reflect: When new and existing alleys are constructed or reconstructed, they shall be constructed with asphalt pavement and storm sewer as necessary to provide adequate drainage.

Alderman Stauber said that in this current format, he would like to withdraw his second to motion **CC04-155**, which approves the Board of Public Works minutes.

Alderman Kraus seconded motion **CC04-155**.

CC04-157 Motion by Bennington, second by Kraus to amend motion PW04-64 to reflect the changes in item #3 of the draft policy. Stauber voted Naye, rest Aye.

Motion carried

Vote on motion **CC04-155 as amended**; Stauber voted Naye, rest Aye.

Motion carried

CC04-158 Motion by Parks, second by Bennington to approve the minutes of the Finance, Budget and Personnel Committee of May 10, 2004. All Ayes

Motion carried

CC04-159 Motion by Parks, second by Bennington to approve the minutes of the Judiciary, License and Cemetery Committee of May 10, 2004. All Ayes

Motion carried

Second reading of Ordinance No. 1020, amending Section 15-53 of the Municipal Code relative to building and premises maintenance and occupancy code.

CC04-160 Motion by Buttke, second by Feirer to approve Ordinance No. 1020. All Ayes

Motion carried

CC04-161 Motion by Nelson, second by Bennington to approve Resolution No. 2004-27, establishing names for the following street segments within the City of Marshfield. (1) "Yellowstone Court" for the street extending southerly from Yellowstone Drive on the west line of Section 22, Town 25 North, Range 3 East a distance of approximately 425 feet; and (2) "Wall Street" for the street located approximately 1,000 feet north east of McMillan Street as measured along North Central Avenue and extending southeasterly from North Central Avenue a distance of approximately 182 feet. All Ayes

Motion carried

CC04-162 Motion by Buttke, second by Krueger to approve Final Resolution No. 2004-28, in the matter of Improvement Project No. 1566 - Veteran's Parkway Sanitary Sewer Relocations: 1) 4th Street/Washington Avenue, 2) Arnold Street/Peach Avenue, and 3) 4th Street/8th Street Connection. All Ayes

Motion carried

CC04-163 Motion by Feirer, second by Stauber to approve Final Resolution No. 2004-29, in the matter of Improvement Project No. 1818 - Elm Avenue Sanitary Sewer Reconstruction (Depot Street to Blodgett Street). All Ayes

Motion carried

CC04-164 Motion by Bennington, second by Parks to approve Final Resolution No. 2004-30, in the matter of Improvement Project No. 1816 - Cleveland Street Sanitary Sewer Reconstruction (Palmetto Avenue to Hinman Avenue). All Ayes

Motion carried

Motion by Kraus, second by Bennington to adjourn at 8:40 p.m.

Motion carried

Deb M. Hall
City Clerk